

Adjudications Assessment

Robin McPherson

October 12, 2020

State Water Resources Adjudication Assessment

- What is Adjudication?
- Assessment recommendations
- Next steps



What is an Adjudication?

- Only way to identify all legal water users on a source
- Superior Court prioritizes rights from oldest to newest
- A single process for all facts, history, and law of water use
- Final Court Decree lists priority, quantity, and purpose of all valid water rights



How do Adjudications Work?

Sample years based on 2021 start date

1. Ecology defines a water source and identifies users (2021-2022)
2. Ecology files in Superior Court (2023). Court sets deadlines and process (2023-2024).
3. All water users respond with a claim and supporting evidence (2023-2025 or beyond)
4. Ecology provides a Report of Findings (2025 or beyond, perhaps in phases, depending on subbasins)
5. Water users may object to Ecology or each other (2023 at the earliest)
6. Court rules on rights and issues a schedule (10-20 years after filing, possibly in phases)



Form – Statement of Claim



ADJUDICATION STATEMENT OF CLAIM

1. Name of Claimant (Last, First MI)		2. Phone Number (day)						
		Phone Number (evening)						
3. Street Address:		4. Email Address						
5. Mailing Address (if different from above)								
6. Name, Address, and Phone number of Legal Owner of Property if different from claimant								
7. Driving directions to property on which water is claimed								
8. Legal Doctrine of the right or use on which claim is based (appropriation, riparian)								
9. Permit, certificate or claim number (attach copy)								
10. Documentation of Claimed Right (if any)								
WATER RIGHT OR CLAIM NUMBER		RECORDED NAME(S)						
IS THE DOCUMENTATION RECORDED IN YOUR NAME? <input type="checkbox"/> YES <input type="checkbox"/> NO								
IF NO, PROVIDE NAME AS SHOWN ON DOCUMENTATION:								
IS THIS CLAIM ASSERTING A RIGHT UNDER THE EXEMPTION FROM PERMIT PROVIDED WITHIN 90.44.050 RCW? <input type="checkbox"/> YES <input type="checkbox"/> NO								
IF SO, IS A WATER WELL REPORT AVAILABLE FOR THE SOURCE WELL? <input type="checkbox"/> YES <input type="checkbox"/> NO								
11. Name of the water source (stream name, "a groundwater well", etc.)								
12. Date of initiation of the water use project (This is from 90.03.140(3))		13. Date the water was put to first use (commencement of use) by the original appropriator						
14. Does the claimed right use a diversion or withdrawal of water from the water source?								
15. Legal description of the location of the point of diversion								
SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
DO YOU OWN THE CLAIMED POINT(S) OF DIVERSION/WITHDRAWAL? <input type="checkbox"/> YES <input type="checkbox"/> NO								
IF NO, PROVIDE OWNER(S) NAME:								
16. Asserted date of priority of claimed right				17. Date of the completion of diversion works				

18. Description of diversion or withdrawal and conveyance works							
19. The dimensions and capacity of all existing dams, ditches, pipelines, storage tanks or reservoirs							
20. Amount of land under irrigation (current and historical maximum and year of maximum)							
21. PURPOSES OF USE AND MAXIMUM WATER QUANTITIES CLAIMED FOR THOSE USES							
PURPOSE OF USE		GPM or CFS		ACRE-FT/YR		PERIOD OF USE	
22. Amount of land under irrigation (if applicable)							
23. Current and Historical maximum quantity of water used for irrigation							
24. Year of Maximum use		25. Number of residences and population served			26. Type and numbers of stock watered		
27. Legal description of the land where the water is used, including parcel numbers							
LEGAL DESCRIPTION OF LANDS WHERE CLAIMED WATER RIGHT IS USED:							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE CLAIMED PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:							
28.							
<input type="checkbox"/> Water still in use							
<input type="checkbox"/> Water is no longer in use and claimant does not intend to use water in the future							
29. I hereby declare under oath that all statements made herein are true to the best of my knowledge.							
Signature of Claimant							



Permit-Exempt Wells



- “A right equal to that established by a permit”
- Should not impair or be impaired
- Simplified Process
- Possible alternatives



Without Adjudication

- No final inventory for enforcement
- Uncertain water availability for mitigation
- Rights are always tentative
- Ecology cannot prioritize and cannot regulate Federal or Tribal rights

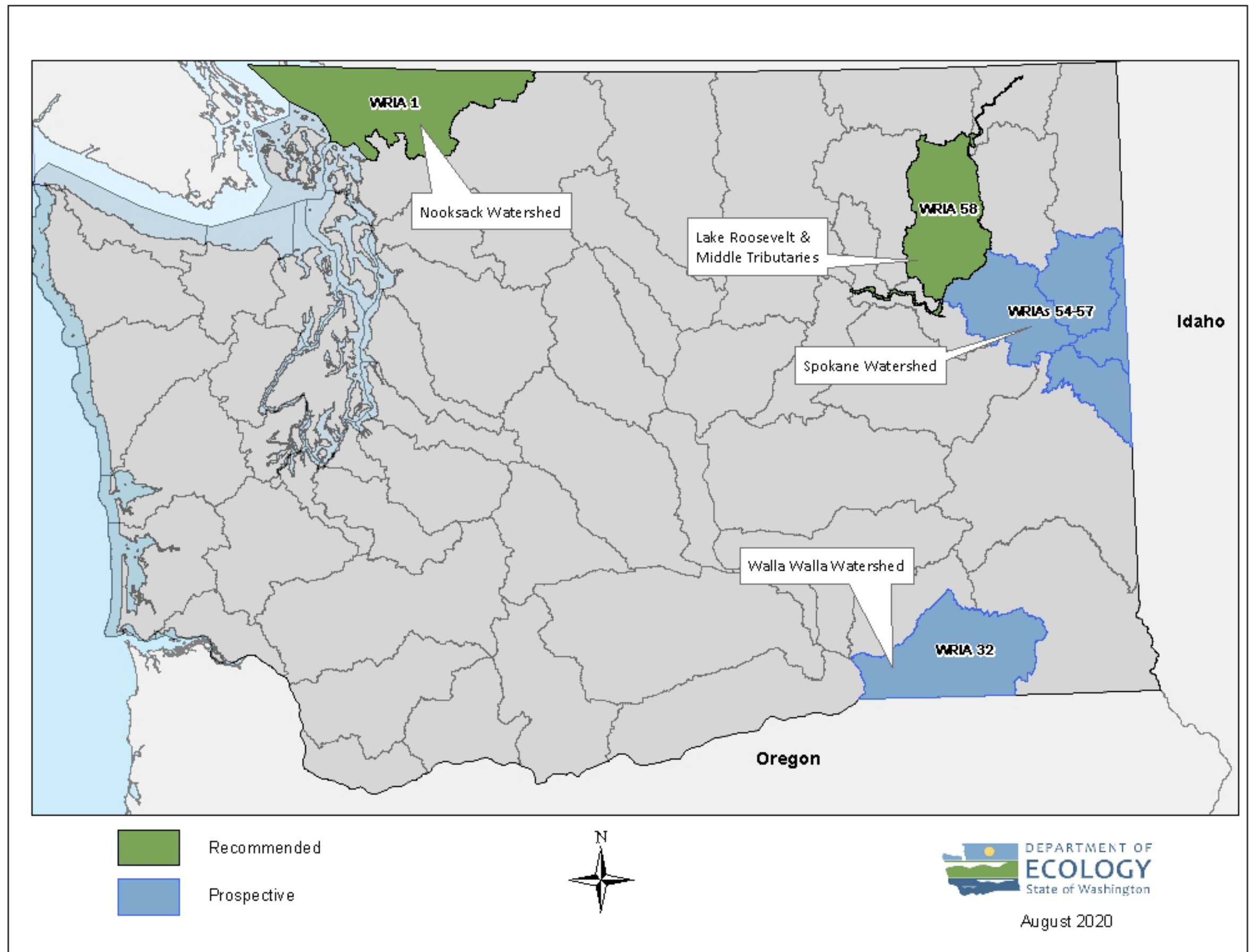


Watershed Assessments

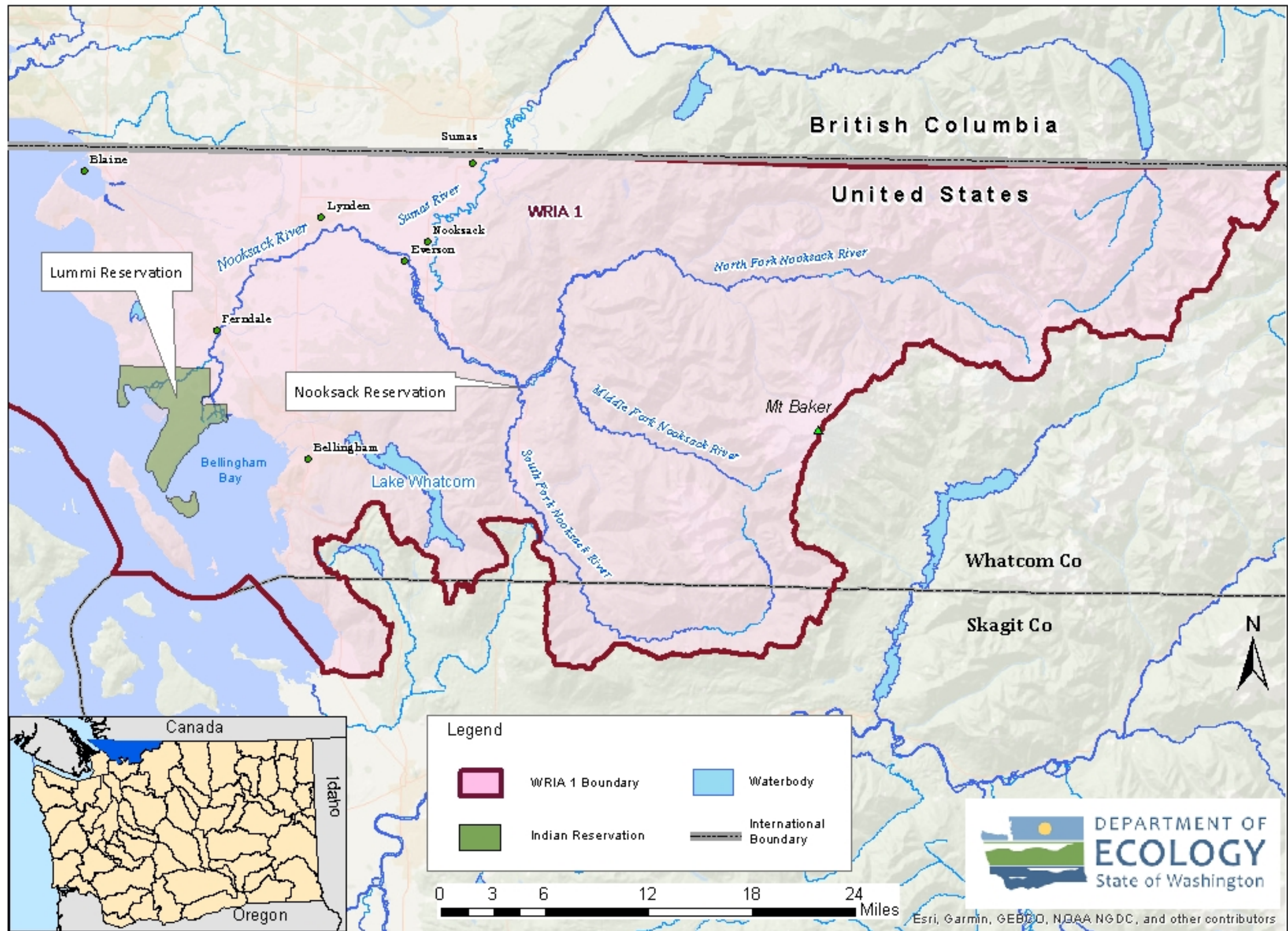
- How thorough and fair are current regulations?
- How certain are paper rights?
- How complete is the hydrology?
- How effective is stream protection?
- What other solutions have been attempted?
- How vulnerable to future risk?
- What would it cost and how long would it take?



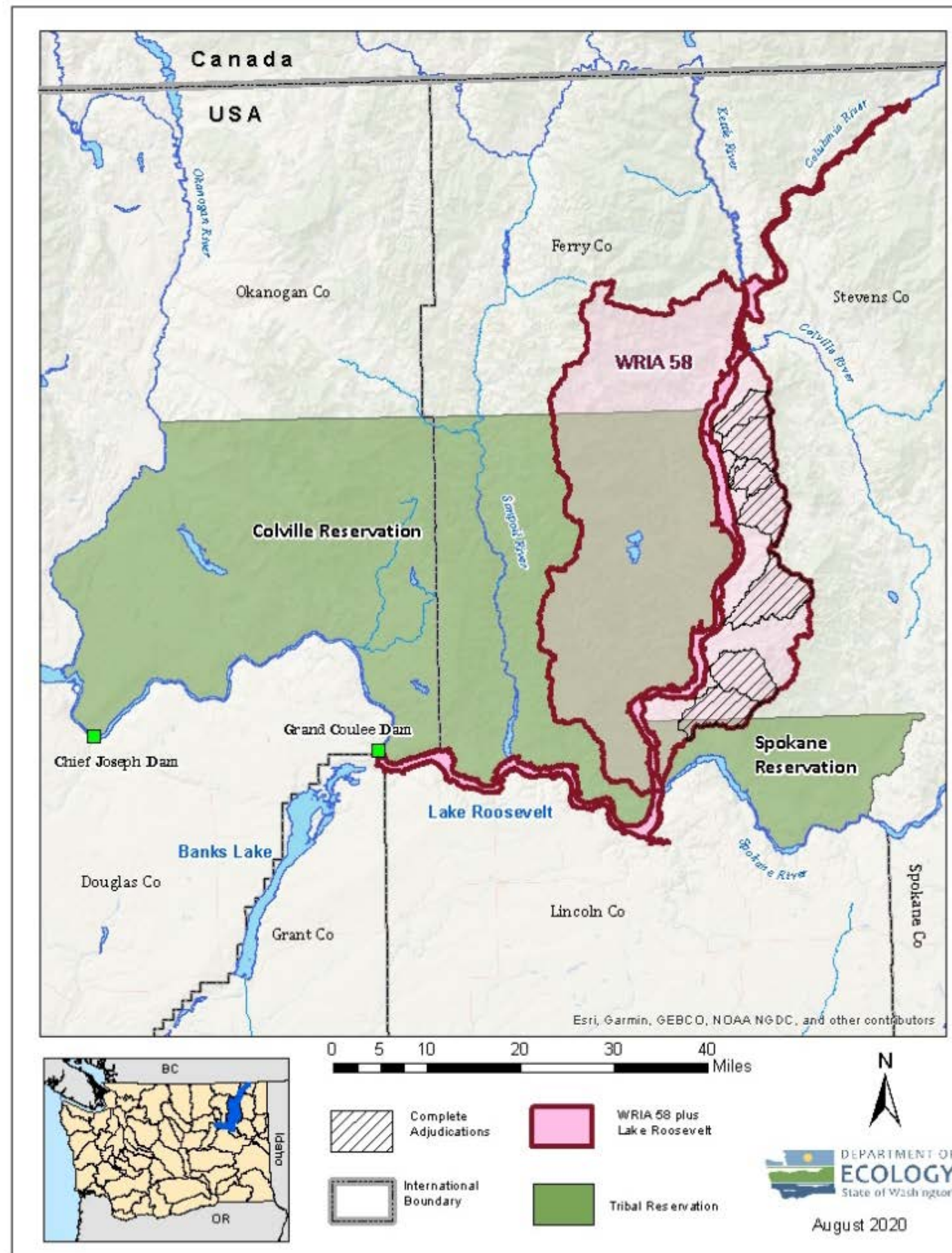
Recommended and prospective watersheds



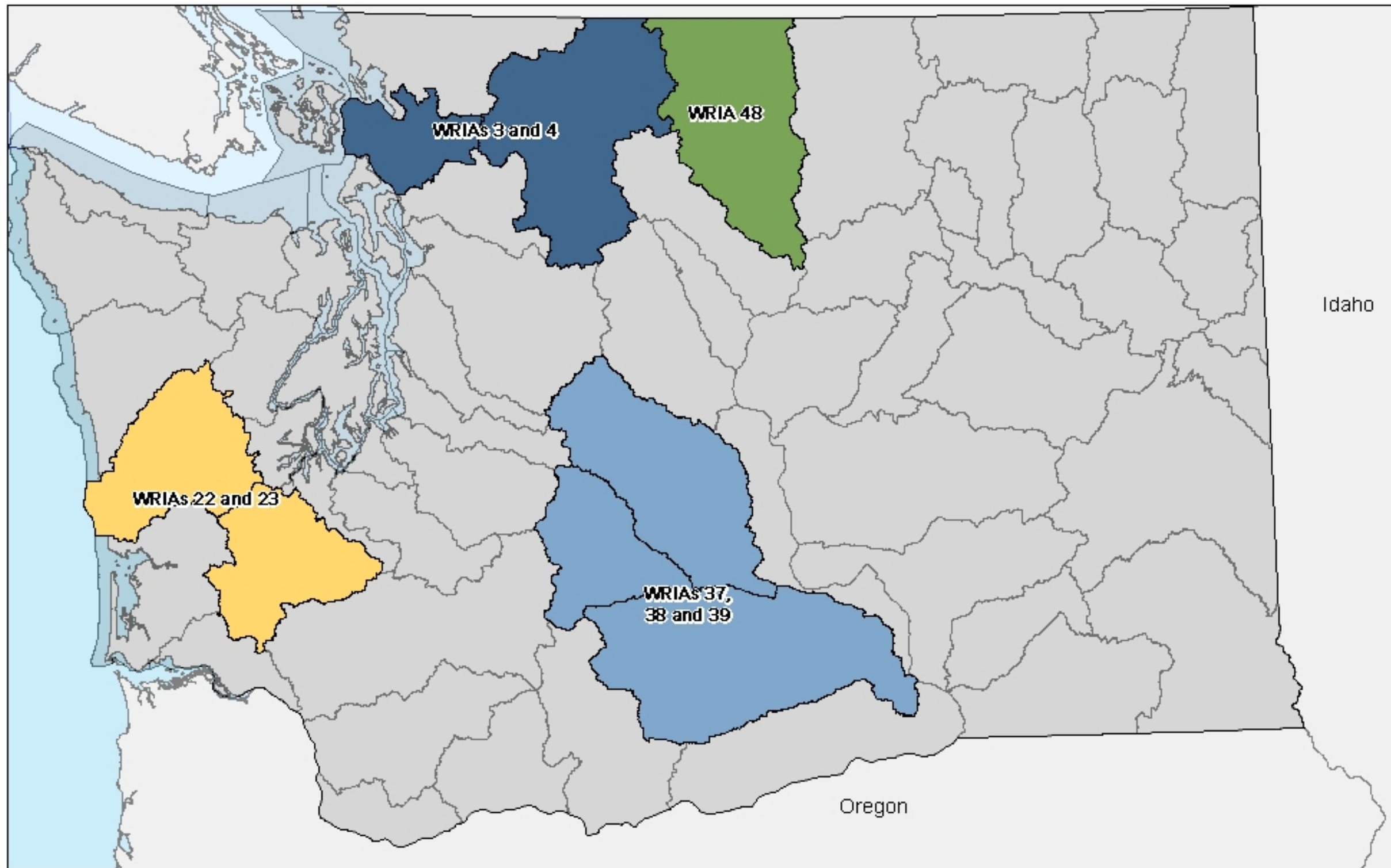
WRIA 1 - Nooksack







Lake Roosevelt and Middle Tributaries (WRIA 58)



Watersheds for future assessment

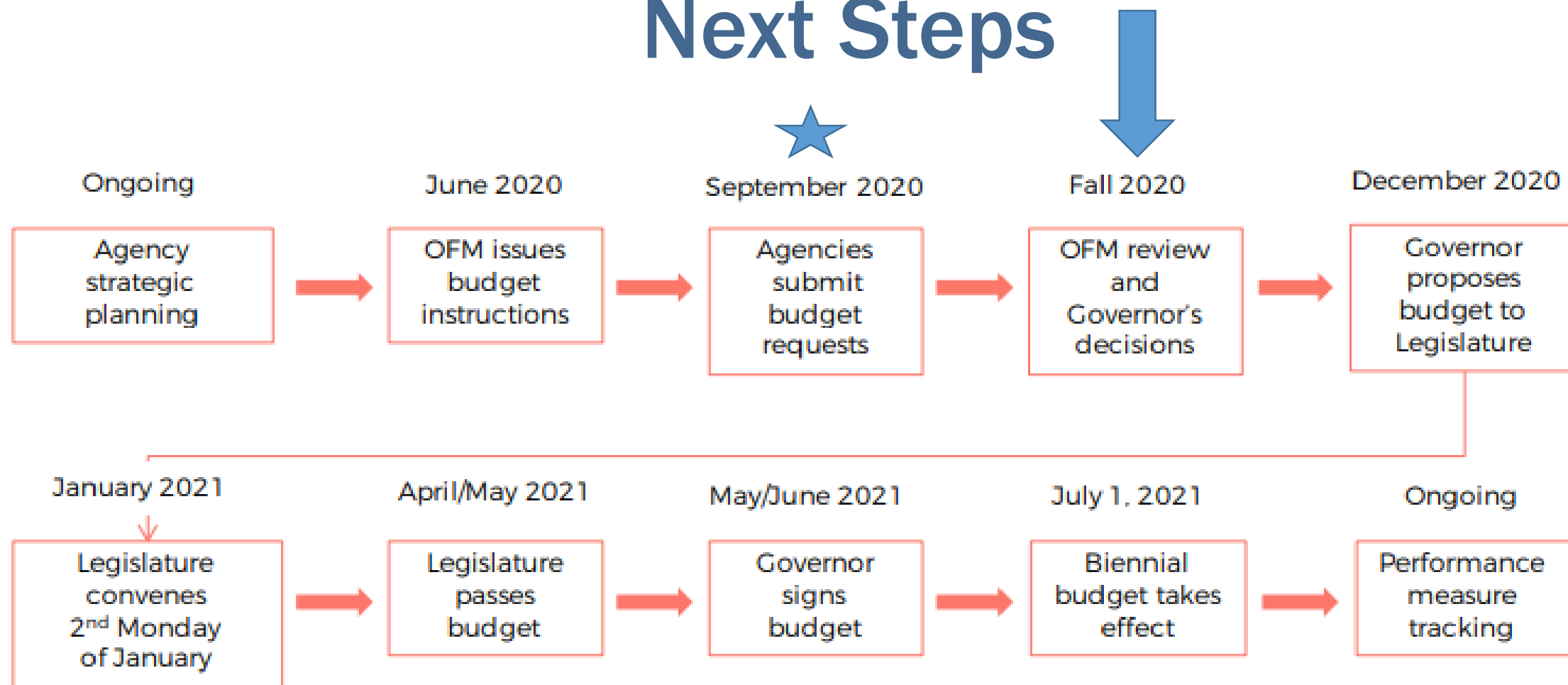


Legend

-  Chehalis Watershed
-  Skagit Watershed
-  Yakima Groundwater
-  Methow Watershed



Next Steps



- Decision package is part of Ecology's Budget Request
- No agency request legislation or statutory changes
- Legislative Report supports budget request



Robin McPherson

360-407-7244

Robin.McPherson@ecy.wa.gov

Adjudications Assessment 2020

