

# SENATE BILL REPORT

## SB 5026

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As of January 22, 1997

**Title:** An act relating to general adjudication proceedings for water rights.

**Brief Description:** Adjudicating water rights.

**Sponsors:** Senator Swecker.

**Brief History:**

**Committee Activity:** Agriculture & Environment: 1/15/97.

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Staff:** Richard Duggan (786-7414)

**Background:** The Surface Water Code of 1917 established a procedure for determining at one time all rights to the use of water from a body of surface water. It was extended to include groundwater rights when the Groundwater Code was adopted in 1945. This procedure, which is referred to as a general adjudication of water rights, starts with a petition filed in superior court. It concludes with a court decree determining the rights of the parties and identifying the priority, purpose, quantity, time of use, point of diversion, and place of use for each.

After the petition is filed, the Department of Ecology provides the court with the names of all known claimants to rights in the body of water. Upon completion of a statutory procedure for service of summons on each known claimant, current law requires the court, in most cases, to refer the proceeding to the Department of Ecology to act as the court's referee. The department designates an individual to conduct hearings, take testimony, and make findings which are reported back to the court. Any exceptions to the report which might be filed by an interested party are then addressed, either by additional testimony taken by the court or by referral back to the referee, and a decree is entered determining the rights of the parties.

**Summary of Bill:** The superior court appoints a referee to whom the proceeding is referred directly. Any individual who is an employee, or who in the three years prior to the commencement of the proceeding has been an employee, of a party to a general adjudication of water rights action is disqualified from appointment as referee in that action. Employees and former employees of the Department of Ecology are specifically included in the disqualification. The referee in the currently pending general adjudication of water rights proceeding is specifically excluded from this provision.

Referee expenses incurred by the court may be paid from appropriations made expressly for this purpose to the Office of the Administrator for the Courts.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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