

SENATE BILL REPORT

SB 5389

AS PASSED SENATE, JANUARY 24, 1992

Brief Description: Providing for filing a statement of claim for water rights.

SPONSORS: Senators Sutherland, Newhouse, Barr and Hansen.

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Staff: Bob Lee (786-7404)

Hearing Dates: February 5, 1991

BACKGROUND:

In 1969, the Legislature established the requirement that all persons claiming a right to water, for which there was no water right permit or certificate issued by the state, file a water right claim with the state by June 30, 1974. Anyone who failed to do so is deemed to have waived and relinquished any right to that water.

In 1979, 1985 and 1987, the Legislature reopened the water registration statute for limited periods of time for persons who were not aware of the filing requirements of the 1969 law.

SUMMARY:

A person who has a claim to divert water with a priority date prior to the 1917 water code may file a water right claim with the Department of Ecology if a signed written statement is provided that: 1) the person witnessed a posting of a notice at the point of diversion of such a claimed right and 2) that the water has been applied to beneficial use for the 50-year period prior to this act.

Appropriation: none

Revenue: none

Fiscal Note: requested January 29, 1991

TESTIMONY FOR:

The failure to file a water right claim occurred as the result of the accidental death of the attorney who was handling the matter and the water right holders were unaware of the failure to file.

If the state was unable to accept the water right claim, income to local agriculturalist would decline, land value would decrease by possibly two-thirds and the water supply for the Conboy Lake National Wildlife Refuge would be significantly depleted.

TESTIMONY AGAINST: None

TESTIFIED: Charles Roe, Attorney (pro); Kenneth Sheridan, Daven E. Coate, Hell Roaring Irrigation Company (pro)