

2 SB 5389 - H COMM AMD

3 By Committee on Agriculture & Rural Development

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.14 RCW
8 to read as follows:

9 (1) A person may file with the department of ecology not later than
10 August 31, 1991, a statement of claim as provided in RCW 90.14.051(1)
11 through (8) if: The statement embodies a claim of a right to divert
12 public waters with a priority date that is prior to June 6, 1917; and
13 the statement is accompanied by a notarized affidavit or affidavits,
14 relating to and supporting the rights claimed in the statement, which
15 satisfy the requirements of this subsection.

16 Affidavits accompanying a statement filed under this section shall
17 be signed by a person or persons who attest in the affidavits to: (a)
18 Having witnessed personally a posting of a notice of intent to
19 establish a water right at the point of diversion of such claimed
20 right; and (b) having direct knowledge of the diversion of waters
21 associated with that right, through conveyance systems, to the places
22 of beneficial use without interruption each year for the fifty-year
23 period immediately preceding the effective date of this section.

24 The department shall accept any statement of claim which satisfies
25 the requirements of this section and file the same in the water rights
26 claims registry established by RCW 90.14.111.

27 (2) The provisions of RCW 90.14.071, regarding waiving and
28 relinquishing a water right or any title or interest in a right, do not

1 apply to a claim filed pursuant to this section. However, reopening
2 the period for filing a statement of claim for a water right as
3 provided by this section shall not affect or impair in any respect
4 whatsoever any water right existing prior to the effective date of this
5 section whether such a previously existing right was established under
6 territorial, state, or federal law or is embodied in rights derived
7 under federal treaties or under federal doctrine regarding reserved
8 rights for federal reservations of the public domain. Further, a water
9 right embodied in a statement of claim filed under this section is,
10 without regard to priority date, subordinate to any water right
11 embodied in a permit or certificate issued pursuant to chapter 90.03 or
12 90.44 RCW before the effective date of this section or embodied in a
13 statement of claim filed in the water rights claims registry before the
14 effective date of this section.

15 (3) Nothing in this section impacts or affects in any manner
16 whatsoever the authority of the state, an Indian tribe, or any other
17 governmental entity to allocate, regulate, or administer water rights
18 on a federal reservation or changes the jurisdiction of any
19 governmental entity."

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23 On page 1, line 1 of the title, after "rights;" strike the
24 remainder of the title and insert "and adding a new section to chapter
25 90.14 RCW."