

Lake Roosevelt/WRIA 58 Likely Adjudication Process and Current Status

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May 16, 2024



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Water Rights Adjudication Basics

- A water rights adjudication is the legal process to resolve conflict and competition on a water source.
- Adjudication legally determines the quantity, the place of use, and priority of each right.
- RCW 90.03.105-.245 and .620-650 lay out process.
- *Aquavella* has been the only basin-wide adjudication in Washington, took 42 years to complete.
 - Surface water only.

Lake Roosevelt Adjudication: Getting Started

- The Colville Confederated Tribes petitioned Ecology for an adjudication in 2019.
- Also in 2019, the Legislature directed Ecology to assess which areas would benefit the most from an adjudication.
 - The Legislature has a stated desire for certainty in water resources management and planning, which an adjudication may provide. RCW 90.03.105.

Ecology's Recommendation

- In 2020, Ecology recommended Lake Roosevelt/WRIA 58 to the Legislature for an adjudication.
- Most of the use comes from Lake Roosevelt, which provides irrigation water for the federal Columbia Basin project.



Ecology's Recommendation Based in Uncertainty

- Tribal water use is currently unquantified and the tribes claim reserved water rights senior to Columbia Basin Project rights.
 - “The claims of the Colville and Spokane Tribes over the Columbia River pose one of the most profound uncertainties of water management in the state.” – Ecology, in recommendation to Legislature.
- Climate change → more fluctuations in river flow and lake level → more uncertainty.

The Legislature's Response

- In 2021, the Legislature appropriated funds for 2022 and 2023 for the preparation and filing of adjudications in both the Nooksack and Lake Roosevelt watersheds.
- In 2023, the Legislature appropriated \$573,000 in 2024 and \$963,000 in 2025 for the preparation and filing of a Lake Roosevelt adjudication.



Water Rights Adjudication: Parties

- Ecology will file suit against all water users in the basin. RCW 90.03.110.
- Defendants will include all those who own land in the WRIA 58/Lake Roosevelt areas outside of a water service area and/or claim a water right, plus tribes and the United States.
 - Ecology has records for 843 holders of water rights in this area.
 - Does not include pre-code claims, permit-exempt wells, or tribal rights.

Water Rights Adjudication: Initial Actions

- Court will issue summonses with claims forms.
 - RCW 90.03.120 provides that the summonses with claim forms should be returned within 100-130 days after the court order directing the summonses to be issued.
 - 1 year for WRIA.1.
 - Time period can be modified at the request of Ecology.
 - Ecology must seek notice and comment on draft claims forms. RCW 90.03.140(3).
- Court will set deadline for submittal of evidence, but parties will have at least 3 years after the claims filing deadline to submit evidence. RCW 90.03.635.

Water Rights Adjudication: Discretionary Procedure (RCW 90.03.160(2-3))

- Superior Court may appoint a referee to assist the court (would need to be funded by the Legislature).
- Superior Court may adopt special rules of procedure.
 - Will likely divide into sub-basins or sub-areas.
- Court is encouraged to adopt pretrial orders from *Acquavella*.



Water Rights Adjudications: Litigation

- Ecology will prepare Reports of Findings for each sub-basin or sub-area. RCW 90.03.640.
- Water users can object to Ecology's ROEs and cross-examine witnesses and claimants. RCW 90.03.160.
- Court will encourage settlement of disputes. RCW 90.03.640(2)(b), RCW 90.03.645.
- Court will rule and issue Conditional Final Orders, and eventually, a Final Decree. RCW 90.03.200.
- Parties may appeal within 60 days of entry of the final decree. RCW 90.03.200.

Thank You!



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