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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
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CASE NO. 304701

**IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON, DIVISION III**

**SCOTT CORNELIUS, PALOUSE WATER CONSERVATION
NETWORK, AND SIERRA CLUB PALOUSE GROUP,
APPELLANTS**

V.

**WASHINGTON DEPARTMENT OF ECOLOGY AND
WASHINGTON STATE UNIVERSITY,
RESPONDENTS**

**AMICUS CURIAE BRIEF OF THE JAMESTOWN S'KLALLAM
TRIBE, PORT GAMBLE S'KLALLAM TRIBE, SUQUAMISH
TRIBE, AND TULALIP TRIBES**

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I. IDENTITY AND INTERESTS OF THE *AMICI* TRIBES

A. The *Amici* Tribes Hold Federally Reserved Fishing Rights

*Amici*¹ are federally recognized Indian tribes located within the State of Washington. The *Amici* Tribes base their participation on the impact to their federally protected rights by the statewide application of legal interpretations to be made in this case. These interests are outlined fully within the *Amici* tribes Motion for Leave to File as *Amicus curiae*.

The Tribes have an interest in instream flows necessary to support their Treaty fisheries.² The state water rights system provides some protection for many instream flows through administrative rule adoption. See RCW 90.22.010 and RCW 90.54.020. Flows set by these rules are water rights with priority dates based on the effective date of the rule. RCW 90.03.345.

B. *Amici* Tribes Hold Junior State Issued Water Rights

Some of the Tribes hold state water right certificates issued by the State of Washington. Any factual or legal change to a senior water right that increases the amount water available to that appropriator decreases the value of all water rights that are junior in priority to it. As holders of state

¹ The *Amici* Tribes are the Tulalip Tribes, Suquamish Tribe, Jamestown S'Klallam Tribe, and Port Gamble Tribe.

² The Tribes' federal reserved water rights are not at issue in this matter.

water rights, the Tribes have an interest in seeing that the requirements of Washington's water law are applied fairly and consistently to all applicants.

II. RELEVANT FACTS

Washington State University (WSU) holds three water right certificates, two water rights claims and one supplemental water right permit, the oldest of which dates back to 1934. The combined annual water quantity (Qa) under the certificates is 5,300 acre feet per year (afy). However, WSU's actual beneficial use of water has ranged between 1,711 and 1,988 afy, with the greatest amount of water used over the past 78 years (1,988 afy) occurring almost two decades ago in 1994. AR 85 at 3. Therefore, over 60% of WSU's claimed water rights have never been actually used.³ Only one of the rights, the supplemental permit, has a

³ The priority dates of these water rights are: 1934 (Claim 098522), 1938 (Claim 098523), 1962 (Cert. 5070-A), 1963 (Cert. 5072-A), 1973 (Cert. G3-22065C), and 1987 (Permit G3-28278P). Ex. A-1 at 3 (Table of Water Rights). Three of those rights are represented by certificates that include substantial amounts of water that have never been put to use. Specifically, Certificate No. 5070-A has a priority date of 1962, was issued for 2,260 acre-feet per year, Ex. A-8, but its assigned point of withdrawal, Well No. 4, has never pumped for more than 1,090 acre-feet. AR 52, Ex. 2. Certificate No. 5072-A has a priority date of 1963, was issued for 720 acre-feet per year, Ex. A-14, but its assigned point of withdrawal, Well No. 5, has never pumped for more than 228 acre-feet. AR 52, Ex. 2. Finally, Certificate No. G3-22065C has a priority date of 1973, was issued for 1,600 acre-feet per year, Ex. A-20, but its assigned point of withdrawal, Well No. 6, has never pumped more than 1,102 acre-feet. AR 52, Ex. 2.

When Ecology issued the decisions consolidating WSU's six water rights that are the subject of this appeal, only one of the six rights, Supplemental Permit No. G3-28278 was issued with a development schedule. Ex. A-24. Because G3-28278 is a supplemental right, that schedule is applicable to Claim No. 98222 and Certificate No. 5070-A, to the extent those two rights represent valid quantities. Certificates 5070 and G3-22065C do not have development schedules that require those rights to be put to use with reasonable

development schedule. AR 85 at 26, n.16. The Department of Ecology, or its predecessor agency, issued WSU's water right certificates without verifying actual use of the water. Ecology's action in issuing these certificates was in violation of the Water Code requirements and beyond Ecology's authority. See *Department of Ecology v. Theodoratus*, 135 Wn.2d 582 (1998) (*Theodoratus*).

III. AUTHORITY AND ARGUMENT

A. Introduction

Since at least 1917 it has been the law of this state that: “[s]ubject to existing rights, all waters within the state belong to the public, and any right thereto . . . shall be . . . acquired *only by appropriation for a beneficial use. . . .*” RCW 90.03.010 (*Emphasis added*). At all times since WSU drilled its first well in 1934, Washington law has included a fundamental requirement that any person who seeks the right to use water must construct works sufficient to withdraw and use the water and then put the water to actual beneficial with reasonable diligence. *In re the Water Rights of Alpowa Creek*, 129 Wash. 9, 13-15, 224 P. 29 (1924) (*Alpowa Creek*). Since 1945 when the ground water code was adopted by the Legislature, an applicant was also required to apply for and obtain a

diligence. AR 85 at 26, n. 16.

ground water right certificate. RCW 90.44.060. That certificate is to be issued only when the applicant has demonstrated that it has perfected the right by putting all the water claimed to actual beneficial use. RCW 90.03.330(1).

WSU's water rights certificates were unquestionably issued prematurely by Ecology because WSU admittedly has never perfected the entire quantity of its claimed rights, as required by statute. This situation came about due to an unlawful but apparently long-standing policy of Ecology to issue water rights certificates based on water system capacity rather than actual use. *See Theodoratus*, 135 Wn.2d 582, 599, 602-603 (1998). When the Supreme Court in *Theodoratus* declared Ecology's "pumps and pipes" policy to be in conflict with statutory authority and *ultra vires*, the status of certificates such as WSU's was called into question.

To address these and other questions the Legislature adopted an amendment to RCW 90.03.330 that declared where the certificate was issued "based on an administrative policy for issuing such certificates once works for diverting or withdrawing and distributing water for municipal supply purposes were constructed rather than after the water had been placed to actual beneficial use" then "[s]uch a water right is a right in good standing." RCW 90.03.330(3).

This legislative declaration, however, created additional questions. If the Legislature was purporting to rule on whether each of the many “pumps and pipes” certificates in the State actually represented a water right fully perfected in the face amount of the certificate, then serious due process and separation of powers questions were raised. The type of individual fact finding necessary to determine whether the certificate holder had actually complied with the requirement to diligently use the water they claim is the province of the courts, not the legislative branch. *City of Tacoma v. O’Brien*, 85 Wn.2d, 266 (1975). In *Lummi Nation v. State of Washington*, 170 Wn.2d 247 (2010) the Supreme Court resolved this uncertainty by holding that the Legislature was not adjudicating the particulars of each pumps and pipes certificate when it adopted RCW 90.03.330(3). Instead, the Legislature was merely declaring a policy that such certificates are not automatically void, despite the defects in their issuance, and must be “treated like any other vested water right represented by a water right certificate.” *Id.* at 265.

In short, what this holding means for the present case is that Ecology was required to make a determination whether WSU had acted with reasonable diligence to put to use the water it claims. For Ecology to determine what amount of water WSU can consolidate, Ecology must first determine the amount of water WSU has perfected. RCW 90.03.330.

Neither the face amount of the improperly issued certificates nor the Legislature's "good standing" declaration relieves Ecology of this responsibility. Both Ecology and WSU appear to accept this fact in their briefing, but the evidence supporting Ecology's finding of diligence by WSU is entirely insufficient.

B. Reasonable Diligence Is Crucial In the Water Rights System

Water rights are a peculiar type of property right because the value and usefulness of each right within a water basin is dependent on the extent to which the other rights are actually used. All users share rights to water in a given source, but the sharing is determined by seniority, not by any equitable principle. *See* RCW 90.03.010. If water is not sufficient in a given year to satisfy all rights, the senior right is entitled to its entire amount, even if that means that a junior right must be shut off completely. *Id.* On the other hand, if a senior right holder does not use the entire right, junior rights can be fulfilled from the water the senior is not using – at least until the senior right holder does elect to use the water.

In addition, junior users are further put at risk by another tenet of water law: relation back. Under this principle, the priority date for the entire water right is determined by ("relates back to") the date the user first put the water to use, even if the full amount of the water is not

actually used until a number of years later. RCW 90.03.340.

In addition to the effects on junior appropriators, delayed or suspended use of a water right has effects on potential new water users. When Ecology evaluates an application for water rights, it is required to apply a four-part test, one aspect of which is whether water is available for appropriation, taking into account all existing water rights. *See* RCW 90.03.290 and RCW 90.44.100. In making this determination, Ecology must consider all the existing “paper” water rights in addition to the actual withdrawals from the source to determine whether water is available. Potential users who are ready and able to put water to immediate use may be denied the opportunity to use the water because it is already “spoken for” by the senior right holder who is not actually using the water.

To address some of these issues, the law requires a claimant to develop actual beneficial use of the water *with reasonable diligence*. The present case illustrates the wisdom of this requirement and the potential hazards of failing to apply it properly. Of the 5,300 acre feet of water that WSU claims, only about 2,000 acre feet have ever been put to use since 1934. The aquifer from which these rights are drawn is declining at a rate of 1-2 feet per year⁴, indicating that current actual use by all appropriators

⁴ Water levels in the Grande Ronde have historically declined at a rate of between 1 and 2 feet per year for 70 or more years. . . . Although absolute values are still uncertain, it is thought that there is . . . very little recharge to the Grande Ronde. Ex. R-65 at 5 (2006)

exceeds the natural recharge of the aquifer. .

Under the PCHB ruling here, WSU is legally entitled to take an additional 3,000 acre feet of water annually from this aquifer. If that occurs, junior users, some of whom have used and depended on this water supply for between 40 and 75 years, will be shut down, and the already declining aquifer will be even more rapidly depleted. CP 89 at 21 (¶37) and Ex. A-31 at ll. 255-58 (aggregate pumping is causing Grande Ronde Aquifer declines).

C. The Court Should Apply Established Principles Of Reasonable Diligence

The only evidence supporting WSU's claim of reasonable diligence in this case was a conclusory statement by Ecology's examiner to the effect that the University's enrollment has "continued to grow over time." AR 27 at 3 (*Brown Decl.*). This statement fails to address how much water is likely to be needed in the future, when it will be needed or any other factor relevant to the basic question of why WSU has never used 60% of the water it claims.

That WSU may now be classified as a "municipal supplier"⁵ under

Palouse Ground Water Basin Water Use Report, Palouse Basin Aquifer Committee, September 2007).

⁵ The definition of "municipal supplier" is still not fully settled under the law. As currently interpreted, an odd assortment of traditionally non-municipalities may qualify as a "municipal water supplier," such as trailer parks and private water associations. Regardless, all must exercise reasonable diligence in perfecting their rights.

current state law does not provide it with a free pass when it comes to reasonable diligence. RCW 90.03.320 specifically addresses the factors that Ecology should consider when evaluating the reasons why a municipality has not yet put water to use. RCW 90.03.460 instructs Ecology to preserve unused rights, such as those held by WSU, as long as “the application of the water in question to a beneficial use is being prosecuted with reasonable diligence, having due regard to the circumstances surrounding the enterprise, including the magnitude of the project for putting water to use.”

Because the WSU certificates were issued in violation of the water code provisions requiring perfection of the right through actual use of the water, there are no statutes that address how Ecology should evaluate reasonable diligence in relation to an existing certificate. However, the law applicable to diligence at the permit stage (RCW 90.03.320, discussed below) provides useful parallels, especially because it represents the law that Ecology should have applied when it prematurely and unlawfully issued unperfected certificates.

In *Concerned Neighbors of Lake Samish v. Ecology*, PCHB No., 11-126 (2012) (*Concerned Neighbors*), the PCHB recently cancelled a municipal water right permit for failure to perfect the water rights with reasonable diligence over the course of approximately 25 years. In

Department of Ecology v. Abbott, 103 Wn.2d 686, 694-96, 694 P.2d 1071 (1985) (*Abbott*), the court held that 15 years was a “reasonable time” to perfect a riparian water right following adoption of the prior appropriation-based water code, Ch. 90.03 RCW, in 1917, and failure to put riparian rights to use by 1932 justified forfeiture of the unused portion. In *Colville Confederated Tribes v. Walton*, 752 F.2d 397, 403, fn. 4 (1985), the court determined that a lapse of twenty years was too long to demonstrate diligence in putting non-Indian water rights to use on an Indian reservation, despite the fact that the period at issue included both the Depression and World War II. These latter two cases impacted thousands of water rights, and exemplify judicial endorsement of the requirement that water rights must be put to use within a reasonable time frame, defined as 15-20 years, in order to remain valid.

In this case, WSU has not perfected its water right certificates for almost 50 years. WSU, like every other water right holder, has a duty to prosecute the development of its water rights with diligence. Diligence is particularly important when the water body at issue is fully or over-appropriated, as is the case here and as is so in many places around the state. To allow WSU to defer the perfection of its water rights for half a century, possibly in perpetuity, with no development schedule, is an abuse of agency discretion.

WSU is subject to a determination of reasonable diligence by law. When considering the establishment of the priority of water rights under the relation back doctrine, unscheduled extension of WSU's water rights negatively impacts the predictability and certainty of junior water right holders currently exercising and diligently developing their own water rights from the same sources of water. This result is contrary to state policy to obtain the maximum net benefits of the use of water considering both environmental and economic concerns and is therefore not in the public interest. RCW 90.03.340; RCW 90.03.005; *Case v. Ecology*, PCHB 89-114 (1990).

Therefore, the unused portion of the WSU water right certificates should be cancelled and the University could reapply for a new water permit if necessary, on equal footing with other prospective water users in the basin.

Allowing an extension of the existing certificates that have not been perfected for decades is contrary to the law and creates great risk of uncertainty for those who have received water rights that they diligently put to beneficial use from the same groundwater source. A new application protects the integrity of the prior appropriation doctrine by allowing for a water right with a priority date that will properly relate back to the date from which there has been reasonable diligence, and will not be

detrimental to junior water right holders and allow for consideration of all significant factors, including environmental and economic concerns.

When the PCHB evaluates diligence, it must consider the factors set forth in RCW 90.03.320. It did not do so here, and thus committed error.

D. All Water Rights, Regardless of the Beneficial Use, are Subject to Reasonable Diligence Requirements

This appeal raises the issue of whether the unused portion of three water right certificates, presently held for municipal water supply purposes, and determined by the PCHB to be "in good standing" under RCW 90.03.330 (3), are subject to reasonable diligence requirements, and, if so, when and how reasonable diligence should be evaluated for such rights.⁶ The diligence statute, RCW 90.03.320, sets forth factors to be considered when evaluating water rights for municipal purposes:

. . . . In fixing construction schedules and the time, or extension of time, for application of water to beneficial use *for municipal water supply purposes*, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures implemented by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-

⁶ This brief does not address Appellants' claims that WSU's unused non-municipal certificates have actually been lost for non-use. Tribal *amici* support the argument that Ecology and the PCHB could not revive unused rights that were relinquished by WSU prior to enactment of the Municipal Water Law. See Appellants' Opening Br. at 15-24; Appellants' Reply Br. at 3-5, 8-13. The reasonable diligence arguments set forth herein apply only to the extent that unused portions of WSU's water right certificates are found to be of continuing validity.

approved comprehensive plan under chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and related water demand projections prepared by public water systems in accordance with state law. (*Emphasis added*).

Further, Ecology concedes that the diligence requirement applies to WSU's water rights, and is a component of maintaining the good standing of municipal rights. *Dep't of Ecology's Response Br.* at 8, 15, 42-43. Ecology also has guidance documents indicating that reasonable diligence requirements apply to approvals authorizing transfer of municipal water supply rights, regardless of the permit or certificated status of the rights. *See* Washington Department of Ecology POL 1280.⁷

The question of diligence is a fundamental element of the prior appropriation doctrine, which the Washington legislature adopted in 1917 as the exclusive law for establishment of water rights in this State and is primarily codified in Ch. 90.03 RCW (1917 Water Code). *Abbott, supra* at 692. The establishment of a water right under the prior appropriation doctrine is based on the concept of beneficial use, which is defined as "that quantity of water that has been applied to a beneficial purpose *with reasonable diligence* and thereafter maintained by continued application of the water in an efficient manner." *Id. (Emphasis added); Offield v. Ish*, 21 Wash. 277, 380-281, 57 P. 809 (1899). In *Offield*:

Appropriation of water consists in the intention, accompanied by

⁷ See <http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol1280.pdf>.

reasonable diligence, to use the water for the purposes originally contemplated at the time of its diversion.

Offield v. Ish, 21 Wash. at 280-281. (*Emphasis added*).

In the 1917 Water Code, the legislature protected those water rights commenced prior to 1917 by declaring that the rights remained in good standing “while the application of water in question to a beneficial use is prosecuted with reasonable diligence,....” RCW 90.03.460. The development schedule required by RCW 90.03.320 is the codification of the reasonable diligence or due diligence requirement under the common law to establish a water right after 1917. *Theodoratus*, 135 Wn.2d 582 (1998). Actual construction work shall begin within a reasonable period, and “be prosecuted with diligence, and completed within the time prescribed by Ecology.” RCW 90.03.320.

When a water right application is approved, under RCW 90.03.320, Ecology prescribes a development schedule for the permit that generally requires a date for beginning of construction of the project, a date for completion of construction of the project, and a date when the water must be applied to full beneficial use. *See Theodoratus*, 135 Wn.2d at 591. When the development schedule of a water permit is not met, the permit will be cancelled unless Ecology authorizes an extension of that schedule. RCW 90.03.320. RCW 90.03.320 provides in part:

For good cause shown, the department shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected.

Reasonable diligence is a question of fact and considered on a case-by-case analysis. *Alpowa Creek*, 129 Wash. 9, 15, 224 P. 29 (1924). It requires the permit holder to act with vigilance and steady and constant effort with all possible and reasonable expedition. *City & County of Denver v. Northern Colorado Water Conservancy District*, 130 Colo. 375, 276 P.2d 992 (1954). Water rights must be developed in the most expedient and efficient fashion possible under the circumstances. *Id.* The water use must be accomplished as soon as practicable, and the efforts cannot be sporadic, speculative, and fanciful. *Thorp v. McBride*, 75 Wash. 466, 469-470, 135 P. 228 (1913).

The prohibition of speculating on future use of water rights also applies to municipalities. Municipalities cannot hold unused water rights for speculative purposes. *Okanogan Wilderness League (OWL) v. Town of Twisp*, 133 Wn.2d 769, 784-785 (1997) (*OWL*). All water rights, regardless of use, are subject to the reasonable diligence test, including for municipal purposes. See *OWL supra*, and *Concerned Neighbors, supra* at 32.

E. Public Policy Requires the State to Cancel Water Certificates, including the Unused Portion, if Reasonable Diligence Requirements are Not Met

The underlying reason for the constitutional, legislative, and judicial emphasis on beneficial use of water lies in the relation of available water resources to the ever-increasing demands made upon them. *See Department of Ecology v. Grimes*, 121 Wn.2d 459 at 468 (1993). The reasonable diligence standard provides predictability and certainty for current and future water right holders and applicants from the same and limited water source. The priority date of the water right is a core element in maintaining this certainty and is determined based on the reasonable diligence in developing the right. *Id.*; RCW 90.03.010.

Under common law, a water right does not vest with a priority date until the water right has been diligently developed and water is applied to beneficial use. *Hunter Land Co. v. Laugenour*, 140 Wash. 558, 565, 250 P. 41 (1926). At the time that water is perfected, the priority date “relates back” to the commencement of the diligent efforts to develop the water use, and then only if the efforts continue to be pursued with reasonable diligence. *Id.*

The avoidance of detriment to those seeking to make immediate use of this same water is an underlying purpose behind the requirements of diligence. In *Case v. Ecology*, the PCHB noted the important public policy

of the development schedules:

[W]e note the wisdom of these conditions, promoting Washington water laws' basic principle: "first in time, first in right", and as critically promoting the orderly allocation of water. When allocating, DOE deducts the amount of water appropriated in outstanding permits, including the amounts in permits where the projects have not yet been completed or the water not put to full beneficial use. Only if there is sufficient public water remaining are new permits issued. In essence, those granted a permit to appropriate, who have not begun construction, or not completed it, or not put the water to beneficial use, have the potential to block subsequent permit applicants from obtaining water. Clearly, if the public interest is to be served, time requirements are essential.

Id. at 9. See also, *Liberty Lake Irrig. Co. v. Superior Court*, 47 Wash. 310 (1907), (If a person will not be using the water as soon as practicable in the ordinary and reasonable development of this property "there is no reason why the water should be withheld from others who will promptly use the water").

During times when water is not available to meet the demands of all appropriators, the law requires the junior appropriators to cease using water to assure that water will be available for the senior appropriators. The facts in this case raise this important element of the doctrine because there are nearly 56,000 residents within the Palouse Ground Water Basin. Municipalities and many of the rural residents obtain their drinking water from ground waters within this Basin.⁸ This includes junior water right holders such as Scott Cornelius, with priority dates subsequent to the

⁸ R-65 at 3-5.

water claims, permits, and certificates issued to WSU from the same groundwater source. These junior rights are currently being exercised and used for developed projects, primarily homes. Senior water rights held by WSU, which have yet to be withdrawn and used, put existing appropriators at greater risk of regulation and curtailment.

The purpose of regulating water appropriation in Washington also protects the public welfare. *See Case v. Ecology, supra*. The permit system of water allocation under the 1917 Water Code, allows the State to efficiently implement the state water policy. *Id.* The legislative intent for the surface code is to promote the use and protect the natural values of the waters of the state:

It is the policy of the state to promote the use of the public waters in a fashion which provides for obtaining maximum net benefits arising from both diversionary uses of the state's public waters and retention of waters within streams and lakes in sufficient quantity and quality to protect instream and natural values and rights.

RCW 90.03.005; *see Case v. Ecology, supra*. In *Pagosa Area Water and Sewer District v. Trout Unlimited*, 170 P.3d 307 (Colo. 2007), the court enunciated the overall importance of the diligence standard in the appropriation system that has been adopted by Washington:

Water is a public resource...[The] system of public ownership of water, combined with the creation of public and private use rights therein by appropriation, circumscribes monopolist pitfalls. When the beneficial use requirement was put into practice in the nineteenth century, its fundamental purpose was to establish the

means for making the public's water resource available to those who had the actual need for water, in order to curb speculative hoarding.

Id. at 313-14.

F. Common Sense Requires the State to Cancel Water Certificates, including the Unused Portion, if Reasonable Diligence Requirements are Not Met

Not only do we look to the law and public policy for guidance, we must also apply the doctrine of common sense. *Alpowa Creek*, 129 Wash. at 15. It does not make sense that a water right holder that fully perfects its water right, and then discontinues its use for 10 to 20 years, may presumptively lose it through abandonment, but a water right holder that fails to perfect their water for 50 years can continue to expand its usage in perpetuity, not subject to development schedules or meaningful application of the reasonable diligence standard.

The PCHB adopted Ecology's position on diligence in that WSU is further developing facilities for enrollment and is not intending to market these water rights. CP 27 at 3, CP 85 at 25. Ecology focused on the marketing of the water right as a means of addressing speculation. However, Ecology failed to address the issue of hoarding itself, not withstanding any motives of marketing. But more importantly, Ecology failed to address the time delay in the perfection of WSU's water right. Governments must have the ability to grow into a water right for some

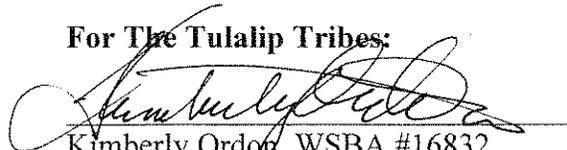
time in the “foreseeable future.” *City of Ellensburg v. Ecology*, PCHB No. 96-194 (1996). However, with no schedules to define reasonable diligence, how is “foreseeable future” defined? It does not make sense that foreseeable future would be any longer than that amount of time which would create a presumption of abandonment for a municipality. Clearly, if the public interest is to be served, time requirements are essential and must be evaluated. *Case v. Ecology, supra* at 9.

IV. CONCLUSION

In consideration of the law, public policy, and common sense when considering whether to accept or reject the PCHB decision, our analysis of those competing interests overwhelmingly requires *Amici* Tribes to recommend that the WSU water right amendments be rejected.

Respectfully submitted this 24th day of September 2012.

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