
SUBSTITUTE HOUSE BILL 2199

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Mastin, Schoesler, Sheldon, Hymes, Honeyford, Delvin, Robertson, Campbell, Johnson, Boldt, Linville, Goldsmith and McMahan)

Read first time 01/15/96. Referred to Committee on .

1 AN ACT Relating to granting water rights; and adding a new section
2 to chapter 90.03 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
5 to read as follows:

6 If a person placed surface or ground water to beneficial use for
7 irrigation or stock watering purposes before January 1, 1993, for which
8 a permit or certificate was not issued by the department or its
9 predecessors, the person or the person's successor holds a water right
10 in the amount beneficially used and with a priority date that is the
11 date a statement of claim is filed for the right under this section if:

12 (1) The person or the person's successor files with the department
13 of ecology a statement of claim for the right during the period
14 beginning September 1, 1996, and ending midnight June 30, 1997, using
15 the standard form prescribed by RCW 90.14.051; and

16 (2) The person or the person's successor files with the statement
17 of claim evidence that the water described in the claim was used
18 beneficially before January 1, 1993, in the form of any two of the
19 following:

1 (a) A statement signed by two persons other than the person filing
2 the statement of claim verifying that the water was beneficially used
3 by the claimant before January 1, 1993, as described in the statement
4 of claim;

5 (b) A copy of a dated photograph clearly demonstrating the presence
6 of a high value crop requiring irrigation in the amounts asserted in
7 the statement of claim or of livestock requiring water in such amounts;
8 or records of receipts of the sale of crops by the person or the
9 person's successor indicating that irrigation in the amount claimed was
10 required to produce the crops;

11 (c) Receipts or records of irrigation or stockwatering equipment
12 purchases or repairs associated with the water use specified in the
13 statement of claim;

14 (d) Water well construction records identifying the date the well
15 specified in the statement of claim as the point of withdrawal was
16 constructed;

17 (e) Records of electricity bills directly associated with the
18 withdrawal of water as specified in the statement of claim;

19 (f) Personal records such as photographs, journals, or
20 correspondence indicating the use of water as asserted in the statement
21 of claim.

22 A right granted under this section shall not affect or impair in
23 any respect whatsoever a water right existing prior to September 1,
24 1996.

25 This section does not apply to ground water withdrawn in an area
26 that is, during the period established by subsection (2) of this
27 section, the subject of a general adjudication proceeding for water
28 rights in superior court under RCW 90.03.110 through 90.03.245 and the
29 proceeding applies to ground water rights. This section does not apply
30 to surface water withdrawn in an area that is, during the period
31 established by subsection (2) of this section, the subject of a general
32 adjudication proceeding for water rights in superior court under RCW
33 90.03.110 through 90.03.245 and the proceeding applies to surface water
34 rights.

--- END ---