
SENATE BILL 5212

State of Washington

69th Legislature

2025 Regular Session

By Senators Shewmake, Short, Chapman, and Nobles

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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) 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.

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