

FINAL BILL REPORT

SJM 8014

As Passed Legislature

Brief Description: Petitioning Congress regarding water adjudication.

Sponsors: Senators Fraser, Morton, Winsley and Rasmussen.

Senate Committee on Energy, Telecommunications & Utilities
House Committee on Agriculture & Ecology

Background: A federal law known as the McCarran Amendment allows a state to join the United States as a defendant in a general water right adjudication. However, in 1993 the U.S. Supreme Court ruled in U.S. v. Idaho that the McCarran Amendment does not require the United States to pay the state any fees to finance the costs of water adjudications.

The federal government is a large claimant of water rights which must be quantified in state general stream adjudications. Moreover, under its trust responsibilities, the federal Bureau of Indian Affairs has participated on behalf of Indian tribes in adjudicating Indian reserved claims.

The fees for adjudicating federal and tribal water claims have so far totalled in the millions of dollars, which have been borne by the state government. Future adjudications will result in similar costs to the state.

Summary: Congress is asked to require federal agencies to pay state water adjudication fees, and to require the Bureau of Indian Affairs to pay state water adjudication fees for Indian reserved claims, to the same extent as other claimants.

Congress is asked to appropriate moneys to reimburse states for the costs incurred in adjudicating federal or Indian reserved water rights claims in general stream adjudications.

Votes on Final Passage:

Senate	45	0	
House	97	0	(House amended)
Senate	42	0	(Senate concurred)