

1 1111-S.E AMS AE S2592.1

2 ESHB 1111 - S COMM AMD

3 By Committee on Agriculture & Environment

4 NOT ADOPTED 4/16/97

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
8 to read as follows:

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

16 (1) The person or the person's successor files with the department
17 of ecology a statement of claim for the right during the period
18 beginning September 1, 1997, and ending midnight June 30, 1998, using
19 the standard form prescribed by RCW 90.14.051; and

20 (2) The person or the person's successor files with the statement
21 of claim evidence that the water described in the claim was used
22 beneficially before January 1, 1993, and during each of the five years
23 preceding the date the statement is filed, in the form of any two of
24 the following:

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

29 (b) A copy of a dated photograph clearly demonstrating the presence
30 of a crop requiring irrigation in the amounts asserted in the statement
31 of claim or of livestock requiring water in such amounts; or records of
32 receipts of the sale of crops by the person or the person's successor
33 indicating that irrigation in the amount claimed was required to
34 produce the crops;

35 (c) Receipts or records of equipment purchases or repairs
36 associated with the water use specified in the statement of claim;

1 (d) Water well construction records identifying the date the well
2 specified in the statement of claim as the point of withdrawal was
3 constructed;

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

6 (f) Personal records such as photographs, journals, or
7 correspondence indicating the use of water as asserted in the statement
8 of claim;

9 (g) Records of a water district or association indicating
10 construction of a water delivery system or of water use.

11 A right granted under this section shall not affect or impair in
12 any respect whatsoever a water right existing prior to September 1,
13 1997. A right granted under this section shall be junior in every
14 respect to a right with a more senior date of priority. The filing of
15 a statement of claim under this section does not constitute an
16 adjudication of any claim to the right to the use of waters as between
17 the claimant and the state, or as between one or more water use
18 claimants and another or others. A statement of claim filed under this
19 section shall be admissible in a general adjudication of water rights
20 as prima facie evidence of the times of use and the quantity of water
21 the claimant was withdrawing or diverting to the same extent as is
22 provided by RCW 90.14.081 for a statement of claim in the water rights
23 claims registry on the effective date of this section.

24 This section does not apply to ground water withdrawn in an area
25 that is, during the period established by subsection (2) of this
26 section, the subject of a general adjudication proceeding for water
27 rights in superior court under RCW 90.03.110 through 90.03.245 and the
28 proceeding applies to ground water rights. This section does not apply
29 to surface water withdrawn in an area that is, during the period
30 established by subsection (2) of this section, the subject of a general
31 adjudication proceeding for water rights in superior court under RCW
32 90.03.110 through 90.03.245 and the proceeding applies to surface water
33 rights. This section does not apply to rights embodied in a water
34 right permit or certificate issued by the department of ecology or its
35 predecessors, a water right represented by a claim in the water rights
36 claims registry, created under RCW 90.14.111, prior to September 1,
37 1997, or a water right exempted from permit and application
38 requirements by RCW 90.44.050."

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4 NOT ADOPTED 4/16/97
5 On page 1, line 1 of the title, after "rights;" strike the
6 remainder of the title and insert "and adding a new section to chapter
90.03 RCW."

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