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**SUBSTITUTE HOUSE BILL 2094**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler and Linville)

Read first time 03/02/1999.

1 AN ACT Relating to water rights claims; amending RCW 90.14.081; and  
2 adding a new section to chapter 90.14 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 90.14 RCW  
5 to read as follows:

6 The legislature finds that the department rejected some of the  
7 water rights claims filed between September 1, 1997, and June 30, 1998,  
8 because the water rights claimed had not been established by the  
9 application of water to beneficial use before June 7, 1917, for surface  
10 water or June 7, 1945, for ground water. Many of the rejection notices  
11 have been appealed and are pending cases in the administrative and  
12 judicial review system. The legislature further finds that it is not  
13 the legislature's intent for these claimants to need to have these  
14 issues resolved at this time through the judicial system and therefore  
15 to resolve this litigation expeditiously the department shall file in  
16 the claims registry all those claims currently on appeal that were  
17 rejected because the water rights had not been timely established as  
18 provided in RCW 90.14.068. This section does not apply to claims the  
19 department rejected for failure to comply with other procedural or

1 substantive requirements of RCW 90.14.041, 90.14.051, 90.14.061, or  
2 90.14.068. The filing of claims under this section shall not  
3 constitute or be construed as prima facie evidence of the validity or  
4 quantification of any water right.

5 **Sec. 2.** RCW 90.14.081 and 1969 ex.s. c 284 s 17 are each amended  
6 to read as follows:

7 The filing of a statement of claim does not constitute an  
8 adjudication of any claim to the right to use of waters as between the  
9 water use claimant and the state, or as between one or more water use  
10 claimants and another or others. Except as provided in section 1 of  
11 this act, a statement of claim filed pursuant to RCW 90.14.061 shall be  
12 admissible in a general adjudication of water rights as prima facie  
13 evidence of the times of use and the quantity of water the claimant was  
14 withdrawing or diverting as of the year of the filing, if, but only if,  
15 the quantities of water in use and the time of use when a controversy  
16 is mooted are substantially in accord with the times of use and  
17 quantity of water claimed in the statement of claim. A statement of  
18 claim shall not otherwise be evidence of the priority of the claimed  
19 water right.

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