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HOUSE BILL 2039

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Kremen and Chandler

Read first time 02/22/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to certain applications for water rights or water  
2 transfers; and amending RCW 90.14.041.

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

4 **Sec. 1.** RCW 90.14.041 and 1988 c 127 s 73 are each amended to read  
5 as follows:

6 (1) All persons using or claiming the right to withdraw or divert  
7 and make beneficial use of public surface or ground waters of the  
8 state, except as ((hereinafter)) provided in this section, shall file  
9 with the department of ecology not later than June 30, 1974, a  
10 statement of claim for each water right asserted on a form provided by  
11 the department. This section shall not apply to any water rights which  
12 are based on the authority of a permit or certificate issued by the  
13 department of ecology or one of its predecessors.

14 (2) Any person who placed water to beneficial use for irrigation or  
15 stock watering purposes before January 1, 1993, for which a permit or  
16 certificate was not issued by the department of ecology or its  
17 predecessor, holds a water right subject to the following conditions:  
18 (a) The priority date shall be the effective date of this section; (b)  
19 the amount of water withdrawn may not exceed the maximum annual amount

1 put to beneficial use during the five-year period before January 1,  
2 1993; (c) there must not have been a period of nonuse for five  
3 consecutive years; and (d) the person must have filed an application  
4 for a water right or a transfer of a water right with the department of  
5 ecology before December 31, 1994.

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