

1118-S

Sponsor(s): House Committee on Agriculture & Ecology (originally sponsored by Representatives Mastin, Chandler, Johnson, Boldt and Honeyford)

Brief Title: Reopening the water rights claim filing period.

HB 1118-S - DIGEST

(DIGEST AS ENACTED)

Establishes a new period for filing statements of claim for water rights beginning September 1, 1997, and ending at midnight June 30, 1998.

Provides that a person who claims such a right and fails to register the claim as required is conclusively deemed to have waived and relinquished any right, title, or interest in the right.

Declares that this reopening of the period for filing statements of claim shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this act.

Directs the department of ecology to, at least once each week during the month of August 1997 and at least once each month during the filing period, publish a notice regarding this new filing period in newspapers of general circulation in the various regions of the state.

VETO MESSAGE ON HB 1118-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 as to sections 4 and 5, Substitute House Bill No. 1118 entitled:

"AN ACT Relating to water right claims;"

I have approved most sections of Substitute House Bill No. 1118. It is my hope that this legislation will clear up the murky past of water rights claims and put an end to the confusion over who needed to file claims in the Water Rights Claims Registry.

I have vetoed section 4 for two reasons. The first reason is that an existing statute (RCW 90.14.065) provides a mechanism to amend an existing claim filed with the Water Rights Claim Registry. The second reason is that the burden of proof for such amendments would be placed on the Department Ecology instead of the claimant.

I have vetoed section 5 because the exemption from relinquishment is retroactive to March 1, 1994. It is reasonable to provide protection from relinquishment for those filing new claims. However, the retroactive provision is problematic because it would conflict with one or more Superior Court decisions related to the relinquishment of water rights due to the failure to file a claim.

For these reasons, I have vetoed sections 4 and 5 of Substitute House Bill No. 1118.

With exception of sections 4 and 5, Substitute House Bill No. 1118 is approved.

Respectfully submitted,
Gary Locke
Governor