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**HOUSE BILL 2544**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Springer, Waters, Lekanoff, and Nance

Read first time 01/16/26. Referred to Committee on Agriculture & Natural Resources.

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. During the course of any settlement negotiation, the  
4 parties must provide annual status reports to the superior court by  
5 December 31st of each year.

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

10 (i) 180 days after the United States, jointly with one or more  
11 tribal governments served under subsection (5) of this section, file  
12 a motion to approve a proposed settlement with the Stevens county  
13 superior court for consideration under RCW 90.03.645(3); or

14 (ii) June 1, 2033.

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

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

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

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

31 (9) (a) The department shall serve the summons issued under  
32 subsection (8) of this section on all entities and persons identified  
33 in the report of known potential claimants required under subsection  
34 (7) of this section personally or by first-class mail. Personal  
35 service of summons may be made by employees of the department. For  
36 service by mail, completion of service occurs five judicial days  
37 after mailing.

38 (b) The department shall serve the summons issued under  
39 subsection (8) of this section by publication on unidentified  
40 potential claimants and any potential claimants where service by mail

1 was returned undelivered or attempts at personal service were  
2 ineffective. Service by publication must be made by publication of  
3 the summons in a newspaper of general circulation once a week for six  
4 consecutive weeks, six publications, in the county in which such  
5 proceeding is pending and in each county in which any portion of the  
6 water is situated. Service by publication is complete at the end of  
7 the sixth week of publication.

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

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

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

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

25 (b) Appearance via videoconferencing;

26 (c) Prefiling of testimony; and

27 (d) Other practices and technologies consistent with court rules  
28 and emerging technologies.

29 (12) Except as provided under subsection (6) of this section,  
30 following completion of service of summonses as provided in this  
31 section, the general adjudication of the upper Columbia river is  
32 subject to RCW 90.03.140 through 90.03.240 and 90.03.620 through  
33 90.03.645.

34 (13) The expenses incurred by the state in a proceeding to  
35 determine rights to water initiated under this section or upon appeal  
36 of such a determination shall be borne by the state. Subject to the  
37 availability of state funding provided either by direct appropriation  
38 or funded through the administrative office of the courts for this  
39 specific purpose, the county in which an adjudication or a suit to  
40 administer an adjudication is being held must be provided the

1 extraordinary costs imposed on the superior court of that county due  
2 to the adjudication.

3 (14) Rights subject to determination proceedings conducted under  
4 this section include all rights to the use of surface water and  
5 groundwater, including all diversionary and instream water rights,  
6 and include rights to the use of water claimed by the United States.  
7 Any persons claiming the right to water by virtue of a contract with  
8 a claimant to the right to divert the same are not necessary parties  
9 to the proceeding.

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

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

21 (17) The department shall report to the relevant committees of  
22 the legislature and the office of financial management by June 15,  
23 2035, to evaluate the pilot process and make recommendations to the  
24 legislature for changes to general adjudications to streamline the  
25 process, improve efficiency, and reduce costs.

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

28 (19) For purposes of this section:

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

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

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

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

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

1 determination of the rights thereto, the department shall prepare a  
2 statement of the facts, together with a plan or map of the locality  
3 under investigation, and file such statement and plan or map in the  
4 superior court of the county in which said water is situated, or, in  
5 case such water flows or is situated in more than one county, in the  
6 county which the department shall determine to be the most convenient  
7 to the parties interested therein. Such a statement shall:

8 (a) Either (i) identify each person or entity owning real  
9 property situated within the area to be adjudicated but outside the  
10 boundaries of a city, town, or special purpose district that provides  
11 water to property within its service area; (ii) identify all known  
12 persons claiming a right to the water sought to be determined; or  
13 (iii) identify both; and

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

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

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

21 (b) Report to the appropriate committees of the legislature on  
22 the estimated budget needs for the court and the department to  
23 conduct the adjudication.

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

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

28 (1) Upon the filing of the statement and map as provided in RCW  
29 90.03.110 the judge of such superior court shall make an order  
30 directing summons to be issued, and fixing the return day thereof,  
31 which shall be not less than 100 nor more than 130 days, after the  
32 making of such order: PROVIDED, That for good cause, the court, at  
33 the request of the department, may modify said time period: PROVIDED  
34 FURTHER, That for an adjudication filed in water resource inventory  
35 area 1 after June 1, 2023, the return day for the latest time to file  
36 claims pursuant to such a summons shall be not less than one year  
37 after the making of such an order, unless special rules of procedure  
38 established by the court pursuant to RCW 90.03.160(3) provide for a  
39 later date.

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

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

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

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

34 (1) Service of said summons shall be made in the same manner and  
35 with the same force and effect as service of summons in civil actions  
36 commenced in the superior courts of the state: PROVIDED, That as an  
37 alternative to personal service, service may be made by certified  
38 mail, with return receipt signed and dated by defendant, a spouse of  
39 a defendant, or another person authorized to accept service. If the

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

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

22 (3) For an adjudication filed in water resource inventory area 1  
23 after June 1, 2023, any summons shall state that adjudication claims  
24 must be within the time frame set pursuant to RCW 90.03.120, unless  
25 special rules of procedure established by the court pursuant to RCW  
26 90.03.160(3) provide for a later date.

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

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

31 (1) Upon the filing of a petition with the department by a  
32 planning unit or by one or more persons claiming a right to any  
33 waters within the state or when, after investigation, in the judgment  
34 of the department, the public interest will be served by a  
35 determination of the rights thereto, the department shall file a  
36 petition to conduct an adjudication with the superior court of the  
37 county for the determination of the rights of appropriators of any  
38 particular groundwater body and all the provisions of RCW 90.03.110  
39 through 90.03.240 and 90.03.620 through 90.03.645, shall govern and

1 apply to the adjudication and determination of such groundwater body  
2 and to the ownership thereof. Hereafter, in any proceedings for the  
3 adjudication and determination of water rights—either rights to the  
4 use of surface water or to the use of groundwater, or both—pursuant  
5 to chapter 90.03 RCW, all appropriators of groundwater or of surface  
6 water in the particular basin or area may be included as parties to  
7 such adjudication, as set forth in chapter 90.03 RCW.

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

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