

Water rights adjudication will protect water rights in Spokane Area

Adjudication is the only legally binding way to determine who has a valid water right, how much water can be used, and who has priority during shortages. It is fundamental to protecting water rights.

As Idaho proceeds with their Northern Idaho Adjudication, Washington is making preparations necessary to begin a Spokane area adjudication. An adjudication is important to ensure that Washington State water right claims on waters shared with Idaho are fully protected.

Water rights adjudication is a big job, and requires that a considerable amount of preparatory work is completed before the actual legal proceedings can begin. Recognizing the importance and enormity of the task, the 2009 state Legislature provided \$587,000 for Spokane adjudication work. It is likely to be 2010 or beyond before we take the formal legal step to file the adjudication case with the court.

Idaho is now taking claims in the Northern Idaho Adjudication affecting the Spokane River and the Spokane Valley-Rathdrum Prairie aquifer. It will complete their effort to adjudicate nearly the entire state.

Q: What is a water rights adjudication?

A: Under Washington state law, only the courts can determine the extent and validity of water rights. This process is called an adjudication. It is a legal process to determine who has a valid water right, how much water can be used, and who has priority during shortages.

Persons claiming a right to use water make their claim in a local Superior Court. Adjudication provides a thorough accounting of water essential to using, protecting, planning and selling water. It is key to resolving and preventing water conflicts in an era of increasing water demands and water supply impacts of climate change.

WHY IT MATTERS

As Idaho proceeds with their Northern Idaho Adjudication, Washington is making the necessary preparations to begin a Spokane area adjudication. This is important for ensuring that Washington State water rights to shared waters are fully protected.

An adjudication is the only legally authorized way to determine the extent, validity and priority of water rights.

For more information:

Please visit the Ecology Web site at:
<http://www.ecy.wa.gov/program/s/wr/rights/adjhome.html>

Contact information:

Ben Bonkowski
360-407-6603
bbon461@ecy.wa.gov

Special accommodations:

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Q: Why is a Spokane area adjudication necessary?

A: An adjudication is necessary because it:

- Provides legal inventory of water necessary to manage and plan for future water demand.
- Supports Washington's interest in negotiations and any necessary litigation in the use of interstate waters shared with Idaho.
- Protects legal water users from being negatively impacted by those with no rights, those using water beyond their authorized limits and those with junior rights.
- Facilitates the ability to change, transfer, and market water to meet emerging economic and environmental needs, and supports water banking.
- Establishes legal title to water use that increases the value of water and land to water right holder.

Q: Will Spokane area water rights be adjudicated?

A: Yes, work is underway to prepare for the adjudication. The Legislature provided funding available July 1, 2009 and enacted legislation to modernize the 1917- era adjudication law.

Q: When will the adjudication process begin?

A: It is likely to be 2010 or beyond before we take the formal legal step to file the adjudication case with the court. We will publicize the timing and provide information for participants well in advance of the start.

Q: Why not start the process now?

A: Water rights adjudication is a big job. It requires significant up-front preparation to provide information and support for a fair, efficient, and timely process.

Q: What start-up work needs to be done?

A: Before an adjudication process begins, the start-up work consists of:

- Consultations and development of information materials.
- Technical work including digital mapping and development of a data system.
- Planning, legal and budget work and transition of resources from the Yakima adjudication.
- Reporting to the Legislature and consulting with the Administrative Office of Courts before formally filing the case.