

RCW 90.03.130 Determination of water rights—Service of summons.

(1) Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That as an alternative to personal service, service may be made by certified mail, with return receipt signed and dated by defendant, a spouse of a defendant, or another person authorized to accept service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending or the failure to sign a receipt for certified mail shall be prima facie evidence, upon the filing of an affidavit by the department, or its attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation in the county in which such proceeding is pending, and also publication of said summons in a newspaper of general circulation in each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications). Except as provided in subsection (3) of this section, the summons by publication shall state that adjudication claims must be filed within sixty days after the last publication or before the return date, whichever is later. In cases where personal service or service by certified mail is had, summons must be served at least 60 days before the return day thereof. For summons by certified mail, completion of service occurs upon the date of receipt by the defendant.

(2) Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

(3) For an adjudication filed in water resource inventory area 1 after June 1, 2023, any summons shall state that adjudication claims must be within the time frame set pursuant to RCW 90.03.120, unless special rules of procedure established by the court pursuant to RCW 90.03.160(3) provide for a later date. [2023 c 160 s 2; 2009 c 332 s 6; 1987 c 109 s 74; 1979 ex.s. c 216 s 2; 1977 ex.s. c 357 s 2; 1929 c 122 s 1; 1917 c 117 s 16; RRS s 7366. Formerly RCW 90.12.030.]

Application—2009 c 332: See note following RCW 90.03.110.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

Effective date—Severability—1979 ex.s. c 216: See notes following RCW 90.03.245.

Commencement of actions (service of summons): Chapter 4.28 RCW.

Manner of publication and form of summons: RCW 4.28.110.

Service of summons by publication—When authorized: RCW 4.28.100.