

Margaret Lee

Comments on Draft Full-Length Court Claim Form

"2. Legal Basis of water right" (p. 3):

The form only gives three options: (1) water right document, (2) ground water permit exemption, or (3) other.

This section should also ask about information in RCW 90.03.140(1)(k), whether a statement of claim relating to the water right was filed as a water right claim (under chapter 90.14 RCW) or whether a declaration relating to the water right was filed under chapter 90.44 RCW.

"3. When did this use begin?" (p.3)

For complete information on use and to establish priority date, this question should also ask when the initial application was filed and for the claimant to identify the application number.

"9. What is the water used for?" (p.5):

Prior to the questions on when and where the water is used, it would be helpful to ask the type of use. This is especially true for municipal water rights because municipal providers will be providing different information on place of use than individual property owners. Recommend moving up type of use to page 3 or 4.

"Municipal use" (p. 8)

The form asks, "Is the existing water right supplementary, additive, or non-additive to another water right in your municipal water right portfolio?" Ecology should make this list either: (1) more generic or (2) specific to the terms used in their 2006 Guidance, "Use of Terms that Clarify Relationships between Water Rights." This question is relevant to all water claimants with multiple water rights, and should be included in each category of use.

In addition, Ecology states in its Guidance that the use of terms "supplemental" and "primary" have historically been used inconsistently by Ecology, and that Ecology will no longer use "supplemental." Rather than perpetuate the confusion, Ecology should reword the question to be consistent with the Guidance and the check box below the question (using "associated"): e.g., "Is the existing water right associated to another right in your municipal water right portfolio? (e.g., additive, non-additive, alternate)."