
HOUSE BILL 2066

State of Washington 59th Legislature 2005 Regular Session

By Representatives Williams, Newhouse, Linville, Lantz and Hunt

Read first time 02/16/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to improving methods for water rights dispute
2 resolution; creating new sections; providing an expiration date; and
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The department of ecology and the
6 administrative office of the courts shall assess the need and demand
7 for adjudications within the state. The department of ecology and the
8 administrative office of the courts shall identify basins that are
9 candidates for adjudications, recommend a priority for basin
10 adjudications, and determine the scope of financial and human resources
11 and court systems necessary to complete the recommended adjudications.
12 The department of ecology and the administrative office of the courts
13 shall submit a joint report on this assessment to the joint task force
14 created under section 2 of this act by October 1, 2005.

15 NEW SECTION. **Sec. 2.** (1) The joint task force on water rights
16 dispute resolution is created. The purpose of the joint task force is
17 to provide a forum for review and discussion of legislative and policy

1 changes or implementation strategies for resolution of water rights
2 disputes. The joint task force shall consist of the following ten
3 members:

4 (a) Four members of the house of representatives, two from each of
5 the major caucuses, appointed by the speaker of the house of
6 representatives;

7 (b) Four members of the senate, two from each of the major
8 caucuses, appointed by the majority leader of the senate;

9 (c) One member from the office of the governor; and

10 (d) One member from the office of the attorney general.

11 (2) The joint task force members shall be cochaired by one senator
12 and one state representative chosen by the task force.

13 (3) The joint task force shall review and make recommendations for
14 legislation and policy regarding:

15 (a) The establishment of a water court system, either as a
16 permanent structure or on a pilot project basis;

17 (b) The creation of an office of water court commissioners as an
18 alternative to a water court system;

19 (c) Methods to determine or settle federal and tribal water rights,
20 including creation of a compact commission and identification of
21 incentives to encourage negotiation and settlement;

22 (d) Mechanisms to address interstate and international water rights
23 disputes;

24 (e) Authorization for limited special adjudications to resolve a
25 limited number of claims or claims in stream reaches or limited ground
26 water areas;

27 (f) The role of the pollution control hearings board with respect
28 to water rights and management disputes;

29 (g) The appropriate level of deference by appellate courts for
30 trial court decisions on water rights and management disputes;

31 (h) The role of the department of ecology in providing information
32 to a court conducting a general adjudication and to claimants involved
33 in an adjudication, including guidance regarding maintenance and
34 documentation of water rights, prefiling conferences with claimants,
35 tentative determinations of water rights validity, and background
36 information reports;

37 (i) Methods to facilitate the process of water rights

1 adjudications, including expanded use of mediation, elimination of the
2 affidavit of prejudice, requirement for prefilled testimony, and use of
3 information technology;

4 (j) Systems to maintain currency of adjudicated water rights and to
5 review and make determinations on the validity of water rights
6 independent of an adjudication, including an administrative title
7 system or department of ecology administrative process; and

8 (k) Other issues identified by the task force.

9 (4) The joint task force shall commence by July 1, 2005, and
10 present a final report to the appropriate committees of the legislature
11 by December 1, 2005. The joint task force shall include the report
12 submitted by the department of ecology and the administrative office of
13 the courts under section 1 of this act in the final report. The joint
14 task force shall be staffed by the office of program research and
15 senate committee services.

16 NEW SECTION. **Sec. 3.** This act expires June 30, 2006.

17 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

--- END ---