

3140

Sponsor(s): Representatives Linville and Chandler; by request of Governor Locke

Brief Description: Creating a water court.

**HB 3140 - DIGEST**

Finds that legal proceedings relating to water rights and instream flows impose a growing demand on the superior courts of the state.

Finds that the technical complexity and specialized legal issues raised by many water right disputes would be better managed by a water court with specialized expertise.

Declares an intent to establish a water court within the state court system that will have exclusive original jurisdiction for challenges relating to the adoption of instream flows and that will have appellate jurisdiction for water rights management and enforcement disputes.

Declares a further intent to provide the water court with exclusive original jurisdiction for future general water rights adjudications, if any. It is not the intent of the legislature, by vesting the water court with exclusive original jurisdiction for future general water rights adjudications, to direct the state to file, or not, any such adjudications.

Declares that nothing in this act is intended to affect the jurisdiction of the superior court for any general adjudication of water rights proceeding, water management, or enforcement dispute, or challenge of a rule adopting instream flows if such action before the court was filed prior to the effective date of this act.

Provides that if Senate/House Bill Joint Resolution No. . . . (Z-1175.1/04) fails to pass the legislature or if the resulting referendum to the voters fails to receive a majority approval of the electorate, this act is null and void.