

How can I find out if a parcel of land has water rights?

It is very important to remember a water right document must relate to actual beneficial use of the water. The courts have said that “beneficial use is the beginning the measure and the limit of a water right”. Permits allow prospective use, but even they have development timelines that must be met to retain the right. If you can locate the property on a map then go to the Department of Ecology website and find the GIS mapping know as “Explorer” and locate the parcel. This site does allow you to pull up water rights documents that probably relate to the parcel. Be aware that as wonderful as the site is, it is not perfect and may include many errors in its documents as well as in its mapping.

Once you have locate documents that appear to relate to the parcel then compare the water use on the parcel to the documents to see if they correlate strongly. For example, if the water right document says 10 acres of irrigation and the property has 20 acres of irrigation there may be a problem. Also look at Google Earth which provides a chronology of aerial photos of the property to see if the water uses have changed over time. Any 5 year decline in water uses could mean that all or a portion of the water right has relinquished back to the State and is no longer valid.

By now you have probably realized that knowing what to look for and where to look is very important and also difficult to explain in a few words. While the gist of water rights evaluation is matching land with documents with consistent beneficial use, any mistake can be disastrous in an expensive property acquisition.

If possible, make sure the deed to the land refers to and warrants the water rights in some detail. This is an excellent time to add clarity to what is being purchased and to create an enduring record of beneficial use to support the water right.