

VETO MESSAGE ON HB 1118-S

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 5, Substitute House Bill No. 1118 entitled:

"AN ACT Relating to water right claims;"

I have approved most sections of Substitute House Bill No. 1118. It is my hope that this legislation will clear up the murky past of water rights claims and put an end to the confusion over who needed to file claims in the Water Rights Claims Registry.

I have vetoed section 4 for two reasons. The first reason is that an existing statute (RCW 90.14.065) provides a mechanism to amend an existing claim filed with the Water Rights Claim Registry. The second reason is that the burden of proof for such amendments would be placed on the Department Ecology instead of the claimant.

I have vetoed section 5 because the exemption from relinquishment is retroactive to March 1, 1994. It is reasonable to provide protection from relinquishment for those filing new claims. However, the retroactive provision is problematic because it would conflict with one or more Superior Court decisions related to the relinquishment of water rights due to the failure to file a claim.

For these reasons, I have vetoed sections 4 and 5 of Substitute House Bill No. 1118.

With exception of sections 4 and 5, Substitute House Bill No. 1118 is approved.

Respectfully submitted,  
Gary Locke  
Governor