
SENATE BILL 6536

State of Washington 53rd Legislature 1994 Regular Session

By Senators Sutherland, Fraser, Morton, M. Rasmussen and Newhouse

Read first time 01/26/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to water rights; and adding a new section to
2 chapter 43.27A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.27A RCW
5 to read as follows:

6 The purpose of this section is to set forth the powers of the
7 department to regulate the withdrawal or diversion of public waters and
8 water or water rights related thereto including regulation based on
9 dates of priority or other pertinent factors.

10 (1) In a regulatory situation where a water right or all water
11 rights proposed for regulation by the department is or are embodied in
12 a certificate or certificates issued under RCW 90.03.240, 90.03.330, or
13 90.44.060 or a permit or permits issued pursuant to RCW 90.03.290 or
14 90.44.060, the department in its discretion is authorized to regulate
15 the right or rights under either RCW 43.27A.190 or subsection (2) of
16 this section.

17 (2) In a regulatory situation (a) where one or more of the water
18 rights proposed by the department for regulation are not embodied in a
19 permit or certificate as described in subsection (2) of this section,

1 or (b) where it appears to the department that public waters are being
2 withdrawn without any right or other appropriate authority whatsoever,
3 the department, as its sole and exclusive regulatory duty, is
4 authorized to bring an appropriate action at law or in equity,
5 including seeking injunctive relief, as it may deem necessary. Where
6 actions are brought in a state court, the actions shall be initiated in
7 the superior court of the county where the point or points of diversion
8 of the water right or rights proposed for regulation are located. If
9 the points of diversion are located in more than one county, the
10 department may bring the action in a county where a point of diversion
11 is located.

12 (3) Nothing in this section authorizes the department to accomplish
13 a general adjudication of water rights proceeding or the substantial
14 equivalent of a general adjudication of water rights. The exclusive
15 procedure for accomplishing a general adjudication of water rights is
16 under RCW 90.03.250 through 90.03.600 or 90.44.220.

17 (4) Nothing in this section shall have an impact on RCW 90.14.130
18 or 90.14.200.

19 (5) This section does not in any way modify regulatory powers
20 previously placed with the department except as provided in subsections
21 (1) and (2) of this section.

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