

House Bill Analysis

HB 2771

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February 3, 2000

- Extends the authority to amend statements of claims in the Water Rights Claims Registry to claims filed after April 20, 1987.

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. (Chapter 90.14 RCW.)

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:

- 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
- 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. (RCW 90.14.065.)

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.

SUMMARY:

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.