
HOUSE BILL 1327

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By Representatives Chandler, Kremen, Clements, McMorris, Mastin, Johnson, Chappell, Schoesler, Lisk, Cairnes, Boldt, L. Thomas, Thompson, Sheldon, Campbell, Mulliken and Mielke

Read first time 01/20/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water rights claim filing; amending RCW
2 90.14.041 and 90.14.071; and adding a new section to chapter 90.14 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 90.14 RCW
5 to read as follows:

6 (1) A new period for filing statements of claim for water rights is
7 established. The filing period shall begin September 1, 1995, and
8 shall end at midnight June 30, 1996. A statement filed during this
9 filing period shall be filed as provided in RCW 90.14.051 and 90.14.061
10 and shall be subject to the provisions of this chapter regarding
11 statements of claim. This reopening of the period for filing
12 statements of claim shall not affect or impair in any respect
13 whatsoever any water right existing prior to the effective date of this
14 section. A water right embodied in a statement of claim filed under
15 this section is subordinate to any water right embodied in a permit or
16 certificate issued under chapter 90.03 or 90.44 RCW prior to the date
17 the statement of claim is filed with the department and is subordinate
18 to any water right embodied in a statement of claim filed in the water
19 rights claims registry before the effective date of this section.

1 (2) The department of ecology shall, at least once each week during
2 the month of August 1995 and at least once each month during the filing
3 period, publish a notice regarding this new filing period in newspapers
4 of general circulation in the various regions of the state. The notice
5 shall contain the substance of the following notice:

6 WATER RIGHTS NOTICE

7 Every person and entity, public or private, claiming water
8 rights established under the laws of the state of Washington,
9 are hereby notified that all water rights or claimed water
10 rights relating to the withdrawal or diversion of public
11 surface or ground waters of the state, except those water
12 rights based upon the authority of a permit or certificate
13 issued by the department of ecology or one of its predecessors
14 or based upon a statement of claim that has previously been
15 filed in the state's water rights claims registry during other
16 registration periods, must be registered with the department of
17 ecology, Olympia, Washington, on or after September 1, 1995,
18 and not later than June 30, 1996. FAILURE TO REGISTER AS
19 REQUIRED BY LAW WILL RESULT IN A WAIVER AND RELINQUISHMENT OF
20 SAID WATER RIGHT OR CLAIMED WATER RIGHT. For further
21 information contact the department of ecology, Olympia,
22 Washington, for a copy of the law providing this filing period
23 and an explanation of the law and its requirements.

24 The department shall also prepare, make available to the public,
25 and distribute to the communications media information describing the
26 types of rights for which statements of claim need not be filed, the
27 effect of filing, the effect of RCW 90.14.071, and other information
28 relevant to filings and statements of claim.

29 (3) The department of ecology shall ensure that employees of the
30 department are readily available to respond to inquiries regarding
31 filing statements of claim and that all of the information the
32 department has at its disposal that is relevant to an inquiry regarding
33 a particular potential claim, including information regarding other
34 rights and claims in the vicinity of the potentially claimed right, is
35 available to the person making the inquiry. The department shall
36 dedicate additional staff in each of the department's regional offices
37 and in the department's central office to ensure that responses and

1 information are provided in a timely manner during each of the business
2 days during the month of August 1995 and during the new filing period.

3 **Sec. 2.** RCW 90.14.041 and 1988 c 127 s 73 are each amended to read
4 as follows:

5 All persons using or claiming the right to withdraw or divert and
6 make beneficial use of public surface or ground waters of the state,
7 except as (~~hereinafter~~) provided in this section, RCW 90.14.043, and
8 section 1 of this act, shall file with the department of ecology not
9 later than June 30, 1974, a statement of claim for each water right
10 asserted on a form provided by the department. This section shall not
11 apply to any water rights which are based on the authority of a permit
12 or certificate issued by the department of ecology or one of its
13 predecessors.

14 **Sec. 3.** RCW 90.14.071 and 1969 ex.s. c 284 s 16 are each amended
15 to read as follows:

16 Any person claiming the right to divert or withdraw waters of the
17 state as set forth in RCW 90.14.041, who fails to file a statement of
18 claim as provided in RCW 90.14.041, 90.14.043, or section 1 of this act
19 and in RCW 90.14.051 and 90.14.061, shall be conclusively deemed to
20 have waived and relinquished any right, title, or interest in said
21 right.

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