

**RCW 90.03.160 Determination of water rights—Response to motions under RCW 90.03.640(3)—Notice of intent to cross-examine—Appointment of a referee—Special rules of procedure.** (1) Upon filing of the department's motion or motions under RCW 90.03.640(3), any party with a claim filed under RCW 90.03.140 for the appropriation of water or waters of the subject adjudication may file and serve a response to the department's motion or motions within the time set by the court for such a response. Objections must include specific information in regard to the particular disposition against which the objection is being made. Objections must also state the underlying basis of the objection being made, including general information about the forms of evidence that support the objection. Any party may file testimony with the court and serve it on other parties. If a party intends to cross-examine a claimant or witness based on another party's prefiled testimony, the party intending to cross-examine shall file a notice of intent to cross-examine no later than fifteen days in advance of the hearing. If no notice of intent to cross-examine based on the prefiled testimony is given, then the claimant or witness is not required to appear at the hearing. Any party may present evidence in support of or in response to an objection.

(2) The superior court may appoint a referee or other judicial officer to assist the court. The court may order all or any issues in a water adjudication, whether of fact or law, or both, referred to a referee by order of reference. RCW 4.48.010, 4.48.020, 4.48.050, and 4.48.110 do not apply to referees appointed pursuant to this chapter. Challenges to the appointment of a referee must be made pursuant to RCW 90.03.620. Consent of parties is not required for a court-appointed referee to hear water rights adjudication matters.

(3) The superior court may adopt special rules of procedure for an adjudication of water rights under this chapter, including simplified procedures for claimants of small uses of water. The rules of procedure for a superior court apply to an adjudication of water rights under this chapter unless superseded by special rules of the court under this subsection. The superior court is encouraged to consider entering, after notice and hearing and as the court determines appropriate, pretrial orders from an adjudication commenced on October 12, 1977. [2024 c 268 s 3; 2009 c 332 s 10; 1989 c 80 s 1; 1987 c 109 s 76; 1917 c 117 s 19; RRS s 7369. Formerly RCW 90.12.060.]

**Application—2009 c 332:** See note following RCW 90.03.110.

**Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109:** See notes following RCW 43.21B.001.