
**Agriculture & Natural Resources
Committee**

HB 1297

Brief Description: Concerning the relinquishment of a water right.

Sponsors: Representatives Chandler, Blake, Warnick, Schmick, Hinkle, Armstrong, Klippert, Haler, Walsh, Nealey, Fagan, Condotta, Kretz, Taylor, Short, Johnson, McCune and Harris.

Brief Summary of Bill

- Extends the time permitted to put water to beneficial use from five to 15 years for the purposes of relinquishment.
- Modifies the definition of "annual consumptive quantity" for the purposes of determining a water right change.

Hearing Date: 1/25/11

Staff: Courtney Barnes (786-7194).

Background:

State law permits water rights or portions of water rights to be changed to other uses or places if the change can be made without detriment or injury to existing rights.

Annual Consumptive Quantity.

A change in the place of use, point of diversion, or purpose of use of a water right to allow the irrigation of additional acreage or the addition of new uses may be permitted if the change results in no increase in the annual consumptive quantity of water used under the water right [RCW 90.03.380]. The "annual consumptive quantity" is the estimated or actual annual amount of water diverted under the water right as that amount is reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Relinquishment.

Water rights may be relinquished when a person, for five or more consecutive years, abandons or voluntarily fails without sufficient cause to beneficially use water in accordance with their recorded right's terms. The water code provides a list of "sufficient causes" for voluntary non-use that protect a water right from relinquishment.

Summary of Bill:

Annual Consumptive Quantity.

The definition of "annual consumptive quantity" is modified. "Annual consumptive quantity" means the estimated or actual amount of water diverted pursuant to the water right during the peak year of water use within the most recent 15-year period of beneficial use, reduced by the estimated annual amount of return flows.

Relinquishment.

For the purposes of water rights registration and relinquishment, "beneficial use" means or refers to the peak year of water use during the most recent 15-year period. If a portion of a water right is not beneficially used for 15 consecutive years (instead of five) without sufficient cause recognized by statute, the right or unused portion of the right is relinquished.

Application.

The bill applies to all administrative matters that were commenced or pending on the effective date of the bill. The bill also applies to any judicial action in which no final non-appealable judicial order has been entered prior to the effective date of the bill.

The bill does not apply if a senior water right holder objects to the application of the bill to a matter, and it is determined that the objecting party holds an existing water right that would be impaired by the application of the bill to the matter. In such cases, the law as it existed prior to the effective date of the bill applies.

Appropriation: None.

Fiscal Note: Requested on 1/17/11.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.