

2 SHB 1112 - S AMD - 456
3 By Senators Fraser and Morton

4

5 On page 5, after line 11, insert the following:

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

8 (1) The department shall at the request of a claimant provide
9 administrative assistance to said claimant in the preparation of a
10 claim. The department shall upon the written request of a claimant
11 make available information from its records regarding water rights and
12 claims that may be appurtenant to the property of the claimant.
13 Although the department may assist a claimant, the claimant assumes
14 sole responsibility that the claim submitted to the court accurately
15 describes the asserted water rights.

16 (2) The department shall maintain records of adjudication
17 proceedings and subject to the availability of staffing and funds may
18 carry out such administrative tasks relating to the general
19 adjudication of rights as are requested by the referee and the Court.

20 (3) The department may investigate the statements of claim filed
21 under RCW 90.03.140 to determine the present nature of water diversion
22 or withdrawal and the extent of use on lands to which claimed rights
23 are appurtenant. The department may determine the capacity of
24 conveyance facilities and conveyance losses, the acreage under
25 irrigation, and the population being served with water supply. The
26 department shall document its findings in a report to the referee. The
27 department shall prepare such maps and exhibits as it determines are
28 necessary to facilitate the efficient conduct of the evidentiary
29 hearings held by the referee. The maps, exhibits and reports of the
30 department shall be made available to the referee and the parties to
31 the proceeding.

32 (4) The department may reach agreement with any claimant as to the
33 validity and extent of the claimed water right. Any such agreement may
34 be incorporated into a stipulation, which after review and approval by
35 the referee, may be entered in the proceedings of the Court and the
36 referee. For any water right that has been so stipulated, the

1 department shall provide notice of the stipulation to all other
2 parties. Any rights that have been stipulated need not be included in
3 the formal hearing of the referee unless another party to the
4 proceeding submits a timely written notice of objection to the referee.

5 NEW SECTION. Sec. 9. If specific funding for section 8 of this act
6 is not provided by June 30, 1997, in the omnibus appropriations act,
7 section 8 is null and void."

8 Renumber the sections consecutively and correct any internal
9 references accordingly.

--- END ---

EFFECT: Describes duties of the department of ecology that would remain with enactment of the legislation separating the referee functions from the department, and adds a null and void clause for section 8.