
SUBSTITUTE HOUSE BILL 2544

State of Washington

69th Legislature

2026 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Springer, Waters, Lekanoff, and Nance)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to a pilot process for the upper Columbia water
2 rights adjudication; amending RCW 90.03.110, 90.03.120, 90.03.130,
3 and 90.44.220; adding a new section to chapter 90.03 RCW; creating a
4 new section; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) Due to the unique nature of the water
7 rights in the upper Columbia river area, the legislature finds that
8 it would create efficiencies and reduce unnecessary costs on water
9 users to phase the general adjudication process to address
10 significant federal and tribal water rights claims prior to engaging
11 other claimants and streamline service of process requirements.

12 (2) It is the intent of the legislature to establish a pilot
13 process to determine whether there would be an overall benefit to
14 water users throughout the state to modify the procedures for future
15 general adjudications statewide.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03
17 RCW to read as follows:

18 (1) The department is authorized to and shall initiate a general
19 adjudication of the upper Columbia river in accordance with this

1 section. When initiated, the provisions under RCW 90.03.110 through
2 90.03.130, and 90.44.220 do not apply to this adjudication.

3 (2) The department may initiate the general adjudication of the
4 upper Columbia river area by filing in the superior court of Stevens
5 county a report containing the following:

6 (a) A brief statement of the facts in relation to such water, and
7 the necessity for a determination of the rights thereto; and

8 (b) A map of the geographic area to be included in the general
9 adjudication.

10 (3) Prior to filing the adjudication under subsection (2) of this
11 section, the department shall:

12 (a) Consult with the administrative office of the courts to
13 determine whether sufficient judicial resources are available to
14 commence and to prosecute the adjudication in a timely manner under
15 this pilot; and

16 (b) Inform the appropriate committees of the legislature of the
17 estimated budget needs for the court and the department to conduct
18 the adjudication.

19 (4) Upon the filing of the statement and map as provided in
20 subsection (2) of this section and in accordance with subsection (10)
21 of this section, the judge of Stevens county superior court shall
22 issue an order directing summons to be issued by the court and served
23 by the department on federal and federally recognized tribal
24 government entities known to have asserted water rights within the
25 adjudication area identified under subsection (2)(b) of this section.
26 The return day of the summons must be at least 100, but not more than
27 130, days after the issuance of the order. For good cause and at the
28 request of the department, the court may extend the return day.

29 (5) Following issuance of summons under subsection (4) of this
30 section, the department shall serve the federal and federally
31 recognized tribal government claimants identified in the summons
32 personally or by first-class mail. Personal service of summons may be
33 made by employees of the department. For service by mail, completion
34 of service occurs five judicial days after mailing.

35 (6) Prior to the return day specified in a summons issued under
36 this section, federal and federally recognized tribal government
37 claimants served under subsection (5) of this section may file their
38 claims with the superior court on a form prepared by the department
39 and approved by the court in accordance with RCW 90.03.140.
40 Notwithstanding RCW 90.03.645(2), at any time after the filing of

1 claims under this subsection, the department may engage in settlement
2 negotiations with federal and federally recognized tribal government
3 claimants and affected federal Columbia basin project irrigation
4 districts with repayment contracts and subject to the provisions of
5 chapter 89.12 RCW. During the course of any settlement negotiation,
6 the parties must provide annual status reports to the superior court
7 by December 31st of each year.

8 (7) (a) The Stevens county superior court shall issue an order
9 instructing the department to submit a report that identifies
10 potential claimants to the adjudication not already served under this
11 section. The order must be issued by the earlier of:

12 (i) 180 days after the United States, jointly with one or more
13 tribal governments served under subsection (5) of this section, file
14 a motion to approve a proposed settlement of all claims filed by
15 federal and federally recognized tribal government claimants pursuant
16 to subsection (6) of this section with the Stevens county superior
17 court for consideration under RCW 90.03.645(3); or

18 (ii) June 1, 2033.

19 (b) The department shall make reasonable efforts to identify
20 potential claimants by, at a minimum, identifying:

21 (i) Each person or entity owning real property situated within
22 the area to be adjudicated, but outside the boundaries of a service
23 area of a city, town, or public water system that provides water to
24 property within its service area; and

25 (ii) All known persons claiming a right to the water sought to be
26 determined.

27 (8) Following receipt of the report of potential claimants under
28 subsection (7) of this section, the court shall make an order
29 directing summons to be issued by the court and served by the
30 department on all potential claimants not already served. The return
31 day of the summons must be 130 days after the anticipated date for
32 completion of service by publication under subsection (9) of this
33 section. For good cause and at the request of the department, the
34 court may extend the return day.

35 (9) (a) The department shall serve the summons issued under
36 subsection (8) of this section on all entities and persons identified
37 in the report of known potential claimants required under subsection
38 (7) of this section personally or by first-class mail. Personal
39 service of summons may be made by employees of the department. For

1 service by mail, completion of service occurs five judicial days
2 after mailing.

3 (b) The department shall serve the summons issued under
4 subsection (8) of this section by publication on unidentified
5 potential claimants and any potential claimants where service by mail
6 was returned undelivered or attempts at personal service were
7 ineffective. Service by publication must be made by publication of
8 the summons in a newspaper of general circulation once a week for six
9 consecutive weeks, six publications, in the county in which such
10 proceeding is pending and in each county in which any portion of the
11 water is situated. Service by publication is complete at the end of
12 the sixth week of publication.

13 (10)(a) The summons and all subsequent court documents for the
14 adjudication under this section must be captioned "In re the general
15 adjudication of all rights to use water in the Upper Columbia River
16 area" or in a substantially similar manner.

17 (b) The summons must contain a brief statement of the objects and
18 purpose of the proceedings, require the claimants to make and file an
19 adjudication claim to, or interest in, the water involved, and
20 contain a statement that unless they assert such right by the return
21 day, judgment will be entered determining their rights according to
22 the evidence.

23 (11) To the extent consistent with court rules and subject to the
24 availability of funds provided either by direct appropriation or
25 funded through the administrative office of the courts for this
26 specific adjudicative proceeding, the court is encouraged to conduct
27 the water rights adjudication employing innovative practices and
28 technologies appropriate to large scale and complex cases, such as:

29 (a) Electronic filing of documents, including notices and claims;

30 (b) Appearance via videoconferencing;

31 (c) Prefiling of testimony; and

32 (d) Other practices and technologies consistent with court rules
33 and emerging technologies.

34 (12) Except as provided under subsection (6) of this section,
35 following completion of service of summonses as provided in this
36 section, the general adjudication of the upper Columbia river is
37 subject to RCW 90.03.140 through 90.03.240 and 90.03.620 through
38 90.03.645.

39 (13) The expenses incurred by the state in a proceeding to
40 determine rights to water initiated under this section or upon appeal

1 of such a determination shall be borne by the state. Subject to the
2 availability of state funding provided either by direct appropriation
3 or funded through the administrative office of the courts for this
4 specific purpose, the county in which an adjudication or a suit to
5 administer an adjudication is being held must be provided the
6 extraordinary costs imposed on the superior court of that county due
7 to the adjudication.

8 (14) Rights subject to determination proceedings conducted under
9 this section include all rights to the use of surface water and
10 groundwater, including all diversionary and instream water rights,
11 and include rights to the use of water claimed by the United States.
12 Any persons claiming the right to water by virtue of a contract with
13 a claimant to the right to divert the same are not necessary parties
14 to the proceeding, except for affected federal Columbia basin project
15 irrigation districts with repayment contracts and subject to the
16 provisions of chapter 89.12 RCW.

17 (15) Nothing in this section may be construed as establishing or
18 creating any new rights to the use of water. This section relates
19 exclusively to the confirmation of water rights established or
20 created under other provisions of state law or under federal laws.

21 (16) Upon expiration of each filing period established by a
22 return day under subsections (4) and (8) of this section, the
23 department shall file a motion for default against defendants who
24 have been served but who have failed to timely file an adjudication
25 claim under RCW 90.03.140. A party in default may file a late claim
26 under the same circumstances the party could respond or defend under
27 court rules on default judgments.

28 (17) The department shall report to the relevant committees of
29 the legislature and the office of financial management by June 15,
30 2035, to evaluate the pilot process and make recommendations to the
31 legislature for changes to general adjudications to streamline the
32 process, improve efficiency, and reduce costs.

33 (18) This section only applies to the general adjudication of the
34 upper Columbia river area.

35 (19) For purposes of this section:

36 (a) "Judicial day" means the days of the week other than
37 Saturdays, Sundays, or legal holidays.

38 (b) "Return day" means the latest date to file an adjudication
39 claim for a water right pursuant to a summons.

40 (20) This section expires December 31, 2035.

1 **Sec. 3.** RCW 90.03.110 and 2009 c 332 s 1 are each amended to
2 read as follows:

3 (1) Upon the filing of a petition with the department by a
4 planning unit or by one or more persons claiming the right to any
5 waters within the state or when, after investigation, in the judgment
6 of the department, the public interest will be served by a
7 determination of the rights thereto, the department shall prepare a
8 statement of the facts, together with a plan or map of the locality
9 under investigation, and file such statement and plan or map in the
10 superior court of the county in which said water is situated, or, in
11 case such water flows or is situated in more than one county, in the
12 county which the department shall determine to be the most convenient
13 to the parties interested therein. Such a statement shall:

14 (a) Either (i) identify each person or entity owning real
15 property situated within the area to be adjudicated but outside the
16 boundaries of a city, town, or special purpose district that provides
17 water to property within its service area; (ii) identify all known
18 persons claiming a right to the water sought to be determined; or
19 (iii) identify both; and

20 (b) Include a brief statement of the facts in relation to such
21 water, and the necessity for a determination of the rights thereto.

22 (2) Prior to filing an adjudication under this chapter, the
23 department shall:

24 (a) Consult with the administrative office of the courts to
25 determine whether sufficient judicial resources are available to
26 commence and to prosecute the adjudication in a timely manner; and

27 (b) Report to the appropriate committees of the legislature on
28 the estimated budget needs for the court and the department to
29 conduct the adjudication.

30 (3) This section does not apply to the upper Columbia river area
31 adjudication pilot process under section 2 of this act.

32 **Sec. 4.** RCW 90.03.120 and 2023 c 160 s 1 are each amended to
33 read as follows:

34 (1) Upon the filing of the statement and map as provided in RCW
35 90.03.110 the judge of such superior court shall make an order
36 directing summons to be issued, and fixing the return day thereof,
37 which shall be not less than 100 nor more than 130 days, after the
38 making of such order: PROVIDED, That for good cause, the court, at
39 the request of the department, may modify said time period: PROVIDED

1 FURTHER, That for an adjudication filed in water resource inventory
2 area 1 after June 1, 2023, the return day for the latest time to file
3 claims pursuant to such a summons shall be not less than one year
4 after the making of such an order, unless special rules of procedure
5 established by the court pursuant to RCW 90.03.160(3) provide for a
6 later date.

7 (2) A summons issued under this section shall be issued out of
8 said superior court, signed and attested by the clerk thereof, in the
9 name of the state of Washington, as plaintiff, against all known
10 persons identified by the department under RCW 90.03.110. The summons
11 shall contain a brief statement of the objects and purpose of the
12 proceedings and shall require the defendants to appear on the return
13 day thereof, and make and file an adjudication claim to, or interest
14 in, the water involved and a statement that unless they appear at the
15 time and place fixed and assert such right, judgment will be entered
16 determining their rights according to the evidence: PROVIDED,
17 HOWEVER, That any persons claiming the right to water by virtue of a
18 contract with a claimant to the right to divert the same, shall not
19 be necessary parties to the proceeding: PROVIDED FURTHER, That for an
20 adjudication filed in water resource inventory area 1 after June 1,
21 2023, the latest day for a party to appear by filing a claim in
22 response to such a summons shall be set by the court and listed
23 within the summons as a date not less than one year after the service
24 of said summons, unless special rules of procedure established by the
25 court pursuant to RCW 90.03.160(3) provide for a later date.

26 (3) To the extent consistent with court rules and subject to the
27 availability of funds provided either by direct appropriation or
28 funded through the administrative office of the courts for this
29 specific adjudicative proceeding, the court is encouraged to conduct
30 the water rights adjudication employing innovative practices and
31 technologies appropriate to large scale and complex cases, such as:
32 (a) Electronic filing of documents, including notice and claims; (b)
33 appearance via teleconferencing; (c) pre-filing of testimony; and (d)
34 other practices and technologies consistent with court rules and
35 emerging technologies.

36 (4) This section does not apply to the upper Columbia river area
37 adjudication pilot process under section 2 of this act.

38 **Sec. 5.** RCW 90.03.130 and 2023 c 160 s 2 are each amended to
39 read as follows:

1 (1) Service of said summons shall be made in the same manner and
2 with the same force and effect as service of summons in civil actions
3 commenced in the superior courts of the state: PROVIDED, That as an
4 alternative to personal service, service may be made by certified
5 mail, with return receipt signed and dated by defendant, a spouse of
6 a defendant, or another person authorized to accept service. If the
7 defendants, or either of them, cannot be found within the state of
8 Washington, of which the return of the sheriff of the county in which
9 the proceeding is pending or the failure to sign a receipt for
10 certified mail shall be prima facie evidence, upon the filing of an
11 affidavit by the department, or its attorney, in conformity with the
12 statute relative to the service of summons by publication in civil
13 actions, such service may be made by publication in a newspaper of
14 general circulation in the county in which such proceeding is
15 pending, and also publication of said summons in a newspaper of
16 general circulation in each county in which any portion of the water
17 is situated, once a week for six consecutive weeks (six
18 publications). Except as provided in subsection (3) of this section,
19 the summons by publication shall state that adjudication claims must
20 be filed within (~~sixty~~) 60 days after the last publication or
21 before the return date, whichever is later. In cases where personal
22 service or service by certified mail is had, summons must be served
23 at least 60 days before the return day thereof. For summons by
24 certified mail, completion of service occurs upon the date of receipt
25 by the defendant.

26 (2) Personal service of summons may be made by department of
27 ecology employees for actions pertaining to water rights.

28 (3) For an adjudication filed in water resource inventory area 1
29 after June 1, 2023, any summons shall state that adjudication claims
30 must be within the time frame set pursuant to RCW 90.03.120, unless
31 special rules of procedure established by the court pursuant to RCW
32 90.03.160(3) provide for a later date.

33 (4) This section does not apply to the upper Columbia river area
34 adjudication pilot process under section 2 of this act.

35 **Sec. 6.** RCW 90.44.220 and 2009 c 332 s 17 are each amended to
36 read as follows:

37 (1) Upon the filing of a petition with the department by a
38 planning unit or by one or more persons claiming a right to any
39 waters within the state or when, after investigation, in the judgment

1 of the department, the public interest will be served by a
2 determination of the rights thereto, the department shall file a
3 petition to conduct an adjudication with the superior court of the
4 county for the determination of the rights of appropriators of any
5 particular groundwater body and all the provisions of RCW 90.03.110
6 through 90.03.240 and 90.03.620 through 90.03.645, shall govern and
7 apply to the adjudication and determination of such groundwater body
8 and to the ownership thereof. Hereafter, in any proceedings for the
9 adjudication and determination of water rights—either rights to the
10 use of surface water or to the use of groundwater, or both—pursuant
11 to chapter 90.03 RCW, all appropriators of groundwater or of surface
12 water in the particular basin or area may be included as parties to
13 such adjudication, as set forth in chapter 90.03 RCW.

14 (2) This section does not apply to the upper Columbia river area
15 adjudication pilot process under section 2 of this act.

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