

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 nears completion of their Northern Idaho Adjudication, Washington State has completed preliminary work to prepare for a Spokane-area adjudication. Further action leading to a formal start of the adjudication is currently on hold pending funding and a formal decision to proceed.

The Northern Idaho Adjudication affects the Spokane River and the Spokane Valley-Rathdrum Prairie Aquifer. When completed, Idaho will have adjudicated nearly their entire state. Proceeding with a Spokane-area adjudication is essential to ensure that Washington rights to shared waters are protected.

Water rights adjudication is a big job, and a considerable amount of preparatory work must be completed before the actual legal proceedings can begin. Recognizing the importance and enormity of the task, the 2009 state Legislature provided \$587,000 to begin preparations for a Spokane-area adjudication. They also modernized the 1917-era adjudication law.

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 (described in brief as the validity, extent and priority of a water right).

After the Department of Ecology (Ecology) files a petition for adjudication in a Superior Court, persons claiming a right to

WHY IT MATTERS

As Idaho proceeded with their Northern Idaho Adjudication, Washington began preparations for 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/programs/wr/rights/adjhome.html>

Contact information:

Water Resources
360-407-6872

Special accommodations:

To ask about the availability of this document in a version for the visually impaired call the Water Resources Program at 360-407-6872. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

use water make their claim in the Court. Adjudication provides a thorough accounting of water, which is essential to using, protecting, planning for, 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.

Q: Why is a Spokane-area adjudication necessary?

A: A Spokane-area adjudication is necessary because it will:

- Provide a legal inventory of water rights, which is necessary to manage and plan for future water demand.
- Support Washington's interest in negotiations and any necessary litigation in the use of waters shared with Idaho.
- Protect legal water users from being negatively impacted by those with no rights, those using water beyond their authorized limits, and those with junior rights.
- Facilitate the ability to change, transfer, and market water to meet emerging economic and environmental needs; and support water banking.
- Establish legal title to water use that increases the value of water and land to a water right holder.

Q: When will the Spokane-area adjudication process begin?

A: Due to budget constraints, we don't know when we will be able to take the formal legal step to file the adjudication case with the court. Water rights adjudication is a big job. It requires a significant funding commitment and up-front preparation to provide information and support for a fair, efficient and timely process. We will publicize the timing and provide information for participants well in advance of the start.

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

A: Before the Spokane-area adjudication process can begin, the following start-up work must be completed:

- Consulting with various groups and developing information materials.
- Consulting on administrative matters with the County Superior Court, Office of the Clerk and the State Administrative Office of the Courts.
- Securing necessary budget; and completing planning, legal and technical work.
- Transitioning of resources from the Yakima adjudication.
- Reporting to the Legislature as required before formally filing the case.