

2 SSB 5703 - S AMD - 150
3 By Senator Spanel

4 NOT ADOPTED 3/14/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
8 to read as follows:

9 If a person placed surface or ground water to beneficial use for
10 irrigation or stock watering purposes before January 1, 1993, for which
11 a permit or certificate was not issued by the department or its
12 predecessors, the person or the person's successor holds a temporary
13 water right in the amount beneficially used and with a priority date
14 that is the effective date of this section. A temporary water right
15 established by this section shall remain in effect during the pendency
16 of basin, regional, or watershed planning, but shall not be effective
17 after June 30, 2002, unless extended by the department until the
18 completion of active watershed planning efforts. If a general
19 adjudication of water rights is filed for the watershed after January
20 1, 1997, the holders of temporary water rights established by this
21 section shall have standing in the adjudication. A temporary water
22 right is established if:

23 (1) The person filed with the department before January 1, 1997, an
24 application for the use of the water claimed under this section, and as
25 of the effective date of this section the department has not rendered
26 a permit decision on the application;

27 (2) The person or the person's successor files with the department
28 of ecology a statement of claim for the right during the period
29 beginning September 1, 1997, and ending midnight June 30, 1998, using
30 the standard form prescribed by RCW 90.14.051; and

31 (3) The person or the person's successor files with the statement
32 of claim evidence that the water described in the claim was used
33 beneficially before January 1, 1993, in the form of any two of the
34 following:

35 (a) A statement signed by two persons other than the person filing
36 the statement of claim verifying that the water was beneficially used

1 by the claimant before January 1, 1993, as described in the statement
2 of claim;

3 (b) A copy of a dated photograph clearly demonstrating the presence
4 of a high value crop requiring irrigation in the amounts asserted in
5 the statement of claim or of livestock requiring water in such amounts;
6 or records of receipts of the sale of crops by the person or the
7 person's successor indicating that irrigation in the amount claimed was
8 required to produce the crops;

9 (c) Receipts or records of irrigation or stockwatering equipment
10 purchases or repairs associated with the water use specified in the
11 statement of claim;

12 (d) Water well construction records identifying the date the well
13 specified in the statement of claim as the point of withdrawal was
14 constructed;

15 (e) Records of electricity bills directly associated with the
16 withdrawal of water as specified in the statement of claim;

17 (f) Personal records such as photographs, journals, or
18 correspondence indicating the use of water as asserted in the statement
19 of claim.

20 This section shall apply only to persons whose water source lies
21 within a watershed in which local basin, regional, or watershed
22 planning was initiated in accordance with chapter 90.54 RCW before
23 January 1, 1997, in part to address unauthorized water uses. It shall
24 not apply in any watershed in which a general adjudication of water
25 rights was pending on or before January 1, 1997.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.54 RCW
27 to read as follows:

28 Basin, regional, or watershed plans developed under this chapter
29 may establish means for legally providing water for water uses
30 operating under temporary water rights established by section 1 of this
31 act. The plan may recommend issuance of permanent water rights under
32 conditions and limitations recommended by the plan. The conditions for
33 such issuance may include measures required to mitigate for effects on
34 senior water rights and aquatic resources."

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4 On page 1, line 1 of the title, after "rights;" strike the
5 remainder of the title and insert "adding a new section to chapter
6 90.03 RCW; and adding a new section to chapter 90.54 RCW."

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EFFECT: Provides a temporary water right for agricultural users meeting the requirements of the legislation.