
SUBSTITUTE SENATE BILL 5703

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Anderson and Morton)

Read first time 02/28/97.

1 AN ACT Relating to granting water rights; and adding a new section
2 to chapter 90.03 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 90.03 RCW
5 to read as follows:

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

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

17 (2) The person or the person's successor files with the statement
18 of claim evidence that the water described in the claim was used
19 beneficially before January 1, 1993, and during each of the five years

1 preceding the date the statement is filed, in the form of any two of
2 the following:

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

7 (b) A copy of a dated photograph clearly demonstrating the presence
8 of a crop requiring irrigation in the amounts asserted in the statement
9 of claim or of livestock requiring water in such amounts; or records of
10 receipts of the sale of crops by the person or the person's successor
11 indicating that irrigation in the amount claimed was required to
12 produce the crops;

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

15 (d) Water well construction records identifying the date the well
16 specified in the statement of claim as the point of withdrawal was
17 constructed;

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

20 (f) Personal records such as photographs, journals, or
21 correspondence indicating the use of water as asserted in the statement
22 of claim;

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

25 A right granted under this section shall not affect or impair in
26 any respect whatsoever a water right existing prior to September 1,
27 1997. A right granted under this section shall be junior in every
28 respect to a right with a more senior date of priority. The filing of
29 a statement of claim under this section does not constitute an
30 adjudication of any claim to the right to the use of waters as between
31 the claimant and the state, or as between one or more water use
32 claimants and another or others. A statement of claim filed under this
33 section shall be admissible in a general adjudication of water rights
34 as prima facie evidence of the times of use and the quantity of water
35 the claimant was withdrawing or diverting to the same extent as is
36 provided by RCW 90.14.081 for a statement of claim in the water rights
37 claims registry on the effective date of this section.

38 This section does not apply to ground water withdrawn in an area
39 that is, during the period established by subsection (2) of this

1 section, the subject of a general adjudication proceeding for water
2 rights in superior court under RCW 90.03.110 through 90.03.245 and the
3 proceeding applies to ground water rights. This section does not apply
4 to surface water withdrawn in an area that is, during the period
5 established by subsection (2) of this section, the subject of a general
6 adjudication proceeding for water rights in superior court under RCW
7 90.03.110 through 90.03.245 and the proceeding applies to surface water
8 rights. This section does not apply to rights embodied in a water
9 right permit or certificate issued by the department of ecology or its
10 predecessors, a water right represented by a claim in the water rights
11 claims registry, created under RCW 90.14.111, prior to September 1,
12 1997, or a water right exempted from permit and application
13 requirements by RCW 90.44.050.

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