

HOUSE BILL REPORT

HB 2106

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to fundamentals for use and management of waters of the state.

Brief Description: Regarding fundamentals for use and management of waters of the state.

Sponsors: Representatives Linville, McCoy, Eickmeyer, McDermott and Grant.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/4/03, 3/5/03 [DP].

Brief Summary of Bill

- Acknowledges that rights, including water rights, may be established as part of federal land reservations.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 7 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Eickmeyer, Grant, Hunt, McDermott and Quall.

Minority Report: Do not pass. Signed by 6 members: Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Orcutt and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

When the United States reserves land for a specific purpose, it reserves with it sufficient water to fulfill the purposes of the reservation. The priority date of the reserved water right is the date the reservation was established. This water right is not subject to relinquishment for non-use.

Summary of Bill:

The state acknowledges that rights, including rights to water, may be established as part of federal land reservations established through federal law, including federal treaties. This statement is not to be construed as expanding or establishing a state law basis for such rights.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: An acknowledgment of federal treaty rights in the state's fundamentals that govern state water policy is appreciated. It recognizes that these rights are of the utmost importance.

Testimony Against: The effect of the bill is unclear.

(Comments) 1) Rather than saying such rights may be established for a reservation, the bill should say that such rights are established. 2) The bill should be amended to say the state is recognizing that the U. S. Supreme Court has found that these rights exist.

Testified: (In support) Dawn Vyvyan, Yakama Nation.

(In support with concerns) Dave Monthie, King County.

(Opposed) Hertha Lund, Washington Farm Bureau.

(Comments) Steve Robinson, Northwest Indian Fisheries Commission; and Jim Waldo, Office of the Governor.