

# SENATE BILL REPORT

## SB 5922

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As Reported By Senate Committee On:  
Environment, Energy & Water, February 27, 2001

**Title:** An act relating to appeals of water right decisions regarding water rights subject to a general stream adjudication.

**Brief Description:** Changing water right appeals procedures for rights subject to a general stream adjudication.

**Sponsors:** Senators T. Sheldon, Rasmussen, Honeyford, Fraser and Morton.

**Brief History:**

**Committee Activity:** Environment, Energy & Water: 2/20/01, 2/27/01 [DPS].

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** A general stream adjudication in superior court is the procedure established by law for conclusively determining the existence of a water right or claim, including its validity, quantity, priority, and other elements. The procedure established by law for applications to change or transfer a water right calls for a decision by the Department of Ecology that is appealable to the Pollution Control Hearings Board, followed by judicial review. A water right or claim that is subject to a general stream adjudication may also, at the same time, be the subject of an application for a change or transfer. Jurisdiction over appeals relating to such a water right or claim is not conclusively established.

**Summary of Substitute Bill:** The Legislature intends to assure an efficient appeals process that preserves the rights of all parties.

**Substitute Bill Compared to Original Bill:** The statement of legislative intent replaces provisions relating to jurisdiction of the Pollution Control Hearings Board and the adjudication court.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Under existing law, there appear to be two appeals processes that apply to a water right that is the subject of a change or transfer and, also, of an adjudication. This could result in duplication that would be a strain on all parties. A more efficient appeals process that preserves the sovereign immunity of Indian tribes and federal parties and preserves the standing of third parties is needed.

**Testimony Against:** This would compel an expansion of the waivers of sovereign immunity that were intended to be limited to the Yakima adjudication.

**Testified:** PRO: Joe Mentor, Jr., Steve Gano, Trendwest Resorts Inc.; CON: James Van Damme, WEC; Dawn Vyvyan, Yakama Nation; Ken Slattery, Department of Ecology (concerns).