

1111-S

Sponsor(s): House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Koster, Delvin, Mulliken, Johnson, B. Thomas and Honeyford)

Brief Title: Granting water rights to certain persons who were water users before January 1, 1993.

HB 1111-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Provides that, if a person placed surface or ground water to beneficial use for irrigation or stock watering purposes before January 1, 1993, for which a permit or certificate was not issued by the department or its predecessors, the person or the person's successor holds a water right in the amount beneficially used and with a priority date that is the date a statement of claim is filed for the right under this section if: (1) The person or the person's successor files with the department of ecology a statement of claim for the right during the period beginning September 1, 1997, and ending midnight June 30, 1998, using the standard form prescribed by RCW 90.14.051; and

(2) the person or the person's successor files with the statement of claim evidence that the water described in the claim was used beneficially before January 1, 1993.

Requires that the claimant must have used the water in the quantity claimed in three of the last five years.

VETO MESSAGE ON HB 1111-S

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Substitute House Bill No. 1111, entitled:

"AN ACT Relating to granting water rights;"

Washington's water law is designed to ensure that water is obtained according to a fair and impartial process. Water rights are obtained only after it is determined through a systematic process that water is available, that the water will be applied to a beneficial use, that the use of the water will not impair existing rights, and that the use of the water will not be detrimental to the public interest.

Engrossed Substitute House Bill No. 1111 would set up a separate, parallel track for the issuance of water rights. It would reward unauthorized users of water by allowing them to file water rights applications and continue their use until the Department of Ecology makes decisions on the applications, while those who have complied with the law wait for decisions without water. Furthermore, those who have pending applications may be denied water rights because of the unavailability of water caused by the unauthorized uses this bill would continue to allow. This

is unfair to those who have complied with the water right permitting process.

There is an increasing expectation that many water use issues will be resolved at the local watershed level. Amnesty for unauthorized water use should be considered during such a local watershed planning effort, not provided through statewide legislation beforehand.

For these reasons, I have vetoed Engrossed Substitute House Bill No. 1111 in its entirety.

Respectfully submitted,
Gary Locke
Governor