

# HOUSE BILL REPORT

## HB 2771

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to amendments to statements of claim in the water rights claims registry.

**Brief Description:** Changing amendments to water rights claims.

**Sponsors:** Representatives Mastin, Grant, Cox and Schoesler.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/3/00, 2/4/00 [DP].

#### Brief Summary of Bill

- Extends the authority to amend statements of claims in the water rights claims registry to claims filed after April 20, 1987.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Kenneth Hirst (786-7105).

### Background:

Legislation enacted in 1967 required persons with claims of rights to the use of water based on something other than a water right permit or certificate to register the claims with the Department of Ecology (DOE). The DOE was directed by the legislation to create a water rights claims registry for these claims. In general, claims had to be filed by June 30, 1974. However, the filing period was reopened on a limited basis in 1979 and again in 1985.

In 1987, legislation was enacted allowing a person with a statement of claim in the registry by April 20, 1987, to submit amendments for certain aspects of the statement. Such an amendment must be ministerial in nature or must be based on: (1) an error in estimating the quantity of water claimed, if the person provides reasons for failing to claim the amount in the original claim; or (2) a change in the manner of transportation or diversion of the water not foreseeable at the time the original claim was filed.

The DOE must file the amendment in the registry unless, by written determination, it concludes that these requirements for a valid amendment have not been satisfied. Any person aggrieved by such a determination may appeal it to the Pollution Control Hearings Board.

Legislation was enacted in 1997 establishing a new filing period for statements of claim. Statements filed during this period are not expressly allowed to be amended in the manner authorized for previously filed claims.

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**Summary of Bill:**

Any person with a statement of claim in the water rights claims registry, regardless of when the filing was authorized, may submit the same type of amendments to the statements as those currently allowed for statements filed in the registry by April 20, 1987.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Care should be taken to ensure that claims that were filed with the DOE through the Pollution Control Hearings Board still qualify for the amendment provisions of current law.

**Testimony Against:** None

**Testified:** Ken Slattery, Department of Ecology.