

# Relinquishment in Washington State

**Q. What is relinquishment?**

**A.** The relinquishment statute was adopted by the Legislature in 1967 to provide for forfeiture of water rights that are not continuously used back to the State.

**Q. What triggers a relinquishment investigation?**

**A.** Although Ecology can initiate a relinquishment investigation on its own, in the last 25 years this is rare. More typically, relinquishment is considered when someone is seeking to change their water right authority (e.g. change source, change purpose or place of use, add acres).

**Q. How is relinquishment determined?**

**A.** Ecology evaluates water use since 1967. Any 5-year period where the full water right was not diverted at least once is potentially subject to relinquishment.

**Q. Can relinquishment apply to part of a right?**

**A.** Yes. Ecology may find that all or a portion of the right is no longer valid because it has not been continuously used.

**Q. Are there exemptions to relinquishment?**

**A.** Yes. The Legislature has adopted 22 relinquishment exemptions that can excuse temporary nonuse of water. Some of the most commonly recognized exemptions by Ecology includes drought, enrollment of a portion of the water right in the trust water program, and municipal use. Each exemption is applied on a case-by-case basis and in many cases have case law that govern their application.

**Q. How do I know whether I am at risk to relinquishment?**

**A.** Because relinquishment risk applies from 1967 to present, a confidential water right assessment that evaluates use over this time period is helpful. In many cases, this assessment includes estimates of water use that predate the current property owner. This assessment can also determine whether any nonuse periods can qualify for a relinquishment exemption.

**Q. How can I find out more information about relinquishment risk for my water right?**

**A.** Aspect Consulting assists farmers with confidential water rights assessments. Please contact Dan Haller at [dhaller@aspectconsulting.com](mailto:dhaller@aspectconsulting.com) or 509.895.5462 for more information.

