

2628-S.E AMS AWR S4455.1

1 ESHB 2628 - S COMM AMD
2 By Committee on Agriculture & Water Resources

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4 Strike everything after the enacting clause and insert the
5 following:

6 "NEW SECTION. **Sec. I.** The legislature finds that fish and
7 wildlife habitat will be adversely affected if water service to an
8 area in the state that includes a national wildlife refuge is
9 discontinued. The legislature finds that the continuation of the
10 existing diversion of water is necessary to protect, preserve, and
11 perpetuate the fish and wildlife habitat that exists on the
12 national wildlife refuge area and on adjacent agricultural and
13 grazing lands irrigated from such diversion."

14 "NEW SECTION. **Sec. II.** A new section is added to chapter
15 90.14 RCW to read as follows:

16 (1) A person may file with the department of ecology not later
17 than August 31, 1992, a statement of claim as provided in RCW
18 90.14.051(1) through (8) if: The statement embodies a claim of a
19 right to divert public waters with a priority date that is prior to
20 June 6, 1917; and the statement is accompanied by a notarized
21 affidavit or affidavits, relating to and supporting the rights
22 claimed in the statement, which satisfy the requirements of this
23 subsection.

24 Affidavits accompanying a statement filed under this section

1 shall be signed by a person or persons who attest in the affidavits
2 to: (a) Having witnessed personally a posting of a notice of
3 intent to establish a water right at the point of diversion of such
4 claimed right; and (b) having direct knowledge of the diversion of
5 waters associated with that right, through conveyance systems, to
6 the places of beneficial use without interruption each year for the
7 fifty-year period immediately preceding the effective date of this
8 section.

9 The department shall accept any statement of claim which
10 satisfies the requirements of subsection (1) of this section if a
11 portion of the diverted water is delivered to lands included in a
12 national wildlife refuge. The department shall file the same in
13 the water rights claims registry established by RCW 90.14.111.

14 (2) The provisions of RCW 90.14.071, regarding waiving and
15 relinquishing a water right or any title or interest in a right, do
16 not apply to a claim filed pursuant to this section. However,
17 reopening the period for filing a statement of claim for a water
18 right as provided by this section shall not affect or impair in any
19 respect whatsoever any water right existing prior to the effective
20 date of this section whether such a previously existing right was
21 established under territorial, state, or federal law or is embodied
22 in rights derived under federal treaties or under federal doctrine
23 regarding reserved rights for federal reservations of the public
24 domain. Further, a water right embodied in a statement of claim
25 filed under this section is, without regard to priority date,
26 subordinate to any water right embodied in a permit or certificate

1 issued pursuant to chapter 90.03 or 90.44 RCW before the effective
2 date of this section or embodied in a statement of claim filed in
3 the water rights claims registry before the effective date of this
4 section.

5 (3) Nothing in this section impacts or affects in any manner
6 whatsoever the authority of the state, an Indian tribe, or any
7 other governmental entity to allocate, regulate, or administer
8 water rights on a federal reservation or changes the jurisdiction
9 of any governmental entity."

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13 On page 1, line 2 of the title, after "lands;" strike the
14 remainder of the title and insert "adding a new section to chapter
15 90.14 RCW; and creating a new section."