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**Agriculture & Natural Resources  
Committee**

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**HB 2544**

**Brief Description:** Concerning a pilot process for the upper Columbia water rights adjudication.

**Sponsors:** Representatives Springer, Waters, Lekanoff and Nance.

**Brief Summary of Bill**

- Requires a general water adjudication of the Upper Columbia River using a two-stage pilot process.

**Hearing Date:** 1/28/26

**Staff:** Lily Smith (786-7175).

**Background:**

Water Rights Adjudication.

*Adjudication scope.*

A general water adjudication is a procedure for determining the validity of existing claims to water rights in a specific area, the amounts to which each person with a right is entitled, and the seniority of and other aspects of those rights. The adjudication is a fact-finding process that applies the existing prior appropriation doctrine (first in time, first in right).

*Adjudication process.*

The Department of Ecology (Ecology) begins the adjudication process by filing a statement of the facts and a plan or map of the area in the superior court of the county in which the water is located. The statement includes information about the water rights to be adjudicated, including area property owners without municipal water and all known persons claiming a right to

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the water (claimants).

Once the statement and map have been filed, the judge issues an order directing summons to be served. The summons must contain a brief statement of the objects and purpose of the proceedings and require claimants to appear on the return day and file a claim. The summons must include the return day and state that unless parties appear and assert their claim, judgment will be entered determining their rights according to the evidence.

The provisions for general adjudications encourage the early use of a settlement process, which may include one or many claimants. Parties to the adjudication not included in the settlement must be provided its terms, and may object or offer modifications at a hearing.

#### *Federal reserved water rights.*

The doctrine of federally reserved water rights provides that there is an implied reservation of water rights when the federal government reserves land for a federal use, including for an Indian reservation. The priority date for these reserved rights is the date the federal land was set aside, or for a tribal reservation, the date the reservation was established. Federal law allows federal reserved rights to be adjudicated in a state court under certain circumstances.

#### **Summary of Bill:**

Ecology must initiate a general water adjudication of the upper Columbia River. Before initiation, Ecology must inform the Legislature of the estimated budget needs to conduct the adjudication.

After initiation, there is a two-stage pilot process for the service of summonses. The first stage begins by the court directing Ecology to serve summonses by mail or personal service on federal and tribal government entities with known asserted water rights. After those claims are filed, Ecology may engage in settlement negotiations with the federal and tribal claimants. During any settlement negotiation, the parties must file annual status reports to the court.

By 180 days after approval of a settlement or June 2033, whichever is earlier, the second stage begins by the court instructing Ecology to submit a report of any additional potential claimants not already served. Ecology must then serve summonses on those potential claimants by mail or personal service and publish the summons in a newspaper for six weeks for unidentified claimants and those whose mail was returned.

After the service of summonses, the adjudication must proceed consistent with existing adjudication procedure, except for a few obsolete requirements, such as claimants needing to make an appearance in court.

By June 15, 2035, Ecology must report an evaluation of the pilot process and recommendations for various efficiency changes to general adjudications.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.