

SENATE BILL REPORT

SB 6647

As of January 24, 1996

Title: An act relating to granting water rights to persons who put water to use before January 1, 1993, and file a statement of claim by June 30, 1997.

Brief Description: Granting water rights to certain persons who were water users before January 1, 1993.

Sponsors: Senators A. Anderson, Spanel, Morton, Rasmussen and Swecker.

Brief History:

Committee Activity: Ecology & Parks: 1/26/96.

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Gary Wilburn (786-7453)

Background: With the adoption of the surface water code in 1917 and the groundwater code in 1945, new rights to the use of water were to be established under a permit system. However, certain uses of groundwater not exceeding 5,000 gallons per day have been exempt from this permit requirement. The permit system is based on the prior appropriation doctrine that "first in time is first in right." Prior to these enactments, rights to water were obtained in a variety of ways and under a variety of water doctrines. These pre-code rights to surface water could be obtained by appropriation, prescription, or by virtue of riparian land ownership.

In some basins of the state, there are numerous water users who have not obtained a valid water right by obtaining a permit for the use. Many of these users have submitted an application to the state within the recent past, and seek to have their future use a legal one through a valid water right.

Summary of Bill: A person is granted a water right if: (1) the person filed an application with the Department of Ecology for a water right or water right transfer before January 1, 1996; (2) the person placed water to beneficial use for irrigation or stock watering purposes before January 1, 1993, but a permit or certificate is not issued by the department or its predecessor for the use; and (3) the person files a statement of claim within a new claim filing period, supported by evidence of the water use, such as photographs, receipt of equipment purchases, well records, and personal records. The priority date for such a water right is the effective date of the bill.

Appropriation: None.

Fiscal Note: Not requested.

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