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**SUBSTITUTE SENATE BILL 5212**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Agriculture & Natural Resources (originally sponsored by Senators Shewmake, Short, Chapman, and Nobles)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to filing of adjudication claims for precode uses  
2 of groundwater and surface water in the water resource inventory area  
3 1 water rights adjudication; amending RCW 90.14.043; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that after  
7 completing the Yakima basin surface water rights adjudication, the  
8 department of ecology filed a new water rights adjudication for water  
9 resource inventory area 1 ("WRIA 1") applying to Whatcom and Skagit  
10 counties.

11 The legislature finds that water users are seeking to apply  
12 similar procedures and lessons learned from the Yakima basin water  
13 rights adjudication to the new WRIA 1 adjudication.

14 The legislature further finds that after the department of  
15 ecology filed the Yakima basin adjudication in 1977, the legislature  
16 passed chapter 216, Laws of 1979 ex. sess. (Engrossed Substitute  
17 Senate Bill No. 2794). This legislation ensured that water users who  
18 may have had precode water uses could participate in the adjudication  
19 court process.

20 The legislature intends to ensure that, like the Yakima basin  
21 adjudication, the WRIA 1 adjudication allows for the filing of

1 adjudication claims for precode uses of groundwater and surface  
2 water.

3 **Sec. 2.** RCW 90.14.043 and 1985 c 435 s 1 are each amended to  
4 read as follows:

5 (1) Notwithstanding any time restrictions imposed by the  
6 provisions of this chapter (~~(90.14-RCW)~~), a person may file a claim  
7 pursuant to RCW 90.14.041 if such person obtains a certification from  
8 the pollution control hearings board as provided in this section.

9 (2) A certification shall be issued by the pollution control  
10 hearings board if, upon petition to the board, it is shown to the  
11 satisfaction of the board that:

12 (a) Waters of the state have been applied to beneficial use  
13 continuously (with no period of nonuse exceeding five consecutive  
14 years) in the case of surface water beginning not later than June 7,  
15 1917, and in the case of groundwater beginning not later than June 7,  
16 1945, or

17 (b) Waters of the state have been applied to beneficial use  
18 continuously (with no period of nonuse exceeding five consecutive  
19 years) from the date of entry of a court decree confirming a water  
20 right and any failure to register a claim resulted from a reasonable  
21 misinterpretation of the requirements as they related to such court  
22 decreed rights.

23 (3) The board shall have jurisdiction to accept petitions for  
24 certification from any person through September 1, 1985, and not  
25 thereafter.

26 (4) A petition for certification shall include complete  
27 information on the claim pursuant to RCW 90.14.051 (1) through (8),  
28 and any such information as the board may require.

29 (5) The department of ecology is directed to accept for filing  
30 any claim certified by the board as provided in subsection (2) of  
31 this section. The department of ecology, upon request of the board,  
32 may provide assistance to the board pertinent to any certification  
33 petition.

34 (6) A certification by the pollution control hearings board or a  
35 filing with the department of ecology of a claim under this section  
36 shall not constitute a determination or confirmation that a water  
37 right exists.

38 (7) The provisions of RCW 90.14.071 shall have no applicability  
39 to certified claims filed pursuant to this section.

1 (8) This section shall have no applicability to groundwaters  
2 resulting from the operations of reclamation projects.

3 (9) (a) Notwithstanding any time restrictions imposed by the  
4 provisions of this chapter, for an adjudication filed in water  
5 resource inventory area 1 after June 1, 2023, filing an adjudication  
6 claim form as provided in RCW 90.03.140 satisfies the statement of  
7 claim filing requirements of RCW 90.14.041.

8 (b) Filing statements of claim shall not affect or impair in any  
9 respect whatsoever any water right existing prior to July 27, 1997. A  
10 water right embodied in a statement of claim filed under this  
11 subsection is subordinate to any water right embodied in a permit or  
12 certificate issued under chapter 90.03 or 90.44 RCW prior to the date  
13 the statement of claim is filed with the department of ecology and is  
14 subordinate to any water right embodied in a statement of claim filed  
15 in the water rights claims registry before July 27, 1997.

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