
SUBSTITUTE HOUSE BILL 2385

State of Washington

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By House Committee on Natural Resources & Parks (originally sponsored by Representative Pruitt)

Read first time 02/04/94.

1 AN ACT Relating to water right permits; amending RCW 90.03.015,
2 90.03.340, 90.03.270, 90.03.260, 90.44.060, 90.03.250, 90.03.290,
3 90.03.320, 90.03.380, 90.03.390, 90.44.100, 90.03.280, 90.03.470, and
4 90.03.470; adding new sections to chapter 90.03 RCW; adding new
5 sections to chapter 43.21B RCW; creating a new section; providing
6 effective dates; providing an expiration date; and declaring an
7 emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read
10 as follows:

11 As used in this chapter:

12 (1) "Department" means the department of ecology(~~(i)~~).

13 (2) "Director" means the director of ecology(~~(i) and~~).

14 (3) "Fish habitat" means all waters of the state, as defined by RCW
15 75.08.011, including banks and channels, which support food and game
16 fish during all or a portion of the fish life cycle, and nonfish-
17 bearing waters perennially or intermittently connected to fish-bearing
18 waters. Riparian and shoreline lands and wetlands shall be considered

1 fish habitat to the extent they directly or indirectly affect the
2 quality or quantity of fish-bearing waters.

3 (4) "Person" means any firm, association, water users' association,
4 corporation, irrigation district, or municipal corporation, as well as
5 an individual.

6 **Sec. 2.** RCW 90.03.340 and 1987 c 109 s 90 are each amended to read
7 as follows:

8 After January 1, 1995, the priority date of the right acquired by
9 appropriation (~~((shall relate back to))~~) is the date (~~((of filing of))~~) the
10 (~~((original))~~) completed application form for the right is filed with the
11 department. For the purposes of this section and RCW 90.03.270, a
12 completed application form is one that contains all of the information
13 requested on the form and is accompanied by the application fee.

14 **Sec. 3.** RCW 90.03.270 and 1987 c 109 s 85 are each amended to read
15 as follows:

16 Upon receipt of (~~((an))~~) a completed water right application form, it
17 shall be the duty of the department to (~~((make an endorsement thereon of~~
18 ~~the))~~) date (~~((of its receipt,))~~) stamp and (~~((to))~~) keep a record of
19 (~~((same))~~) it. If (~~((upon examination,))~~) an application form is filed
20 with the department but the information requested on the application
21 form is (~~((found to be defective,))~~) not complete or the form is not
22 accompanied by the proper application fee, the form and any application
23 fee filed with it shall be returned to the applicant (~~((for correction~~
24 ~~or completion,))~~) and the date and the reasons for the return thereof
25 shall be (~~((endorsed thereon and made a record in his office. No~~
26 ~~application shall lose its priority of filing on account of such~~
27 ~~defects, provided acceptable maps, drawings and such data as is~~
28 ~~required by the department shall be filed with the department within~~
29 ~~such reasonable time as it shall require))~~) noted in the department's
30 records and in a letter returning the form. The department may not
31 require an applicant to provide information in support of an
32 application for a water right permit that is not necessary for the
33 department's investigations, determinations, or findings regarding that
34 particular application.

35 **Sec. 4.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to read
36 as follows:

1 (~~Each application for permit to appropriate water shall set forth~~
2 ~~the name and post office address of the applicant, the source of water~~
3 ~~supply, the nature and amount of the proposed use, the time during~~
4 ~~which water will be required each year, the location and description of~~
5 ~~the proposed ditch, canal, or other work, the time within which the~~
6 ~~completion of the construction and the time for the complete~~
7 ~~application of the water to the proposed use. If for agricultural~~
8 ~~purposes, it shall give the legal subdivision of the land and the~~
9 ~~acreage to be irrigated, as near as may be, and the amount of water~~
10 ~~expressed in acre feet to be supplied per season. If for power~~
11 ~~purposes, it shall give the nature of the works by means of which the~~
12 ~~power is to be developed, the head and amount of water to be utilized,~~
13 ~~and the uses to which the power is to be applied. If for construction~~
14 ~~of a reservoir, it shall give the height of the dam, the capacity of~~
15 ~~the reservoir, and the uses to be made of the impounded waters. If for~~
16 ~~municipal water supply, it shall give the present population to be~~
17 ~~served, and, as near as may be, the future requirement of the~~
18 ~~municipality. If for mining purposes, it shall give the nature of the~~
19 ~~mines to be served and the method of supplying and utilizing the water;~~
20 ~~also their location by legal subdivisions. All applications shall be~~
21 ~~accompanied by such maps and drawings, in duplicate, and such other~~
22 ~~data, as may be required by the department, and such accompanying data~~
23 ~~shall be considered as a part of the application.)) The department
24 shall adopt rules in accordance with chapter 34.05 RCW by January 1,
25 1995, that specify the contents of completed water right application
26 forms. The rules must include specific timelines for the department to
27 follow in making a determination as to whether an application is
28 complete and notifying the applicant of its determination. The rules
29 shall also identify the kinds of common mistakes that render an
30 application incomplete.~~

31 **Sec. 5.** RCW 90.44.060 and 1987 c 109 s 109 are each amended to
32 read as follows:

33 Applications for permits for appropriation of underground water
34 shall be made in the same form and manner provided in RCW 90.03.250
35 through 90.03.340, as amended, the provisions of which sections are
36 hereby extended to govern and to apply to ground water, or ground water
37 right certificates and to all permits that shall be issued pursuant to
38 such applications, and the rights to the withdrawal of ground water

1 acquired thereby shall be governed by RCW 90.03.250 through 90.03.340,
2 inclusive(~~(: PROVIDED, That each application to withdraw public ground~~
3 ~~water by means of a well or wells shall set forth the following~~
4 ~~additional information: (1) the name and post office address of the~~
5 ~~applicant; (2) the name and post office address of the owner of the~~
6 ~~land on which such well or wells or works will be located; (3) the~~
7 ~~location of the proposed well or wells or other works for the proposed~~
8 ~~withdrawal; (4) the ground water area, sub-area, or zone from which~~
9 ~~withdrawal is proposed, provided the department has designated such~~
10 ~~area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of~~
11 ~~water proposed to be withdrawn, in gallons a minute and in acre feet a~~
12 ~~year, or millions of gallons a year; (6) the depth and type of~~
13 ~~construction proposed for the well or wells or other works: AND~~
14 ~~PROVIDED FURTHER, That)).~~ The department shall adopt rules in
15 accordance with chapter 34.05 RCW by January 1, 1995, that specify the
16 contents of completed water right application forms. The rules shall
17 include specific timelines for the department to follow in making a
18 determination as to whether an application is complete and notifying
19 the applicant of its determination. The rules shall also identify the
20 kinds of common mistakes that render an application incomplete. Any
21 permit issued pursuant to an application for constructing a well or
22 wells to withdraw public ground water may specify an approved type and
23 manner of construction for the purposes of preventing waste of said
24 public waters and of conserving their head.

25 **Sec. 6.** RCW 90.03.250 and 1987 c 109 s 83 are each amended to read
26 as follows:

27 Any person, municipal corporation, firm, irrigation district,
28 association, corporation or water users' association hereafter desiring
29 to appropriate water for a beneficial use shall make an application to
30 the department for a permit to make such appropriation, and shall not
31 use or divert such waters until he has received a permit from the
32 department as in this chapter provided. The construction of any ditch,
33 canal or works, or performing any work in connection with said
34 construction or appropriation, or the use of any waters, shall not be
35 an appropriation of such water nor an act for the purpose of
36 appropriating water unless a permit to make said appropriation has
37 first been granted by the department: PROVIDED, That a temporary
38 permit may be granted upon a proper showing made to the department to

1 be valid only during the pendency of such application for a permit
2 unless sooner revoked by the department: PROVIDED, FURTHER, That
3 nothing in this chapter contained shall be deemed to affect RCW
4 90.40.010 through 90.40.080 except that the notice and certificate
5 therein provided for in RCW 90.40.030 shall be addressed to the
6 department, and the department shall exercise the powers and perform
7 the duties prescribed by RCW 90.40.030.

8 The department shall encourage the filing of a consolidated
9 application for a complex project under a single ownership that
10 proposes to divert or withdraw water from more than one source,
11 including a combination of surface and ground water sources. The
12 filing of a consolidated application for transfer or change of one or
13 more water rights involving multiple sources shall also be encouraged
14 if all of the affected diversions or withdrawals are intended to serve
15 a single project with a single ownership. The department shall provide
16 forms for consolidated applications.

17 NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW
18 to read as follows:

19 The department shall establish a register that identifies, by water
20 resource inventory area, applications for new water rights and
21 applications for water right transfers and changes. The applications
22 appearing in the register shall be limited to those requesting a new
23 appropriation of or change or transfer of more than three cubic feet
24 per second of water. The register shall identify the location of the
25 proposed use, change, or transfer; whether the application is for
26 surface or ground water; and, for surface water applications, the water
27 source. The department shall produce the register once every two weeks
28 and shall make the register available to interested parties for a fee
29 that is based on the cost of producing and mailing the register. One
30 year after the effective date of this section, the department may cease
31 production of the register if the number of requests for the register
32 are not adequate to cover the costs of producing and mailing it.

33 **Sec. 8.** RCW 90.03.290 and 1988 c 36 s 66 are each amended to read
34 as follows:

35 (1) When ((an)) a completed application ((complying with the
36 provisions of this chapter and with the rules and regulations of the
37 department)) has been filed, the ((same)) application shall be placed

1 on record with the department, and it shall be (~~its~~) the department's
2 duty to (~~investigate the application, and~~) determine what water, if
3 any, is available for appropriation, and find and determine to what
4 beneficial use or uses it can be applied.

5 The department shall investigate the application. It is the duty
6 of the applicant to provide a completed application form. In addition
7 to providing the information requested on the form, however, the
8 applicant shall also provide such information as may be required for
9 the department's investigation, determinations, and findings regarding
10 the application and may provide additional information. The
11 information provided by the applicant shall satisfy the protocols, that
12 is, study plans and criteria, established by the department for
13 obtaining and providing the information. If an applicant provides the
14 information and the protocols set by the department for obtaining and
15 providing it have been satisfied, the department shall review the
16 information and may take actions to verify that the information is
17 accurate.

18 The department shall achieve stability and continuity in its
19 policies relating to the scope and depth of information it will require
20 of applicants. Any new or amended rules increasing the burden on
21 applicants to provide information shall not apply to applications filed
22 before the date the rules are adopted.

23 (2) With regard to an application:

24 (a) If it is proposed to appropriate water for irrigation purposes,
25 the department shall investigate, determine and find what lands are
26 capable of irrigation by means of water found available for
27 appropriation.

28 (b) If it is proposed to appropriate water for the purpose of power
29 development, the department shall investigate, determine and find
30 whether the proposed development is likely to prove detrimental to the
31 public interest, having in mind the highest feasible use of the waters
32 belonging to the public.

33 (3) If the application does not contain, and the applicant does not
34 promptly furnish sufficient information on which to base such findings,
35 the department may issue a preliminary permit, for a period of not to
36 exceed three years, requiring the applicant to make such surveys,
37 investigations, studies, and progress reports, as in the opinion of the
38 department may be necessary. If the applicant fails to comply with the
39 conditions of the preliminary permit, it and the application or

1 applications on which it is based shall be automatically canceled and
2 the applicant so notified. If the holder of a preliminary permit
3 shall, before its expiration, file with the department a verified
4 report of expenditures made and work done under the preliminary permit,
5 which, in the opinion of the department, establishes the good faith,
6 intent and ability of the applicant to carry on the proposed
7 development, the preliminary permit may, with the approval of the
8 governor, be extended, but not to exceed a maximum period of five years
9 from the date of the issuance of the preliminary permit.

10 (4) The department shall make and file as part of the record in the
11 matter, written findings of fact concerning all things investigated,
12 and if it shall find that there is water available for appropriation
13 for a beneficial use, and the appropriation thereof as proposed in the
14 application will not impair existing rights or be detrimental to the
15 public welfare, it shall issue a permit stating the amount of water to
16 which the applicant shall be entitled and the beneficial use or uses to
17 which it may be applied: PROVIDED, That where the water applied for is
18 to be used for irrigation purposes, it shall become appurtenant only to
19 such land as may be reclaimed thereby to the full extent of the soil
20 for agricultural purposes. But where there is no unappropriated water
21 in the proposed source of supply, or where the proposed use conflicts
22 with existing rights, or threatens to prove detrimental to the public
23 interest, having due regard to the highest feasible development of the
24 use of the waters belonging to the public, it shall be duty of the
25 department to reject such application and to refuse to issue the permit
26 asked for. If the permit is refused because of conflict with existing
27 rights and such applicant shall acquire same by purchase or
28 condemnation under RCW 90.03.040, the department may thereupon grant
29 such permit. Any application may be approved for a less amount of
30 water than that applied for, if there exists substantial reason
31 therefor, and in any event shall not be approved for more water than
32 can be applied to beneficial use for the purposes named in the
33 application. In determining whether or not a permit shall issue upon
34 any application, it shall be the duty of the department to investigate
35 all facts relevant and material to the application. After the
36 department approves said application in whole or in part and before any
37 permit shall be issued thereon to the applicant, such applicant shall
38 pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the
39 event a permit is issued by the department upon any application, it

1 shall be its duty to notify (~~both the director of fisheries and~~) the
2 director of fish and wildlife and affected federally recognized Indian
3 tribes of such issuance.

4 **Sec. 9.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read
5 as follows:

6 (1) Actual construction work shall be commenced on any project for
7 which permit has been granted within such reasonable time as shall be
8 prescribed by the department, and shall thereafter be prosecuted with
9 diligence and completed within the time prescribed by the department.
10 The department, in fixing the time for the commencement of the work, or
11 for the completion thereof and the application of the water to the
12 beneficial use prescribed in the permit, shall take into consideration
13 the cost and magnitude of the project and the engineering and physical
14 features to be encountered, and shall allow such time as shall be
15 reasonable and just under the conditions then existing, having due
16 regard for the public welfare and public interests affected: and, for
17 good cause shown, it shall extend the time or times fixed as aforesaid,
18 and shall grant such further period or periods as may be reasonably
19 necessary, having due regard to the good faith of the applicant and the
20 public interests affected.

21 (2) For the purposes of this section, "good cause" includes but is
22 not limited to any of the following circumstances that prevent work
23 completion within the prescribed period:

24 (a) Active service in the armed forces of the United States during
25 a military crisis;

26 (b) Nonvoluntary service in the armed forces of the United States;

27 (c) The operation of legal proceedings;

28 (d) Delays in securing other permits necessary to proceed with the
29 development;

30 (e) A single transfer in ownership of the property;

31 (f) Encountering unanticipated physical impediments to
32 construction; and

33 (g) Encountering generally depressed economic conditions.

34 (3) If the terms of the permit or transfer or change authorization
35 or extension thereof, are not complied with, the department shall give
36 notice by (~~registered~~) certified mail that (~~such~~) the permit will
37 be canceled unless the (~~holders thereof shall~~) permittee shows cause
38 within sixty days why the (~~same~~) permit should not be (~~so~~)

1 canceled. If cause ((be)) is not shown, ((said)) the permit shall be
2 canceled.

3 NEW SECTION. Sec. 10. A new section is added to chapter 90.03 RCW
4 to read as follows:

5 (1) The department shall establish streamlined procedures for its
6 processing of applications for de minimis appropriations of surface
7 water, but only if the department has reserved and set aside the water
8 for future beneficial use under RCW 90.54.050.

9 (2) Applications for appropriating water under this section shall
10 be made on a form provided by the department. Within sixty days of the
11 publication of a notice in accordance with RCW 90.03.280, the
12 department shall issue or deny a permit for the requested
13 appropriation. If the department denies the application, it shall
14 explain its determination in writing.

15 (3) The department shall waive the evaluation and report
16 requirements of RCW 90.03.290 if during the establishment of the
17 reservation it was conclusively determined that water is available and
18 that no impairment of existing water rights or the public interest will
19 occur.

20 (4) This section may not be used in areas that are within urban
21 growth areas as designated under RCW 36.70A.110 or within the service
22 areas of a public water system as defined in chapter 70.119A RCW that
23 has an available water supply.

24 (5) Unless the context clearly requires otherwise, as used in this
25 chapter, "de minimis appropriation" means diversion and use of surface
26 water in an amount not exceeding four hundred fifty gallons per day and
27 not exceeding an instantaneous diversion rate of two one-hundredths
28 cubic feet per second.

29 NEW SECTION. Sec. 11. A new section is added to chapter 90.03 RCW
30 to read as follows:

31 (1) The department may authorize short-term uses of water without
32 publication of the notice required under RCW 90.03.280 and without the
33 report required under RCW 90.03.290. However, before approving a
34 short-term use, the department shall determine to its satisfaction that
35 the substantive criteria in RCW 90.03.290 are met and that a stream
36 affected by a short-term use will be retained with sufficient flows to
37 maintain instream uses and to protect existing water rights. The

1 department shall provide application forms for persons applying for a
2 short-term use and shall expedite its consideration of short-term use
3 requests to the extent practicable.

4 (2) For the purposes of this chapter, "short-term use" means a use
5 of water that will not exceed one year in duration. Short-term uses
6 include but are not limited to use in construction, dust control,
7 dewatering, and short-term planned fire suppression activities.

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.03 RCW
9 to read as follows:

10 (1) The department shall develop a general permit system for
11 appropriating water for nonconsumptive, nonbypass uses and a general
12 permit system for appropriating marine waters for use on upland sites.
13 These systems shall be designed and used to streamline the
14 consideration of applications for nonconsumptive, nonbypass water uses
15 and marine water uses that by their nature do not raise issues
16 regarding water availability or the impairment of other water rights.
17 The evaluation and report required for an application under RCW
18 90.03.290 are not required for applications processed under the general
19 permit system. For the purposes of this section:

20 (a) "Nonconsumptive, nonbypass use" means a use of water in which
21 water is diverted from a stream or withdrawn from an aquifer and
22 following its use is discharged back to or very near the point of
23 diversion or withdrawal without damaging fish habitat and without
24 diminishment in water quantity or quality;

25 (b) "Without diminishment of quality" means that, before being
26 discharged back to its source, the water being discharged meets state
27 water quality standards adopted under chapter 90.48 RCW; and

28 (c) "Marine waters" means the coastal saline waters under the
29 jurisdiction of the state.

30 (2) The department shall establish the general permit systems by
31 adopting rules in accordance with chapter 34.05 RCW. Before the
32 adoption of rules for a system, at least four public hearings shall be
33 held at various locations around the state. The hearings on the
34 general permit system for marine water use shall be held in appropriate
35 coastal communities. The rules shall identify criteria for proposed
36 uses of water for which applications may be processed under each system
37 and shall establish procedures for filing and processing applications
38 under the general permit systems.

1 NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW
2 to read as follows:

3 An application for appropriating water under a general permit
4 system established under section 12 of this act shall be made on a form
5 provided by the department. Within sixty days of the publication of a
6 notice for the application in accordance with RCW 90.03.280, the
7 department shall determine whether the proposed use is eligible to be
8 processed under the general permit system. If the department
9 determines that the proposed use is eligible to be processed under the
10 system, the application shall be processed under it. If the department
11 determines that the proposed use is not eligible for the processing,
12 the department shall explain to the applicant in writing the reasons
13 for its determination. For a proposed use determined ineligible for
14 the processing, if the department finds that the information contained
15 on the application form substantially satisfies the information
16 requirements for an application for a use that would normally be filed
17 for processing the application outside of the general permit system,
18 the department shall notify the applicant of its finding and, at the
19 applicant's request and payment of any required fee, shall process the
20 application as if it were filed for processing outside of the system.
21 If the department finds that the information does not substantially
22 satisfy the requirements, the application shall be considered to be
23 incomplete for the processing and the applicant notified of this
24 consideration.

25 **Sec. 14.** RCW 90.03.380 and 1991 c 347 s 15 are each amended to
26 read as follows:

27 (1) The right to the use of water which has been applied to a
28 beneficial use in the state shall be and remain appurtenant to the land
29 or place upon which the same is used(~~(:—PROVIDED, HOWEVER, That~~
30 ~~said)).~~ However, all or a portion of a water right may be transferred
31 to another ((~~or to others~~)) person or persons and become appurtenant to
32 any other land or place of use without loss of priority of right
33 ((~~theretofore established~~)) if ((~~such change~~)) the transfer can be made
34 without detriment or injury to fish habitat or existing rights.

35 (2) The point of diversion or withdrawal of water for beneficial
36 use or the purpose of use under a water right or permit may be
37 changed(~~(7)~~) if ((~~such~~)) the change or changes can be made without
38 detriment or injury to fish habitat or existing water rights.

1 The season of use under a water right or permit may be changed if
2 the change involves the same general category of water use and the
3 change can be made without detriment or injury to existing water
4 rights. An example of a general category of water use for the purposes
5 of this subsection, but not a limit to the categories, is an
6 agricultural use of water. The general category of agriculture water
7 use includes agriculture industry use.

8 (3) The source of water for a water right or permit may be changed
9 from a surface water diversion to a ground water withdrawal or vice
10 versa if the two sources are in direct hydraulic continuity and if the
11 change can be made without detriment or injury to fish habitat or
12 existing water rights.

13 (4) The right embodied in a permit for water that has not yet been
14 put to beneficial use may be transferred or changed. For a
15 certificate, only the amount of water that has been beneficially used
16 in accordance with the laws of the state may be transferred or changed.
17 Excess quantities shall be relinquished as provided under chapter 90.14
18 RCW. A transferred or changed certificate or permit shall not result
19 in any increase in the amount of water that may be annually diverted or
20 withdrawn for beneficial use over the amount authorized in the
21 certificate or permit before the transfer or change.

22 (5) Before any transfer or change of ((such)) a water right ((to
23 use water or change of the point of diversion of water or change of
24 purpose of use)) or permit can be made, any person having an interest
25 in the transfer or change((,)) shall file a written application
26 ((therefor)) with the department((, and said application)) on a form
27 provided by the department.

28 (6) A person proposing to relocate a point of diversion of surface
29 water is not required to file an application if the diversion point is
30 moved no more than one-quarter mile from its location and no fish
31 habitat or other water rights will be impaired. At least fifteen days
32 before construction of a replacement diversion point, the water right
33 holder shall inform the department in writing of the intention to move
34 the diversion point. The department shall approve, deny, or condition
35 the change of point of diversion, taking into consideration how the
36 change will impact stream flows, senior water right holders, and
37 hydraulic continuity.

1 (7) Authorization for the requested transfer or change shall not be
2 granted until notice of ((said)) the application ((shall-be)) has been
3 published as provided in RCW 90.03.280.

4 (8) If it ((shall)) appears that ((such)) the transfer or ((such))
5 change may be made without injury or detriment to existing rights, the
6 department shall issue to the applicant an authorization to proceed
7 with the transfer or change. The department may include in its
8 authorization necessary conditions or limitations under which the
9 transfer or change may be made, including a reasonable time for
10 completion. The time may be extended upon request and a showing of
11 good cause in accordance with RCW 90.03.320 and 90.03.470. If the
12 person authorized to make a transfer or change of right fails to do so
13 within the time allowed, including extensions granted for good cause,
14 the department shall cancel the authorization and the water right or
15 permit reverts to its original form and substance.

16 (9) If the department determines that the proposed transfer or
17 change may periodically operate to impair an existing right, the
18 department's authorization may be made contingent on the proponent's
19 submission of a written agreement to subordinate the use to the
20 potentially impaired right or rights and the authorization must be so
21 conditioned. If a determination is made that there may periodically be
22 an impairment to instream flow, the department shall deny the proposed
23 transfer or change.

24 (10) The person authorized to make the transfer or change shall
25 notify the department upon completion of the transfer or change. After
26 verifying that the transfer or change has been completed in accordance
27 with the authorization, the department shall issue to those persons
28 having an interest in the resulting water right or rights a
29 certificate, certificate of change, or superseding certificate, as
30 appropriate, in duplicate ((granting)) that reflects the nature of the
31 water right ((for-such-transfer)) or rights as transferred or ((for
32 such-change-of-point-of-diversion-or-of-use)) changed. The certificate
33 or certificates so issued shall be filed and be made a record with the
34 department and the duplicate certificate issued to the applicant
35 ((may)) shall be filed with the county auditor in like manner and with
36 the same effect as provided in the original certificate or permit to
37 divert water.

38 If an application for change proposes to transfer water rights from
39 one irrigation district to another, the department shall, before

1 publication of notice, receive concurrence from each of the irrigation
2 districts that such transfer or change will not adversely affect the
3 ability to deliver water to other landowners or impair the financial
4 integrity of either of the districts.

5 A change in place of use by an individual water user or users of
6 water provided by an irrigation district need only receive approval for
7 the change from the board of directors of the district if the use of
8 water continues within the irrigation district.

9 This section shall not apply to trust water rights acquired by the
10 state through the funding of water conservation projects under chapter
11 90.38 RCW or RCW 90.42.010 through 90.42.070.

12 **Sec. 15.** RCW 90.03.390 and 1991 c 350 s 3 are each amended to read
13 as follows:

14 (~~RCW 90.03.380 shall not be construed to prevent~~) (1) A water
15 ((users from making)) right holder may make a seasonal or temporary
16 change of ((point of diversion or place of use of water)) a water right
17 when ((such)) the change can be made without detriment to existing
18 rights, but in no case shall such change be made without the permission
19 of ((the water master of the district in which such proposed change is
20 located, or of)) the department. ~~((Nor shall))~~

21 (2) RCW 90.03.380 shall not be construed to prevent construction of
22 emergency interties between public water systems to permit exchange of
23 water during short-term emergency situations, or rotation in the use of
24 water for bringing about a more economical use of the available supply,
25 provided however, that the department of health in consultation with
26 the department of ecology shall adopt rules or develop written
27 guidelines setting forth standards for determining when a short-term
28 emergency exists and the circumstances in which emergency interties are
29 permitted. The rules or guidelines shall be consistent with the
30 procedures established in RCW 43.83B.400 through 43.83B.420. Water
31 users owning lands to which water rights are attached may rotate in the
32 use of water to which they are collectively entitled, or an individual
33 water user having lands to which are attached water rights of a
34 different priority, may in like manner rotate in use when ((such))
35 rotation can be made without detriment to other existing water rights,
36 and has the approval of the ((water master or)) department.

37 (3) A person or persons wishing to make a seasonal or temporary
38 change or to rotate use in the manner provided in this section must

1 file an application with the department on a form adopted and provided
2 by the department. The department shall waive the notice provisions of
3 RCW 90.03.280 unless, after consultation with affected federally
4 recognized Indian tribes and the department of fish and wildlife, it
5 has reason to believe that fish habitat or the water rights of other
6 persons are likely to be affected by the proposed change. The
7 department shall respond to the request by letter setting forth its
8 approval or denial, including the reason for denial. The department
9 shall retain a record of its decision as part of the records of the
10 water right or rights being changed. To the extent practicable, the
11 department shall expedite its consideration of requests under this
12 section.

13 **Sec. 16.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to
14 read as follows:

15 ~~((After an application to, and upon the issuance by the department~~
16 ~~of an amendment to the appropriate permit or certificate of ground~~
17 ~~water right, the holder of a valid right to withdraw public ground~~
18 ~~waters may, without losing his priority of right, construct wells or~~
19 ~~other means of withdrawal at a new location in substitution for or in~~
20 ~~addition to those at the original location, or he may change the manner~~
21 ~~or the place of use of the water: PROVIDED, HOWEVER, That such~~
22 ~~amendment shall be issued only after publication of notice of the~~
23 ~~application and findings as prescribed in the case of an original~~
24 ~~application. Such amendment shall be issued by the department only on~~
25 ~~the conditions that:)) (1) ((The)) A ground water permit or
26 certificate may be transferred or changed in the manner provided in RCW
27 90.03.380 if: (a) Any additional or substitute well or wells shall tap
28 the same body of public ground water as the original well or wells;
29 ~~((+2)) (b) use of the original well or wells shall be discontinued~~
30 ~~upon construction of the substitute well or wells; ((+3)) (c) the~~
31 ~~construction of an additional well or wells shall not enlarge the right~~
32 ~~conveyed by the original permit or certificate; and ((+4)) (d) other~~
33 ~~existing rights shall not be impaired. The department may specify an~~
34 ~~approved manner of construction and shall require a showing of~~
35 ~~compliance with the terms of the amendment, as provided in RCW~~
36 ~~90.44.080 in the case of an original permit.~~~~

37 (2) No authorization from the department is required for
38 construction of a replacement well of the same size, depth, and

1 capacity that will tap the same aquifer as the original well if the new
2 well is within one-quarter mile of the original well and if the well
3 being replaced is properly decommissioned in accordance with chapter
4 18.104 RCW. At least fifteen days before commencing the work, the well
5 owner shall notify the department in writing of the intent to replace
6 the original well and of any change in location. The department shall
7 approve, deny, or condition the change in location, taking into
8 consideration how the change will impact instream flows, senior water
9 right holders, and hydraulic continuity.

10 **Sec. 17.** RCW 90.03.280 and 1988 c 36 s 65 are each amended to read
11 as follows:

12 Upon receipt of a (~~proper~~) completed application, the department
13 shall instruct the applicant to publish notice (~~thereof~~) in a form
14 and within a time prescribed by (~~him~~) the department in a newspaper
15 of general circulation published in the county or counties in which the
16 storage, diversion or withdrawal, and use is to be made, and in such
17 other newspapers as (~~he~~) the department may direct, once a week for
18 two consecutive weeks. The notice shall include information pertinent
19 to the proposed appropriation, including the location, the source, the
20 purpose or purposes of use, and the quantity proposed to be diverted or
21 withdrawn. The notice shall state that persons wishing to protest the
22 proposed application must do so in writing to the department within
23 thirty days of the last date of publication of the notice. In order to
24 be considered by the department, a protest must be received by the
25 department within thirty days of the last date of publication of the
26 notice. Upon receipt by the department of an application it shall send
27 notice thereof containing pertinent information to (~~the director of~~
28 fisheries and) the director of fish and wildlife.

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.21B
30 RCW to read as follows:

31 In a proceeding before the pollution control hearings board
32 challenging a decision of the department relating to the issuance,
33 conditioning, transfer, amendment, or denial of a water right permit
34 under Title 90 RCW, the burden of proof is on the person filing the
35 appeal.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.21B
2 RCW to read as follows:

3 Only a person with standing as defined in RCW 34.05.530 may appeal
4 to the pollution control hearings board a decision of the department to
5 issue, condition, transfer, amend, or deny a water right under Title 90
6 RCW.

7 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.21B
8 RCW to read as follows:

9 One member of the pollution control hearings board may hear and
10 render a decision on an appeal from a water right applicant regarding
11 the nature and extent of the information needed to make determinations
12 regarding the application for or the processing of a water right
13 permit.

14 NEW SECTION. **Sec. 21.** A new section is added to chapter 90.03 RCW
15 to read as follows:

16 A water right applicant may appeal to the pollution control
17 hearings board a determination by the department regarding the nature
18 and extent of the information needed to make determinations regarding
19 the application for or the processing of a water right permit.

20 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.21B
21 RCW to read as follows:

22 The pollution control hearings board may recommend mediation in any
23 case involving appeal of a water right decision. However, the board
24 will not recommend mediation in the case of a water right applicant
25 appealing a department of ecology decision regarding the nature and
26 extent of the information needed to make a determination on an
27 application.

28 NEW SECTION. **Sec. 23.** A new section is added to chapter 90.03 RCW
29 to read as follows:

30 (1) The department of ecology shall develop a budget process for
31 its water rights administration program that accomplishes the
32 following:

- 33 (a) Identifies targets for permitting activities for the biennium;
- 34 (b) Identifies workload standards;
- 35 (c) Prepares a draft budget;

1 (d) Provides for timely public review of the draft budget; and

2 (e) Circulates a final budget.

3 (2) The department of ecology shall also establish an advisory
4 committee of stakeholders. This group of stakeholders shall establish
5 and periodically review the following:

6 (a) Workload standards and proposed incentives to improve such
7 standards;

8 (b) Program expenditure categories to account for and monitor costs
9 related to the water rights administration program; and

10 (c) Success measures based upon programmatic results designed to
11 evaluate program effectiveness and standards for defining such
12 measures.

13 In establishing the initial workload standards, the legislature has
14 an expectation that the department of ecology will process a simple,
15 basic application in six months and an application of intermediate
16 difficulty in one year.

17 (3) The department of ecology shall report annually on the success
18 measures established, the number of water right permit decisions made,
19 and the associated costs of administering the water rights program.

20 (4) The legislature shall provide for another state entity or an
21 independent contractor to conduct periodic performance audits or
22 evaluations of the effectiveness and efficiency of the department of
23 ecology in meeting its workload standards and achieving programmatic
24 success.

25 **Sec. 24.** RCW 90.03.470 and 1993 c 495 s 2 are each amended to read
26 as follows:

27 ~~((Except as otherwise provided in subsection (15) of this section,~~
28 ~~the following fees shall be collected by the department in advance:~~

29 ~~(1) For the examination of an application for permit to appropriate~~
30 ~~water or on application to change point of diversion, withdrawal,~~
31 ~~purpose or place of use, a minimum of ten dollars, to be paid with the~~
32 ~~application. For each second foot between one and five hundred second~~
33 ~~feet, two dollars per second foot; for each second foot between five~~
34 ~~hundred and two thousand second feet, fifty cents per second foot; and~~
35 ~~for each second foot in excess thereof, twenty cents per second foot.~~
36 ~~For each acre foot of storage up to and including one hundred thousand~~
37 ~~acre feet, one cent per acre foot, and for each acre foot in excess~~
38 ~~thereof, one fifth cent per acre foot. The ten dollar fee payable with~~

1 the application shall be a credit to that amount whenever the fee for
2 direct diversion or storage totals more than ten dollars under the
3 above schedule and in such case the further fee due shall be the total
4 computed amount less ten dollars.

5 Within five days from receipt of an application the department
6 shall notify the applicant by registered mail of any additional fees
7 due under the above schedule and any additional fees shall be paid to
8 and received by the department within thirty days from the date of
9 filing the application, or the application shall be rejected.

10 (2) For filing and recording a permit to appropriate water for
11 irrigation purposes, forty cents per acre for each acre to be irrigated
12 up to and including one hundred acres, and twenty cents per acre for
13 each acre in excess of one hundred acres up to and including one
14 thousand acres, and ten cents for each acre in excess of one thousand
15 acres; and also twenty cents for each theoretical horsepower up to and
16 including one thousand horsepower, and four cents for each theoretical
17 horsepower in excess of one thousand horsepower, but in no instance
18 shall the minimum fee for filing and recording a permit to appropriate
19 water be less than five dollars. For all other beneficial purposes the
20 fee shall be twice the amount of the examination fee except that for
21 individual household and domestic use, which may include water for
22 irrigation of a family garden, the fee shall be five dollars.

23 (3) For filing and recording any other water right instrument, four
24 dollars for the first hundred words and forty cents for each additional
25 hundred words or fraction thereof.

26 (4) For making a copy of any document recorded or filed in his
27 office, forty cents for each hundred words or fraction thereof, but
28 when the amount exceeds twenty dollars, only the actual cost in excess
29 of that amount shall be charged.

30 (5) For certifying to copies, documents, records or maps, two
31 dollars for each certification.

32 (6) For blueprint copies of a map or drawing, or, for such other
33 work of a similar nature as may be required of the department, at
34 actual cost of the work.

35 (7) For granting each extension of time for beginning construction
36 work under a permit to appropriate water, an amount equal to one half
37 of the filing and recording fee, except that the minimum fee shall be
38 not less than five dollars for each year that an extension is granted,
39 and for granting an extension of time for completion of construction

1 ~~work or for completing application of water to a beneficial use, five~~
2 ~~dollars for each year that an extension is granted.~~

3 ~~(8) For the inspection of any hydraulic works to insure safety to~~
4 ~~life and property, the actual cost of the inspection, including the~~
5 ~~expense incident thereto.~~

6 ~~(9) For the examination of plans and specifications as to safety of~~
7 ~~controlling works for storage of ten acre feet or more of water, a~~
8 ~~minimum fee of ten dollars, or the actual cost.~~

9 ~~(10) For recording an assignment either of a permit to appropriate~~
10 ~~water or of an application for such a permit, a fee of five dollars.~~

11 ~~(11) For preparing and issuing all water right certificates, five~~
12 ~~dollars.~~

13 ~~(12) For filing and recording a protest against granting any~~
14 ~~application, two dollars.~~

15 ~~(13))~~ The legislature finds it necessary to assess additional fees
16 for a three-year period in order to address the water right application
17 backlog and data management development. For the period July 1, 1994,
18 through June 30, 1997, the department shall collect the following fees
19 in advance:

20 (1) Application filing fees for the following:

21 (a) Water appropriation applications:

22 (i) Greater than 0.0 and less than or equal to 0.2
23 cubic feet per second \$100

24 (ii) Greater than 0.2 and less than or equal to 0.5
25 cubic feet per second \$330

26 (iii) Greater than 0.5 and less than or equal to 3
27 cubic feet per second \$570

28 (iv) Greater than 3 and less than or equal to 5 cubic
29 feet per second \$750

30 (v) Greater than 5 and less than or equal to 20
31 cubic feet per second \$940

32 (vi) Greater than 20 and less than or equal to 100
33 cubic feet per second \$1,130

34 (vii) Greater than 100 cubic feet per second \$1,320

35 (b) Reservoir applications:

36 (i) Greater than 0.0 and less than or equal to 10
37 acre-feet \$100

1	(ii) <u>Greater than 10 and less than or equal to 100</u>	
2	<u>acre-feet</u>	<u>\$570</u>
3	(iii) <u>Greater than 100 and less than or equal to 1,000</u>	
4	<u>acre-feet</u>	<u>\$940</u>
5	(iv) <u>Greater than 1,000 acre-feet</u>	<u>\$1,320</u>
6	(c) <u>Change applications:</u>	
7	(i) <u>Changing a single element</u>	<u>\$100</u>
8	(ii) <u>Changing multiple elements</u>	<u>\$330</u>
9	(2) <u>Examination fees for the following:</u>	
10	(a) <u>Surface water applications:</u>	
11	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
12	<u>cubic feet per second</u>	<u>\$100</u>
13	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
14	<u>cubic feet per second</u>	<u>\$520</u>
15	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
16	<u>cubic feet per second</u>	<u>\$940</u>
17	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
18	<u>feet per second</u>	<u>\$1,320</u>
19	(v) <u>Greater than 5 and less than or equal to 20</u>	
20	<u>cubic feet per second</u>	<u>\$1,700</u>
21	(vi) <u>Greater than 20 and less than or equal to 100</u>	
22	<u>cubic feet per second</u>	<u>\$2,070</u>
23	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,450</u>
24	(b) <u>Ground water applications:</u>	
25	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
26	<u>cubic feet per second</u>	<u>\$120</u>
27	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
28	<u>cubic feet per second</u>	<u>\$620</u>
29	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
30	<u>cubic feet per second</u>	<u>\$1,130</u>
31	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
32	<u>feet per second</u>	<u>\$1,580</u>
33	(v) <u>Greater than 5 and less than or equal to 20</u>	
34	<u>cubic feet per second</u>	<u>\$2,040</u>
35	(vi) <u>Greater than 20 and less than or equal to 100</u>	
36	<u>cubic feet per second</u>	<u>\$2,480</u>
37	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,940</u>
38	(c) <u>Reservoir applications:</u>	

1	(i)	<u>Greater than 0.0 and less than or equal to 10</u>	
2		<u>acre-feet</u>	<u>\$100</u>
3	(ii)	<u>Greater than 10 and less than or equal to 100</u>	
4		<u>acre-feet</u>	<u>\$940</u>
5	(iii)	<u>Greater than 100 and less than or equal to 1,000</u>	
6		<u>acre-feet</u>	<u>\$1,700</u>
7	(iv)	<u>Greater than 1,000 acre-feet</u>	<u>\$2,450</u>
8		<u>(d) Changes to permits and certificates:</u>	
9	(i)	<u>Changing a single element</u>	<u>\$100</u>
10	(ii)	<u>Changing multiple elements</u>	<u>\$520</u>
11		<u>(3) Certificate fees:</u>	
12		<u>(a) Water appropriation applications:</u>	
13	(i)	<u>Greater than 0.0 and less than or equal to 0.2</u>	
14		<u>cubic feet per second</u>	<u>\$100</u>
15	(ii)	<u>Greater than 0.2 and less than or equal to 0.5</u>	
16		<u>cubic feet per second</u>	<u>\$330</u>
17	(iii)	<u>Greater than 0.5 and less than or equal to 3</u>	
18		<u>cubic feet per second</u>	<u>\$570</u>
19	(iv)	<u>Greater than 3 and less than or equal to 5 cubic</u>	
20		<u>feet per second</u>	<u>\$750</u>
21	(v)	<u>Greater than 5 and less than or equal to 20</u>	
22		<u>cubic feet per second</u>	<u>\$940</u>
23	(vi)	<u>Greater than 20 and less than or equal to 100</u>	
24		<u>cubic feet per second</u>	<u>\$1,130</u>
25	(vii)	<u>Greater than 100 cubic feet per second</u>	<u>\$1,320</u>
26		<u>(b) Reservoir applications:</u>	
27	(i)	<u>Greater than 0.0 and less than or equal to 10</u>	
28		<u>acre-feet</u>	<u>\$100</u>
29	(ii)	<u>Greater than 10 and less than or equal to 100</u>	
30		<u>acre-feet</u>	<u>\$570</u>
31	(iii)	<u>Greater than 100 and less than or equal to 1,000</u>	
32		<u>acre-feet</u>	<u>\$940</u>
33	(iv)	<u>Greater than 1,000 acre-feet</u>	<u>\$1,320</u>
34		<u>(c) Changes to permits and certificates:</u>	
35	(i)	<u>Changing a single element</u>	<u>\$100</u>
36	(ii)	<u>Changing multiple elements</u>	<u>\$330</u>
37		<u>(4) Water right permit extensions</u>	<u>\$100</u>
38		<u>(5) Protests to applications</u>	<u>\$50</u>
39		<u>(6) Appealing a water right decision</u>	<u>\$200</u>

1	<u>(7) Registration fee for exempt wells</u>	\$75
2	<u>(8) Assignment of an application or permit</u>	\$100
3	<u>(9) General permits:</u>	
4	<u>(a) Application fee</u>	\$100
5	<u>(b) Examination fee</u>	\$0
6	<u>(c) Certificate fee</u>	\$100
7	<u>(10) Seasonal change or rotation</u>	\$100
8	<u>(11) Temporary or short-term water use</u>	\$100
9	<u>(12) De minimis appropriations developed under a reservation of</u>	

10 water adopted by rule:

11	<u>(a) Application fee</u>	\$100
12	<u>(b) Examination fee</u>	\$0
13	<u>(c) Certificate fee</u>	\$100
14	<u>(13) Issuance of a preliminary permit</u>	\$100
15	<u>(14) For the examination of plans and specifications as to safety</u>	

16 of controlling works for storage of ten acre feet or more of water, and
 17 for the inspection of any hydraulic works to insure safety to life and
 18 property, the actual cost of the examination and inspection.

19 The combined application, examination, and certificate fee for
 20 transfers and changes of water into the trust water right program under
 21 chapter 90.42 RCW will be one hundred dollars.

22 The department shall provide timely notification by certified mail
 23 with return receipt requested to applicants that fees are due. No
 24 action may be taken until the fee is paid in full. Failure to remit
 25 fees within sixty days of the department's notification shall be
 26 grounds for rejecting the application or canceling the permit. Cash
 27 shall not be accepted. Fees must be paid by check or money order and
 28 are nonrefundable.

29 ~~((14))~~ For purposes of calculating fees for ground water filings,
 30 one cubic foot per second shall be regarded as equivalent to four
 31 hundred fifty gallons per minute.

32 ~~((15))~~ For the period beginning July 1, 1993, and ending June 30,
 33 1994, there is imposed and the department shall collect a one hundred
 34 dollar surcharge on all water rights applications or changes filed
 35 under this section, and upon all water rights applications or changes
 36 pending as of July 1, 1993. This charge shall be in addition to any
 37 other fees imposed under this section.

1	(iv) Greater than 1,000 acre-feet	(((\$1,320))
2		<u>\$740</u>
3	(c) Change applications:	
4	(i) Changing a single element	\$100
5	(ii) Changing multiple elements	(((\$330))
6		<u>\$210</u>
7	(2) Examination fees for the following:	
8	(a) Surface water applications:	
9	(i) Greater than 0.0 and less than or equal to 0.2	
10	cubic feet per second	\$100
11	(ii) Greater than 0.2 and less than or equal to 0.5	
12	cubic feet per second	(((\$520))
13		<u>\$320</u>
14	(iii) Greater than 0.5 and less than or equal to 3	
15	cubic feet per second	(((\$940))
16		<u>\$530</u>
17	(iv) Greater than 3 and less than or equal to 5 cubic	
18	feet per second	(((\$1,320))
19		<u>\$740</u>
20	(v) Greater than 5 and less than or equal to 20	
21	cubic feet per second	(((\$1,700))
22		<u>\$960</u>
23	(vi) Greater than 20 and less than or equal to 100	
24	cubic feet per second	(((\$2,070))
25		<u>\$1,170</u>
26	(vii) Greater than 100 cubic feet per second	(((\$2,450))
27		<u>\$1,380</u>
28	(b) Ground water applications:	
29	(i) Greater than 0.0 and less than or equal to 0.2	
30	cubic feet per second	\$120
31	(ii) Greater than 0.2 and less than or equal to 0.5	
32	cubic feet per second	(((\$620))
33		<u>\$380</u>
34	(iii) Greater than 0.5 and less than or equal to 3	
35	cubic feet per second	(((\$1,130))
36		<u>\$640</u>
37	(iv) Greater than 3 and less than or equal to 5 cubic	
38	feet per second	(((\$1,580))
39		<u>\$890</u>

1	(v)	Greater than 5 and less than or equal to 20	
2		cubic feet per second	(((\$2,040))
3			<u>\$1,150</u>
4	(vi)	Greater than 20 and less than or equal to 100	
5		cubic feet per second	(((\$2,480))
6			<u>\$1,400</u>
7	(vii)	Greater than 100 cubic feet per second	(((\$2,940))
8			<u>\$1,660</u>
9	(c)	Reservoir applications:	
10	(i)	Greater than 0.0 and less than or equal to 10	
11		acre-feet	\$100
12	(ii)	Greater than 10 and less than or equal to 100	
13		acre-feet	(((\$940))
14			<u>\$530</u>
15	(iii)	Greater than 100 and less than or equal to 1,000	
16		acre-feet	(((\$1,700))
17			<u>\$960</u>
18	(iv)	Greater than 1,000 acre-feet	(((\$2,450))
19			<u>\$1,380</u>
20	(d)	Changes to permits and certificates:	
21	(i)	Changing a single element	\$100
22	(ii)	Changing multiple elements	(((\$520))
23			<u>\$320</u>
24	(3)	Certificate fees:	
25	(a)	Water appropriation applications:	
26	(i)	Greater than 0.0 and less than or equal to 0.2	
27		cubic feet per second	\$100
28	(ii)	Greater than 0.2 and less than or equal to 0.5	
29		cubic feet per second	(((\$330))
30			<u>\$210</u>
31	(iii)	Greater than 0.5 and less than or equal to 3	
32		cubic feet per second	(((\$570))
33			<u>\$320</u>
34	(iv)	Greater than 3 and less than or equal to 5 cubic	
35		feet per second	(((\$750))
36			<u>\$420</u>
37	(v)	Greater than 5 and less than or equal to 20	
38		cubic feet per second	(((\$940))
39			<u>\$530</u>

1	(vi)	Greater than 20 and less than or equal to 100	
2		cubic feet per second	((\$1,130))
3			<u>\$640</u>
4	(vii)	Greater than 100 cubic feet per second	((\$1,320))
5			<u>\$740</u>
6	(b)	Reservoir applications:	
7	(i)	Greater than 0.0 and less than or equal to 10	
8		acre-feet	\$100
9	(ii)	Greater than 10 and less than or equal to 100	
10		acre-feet	((\$570))
11			<u>\$320</u>
12	(iii)	Greater than 100 and less than or equal to 1,000	
13		acre-feet	((\$940))
14			<u>\$530</u>
15	(iv)	Greater than 1,000 acre-feet	((\$1,320))
16			<u>\$740</u>
17	(c)	Changes to permits and certificates:	
18	(i)	Changing a single element	\$100
19	(ii)	Changing multiple elements	((\$330))
20			<u>\$210</u>
21	(4)	Water right permit extensions	\$100
22	(5)	Protests to applications	\$50
23	(6)	Appealing a water right decision	\$200
24	(7)	Registration fee for exempt wells	\$75
25	(8)	Assignment of an application or permit	\$100
26	(9)	General permits:	
27	(a)	Application fee	\$100
28	(b)	Examination fee	\$0
29	(c)	Certificate fee	\$100
30	(10)	Seasonal change or rotation	\$100
31	(11)	Temporary or short-term water use	\$100
32	(12)	De minimis appropriations developed under a reservation of	
33		water adopted by rule:	
34	(a)	Application fee	\$100
35	(b)	Examination fee	\$0
36	(c)	Certificate fee	\$100
37	(13)	Issuance of a preliminary permit	\$100
38	(14)	For the examination of plans and specifications as to safety	
39		of controlling works for storage of ten acre feet or more of water, and	

1 for the inspection of any hydraulic works to insure safety to life and
2 property, the actual cost of the examination and inspection.

3 The combined application, examination, and certificate fee for
4 transfers and changes of water into the trust water right program under
5 chapter 90.42 RCW will be one hundred dollars.

6 The department shall provide timely notification by certified mail
7 with return receipt requested to applicants that fees are due. No
8 action may be taken until the fee is paid in full. Failure to remit
9 fees within sixty days of the department's notification shall be
10 grounds for rejecting the application or canceling the permit. Cash
11 shall not be accepted. Fees must be paid by check or money order and
12 are nonrefundable.

13 For purposes of calculating fees for ground water filings, one
14 cubic foot per second shall be regarded as equivalent to four hundred
15 fifty gallons per minute.

16 ~~((For the period beginning July 1, 1993, and ending June 30, 1994,
17 there is imposed and the department shall collect a one hundred dollar
18 surcharge on all water rights applications or changes filed under this
19 section, and upon all water rights applications or changes pending as
20 of July 1, 1993. This charge shall be in addition to any other fees
21 imposed under this section.))~~

22 NEW SECTION. Sec. 26. A new section is added to chapter 90.03 RCW
23 to read as follows:

24 Persons who, after the effective date of this section, have
25 facilities constructed for the withdrawal of water, where the
26 withdrawal does not require an application under RCW 90.44.050, shall
27 pay a seventy-five dollar one-time registration fee to the department
28 of ecology. The department shall adopt rules for the collection of
29 this fee; in doing so, the department shall take into consideration the
30 most efficient means of fee collection.

31 NEW SECTION. Sec. 27. By January 1, 1995, the department of
32 ecology shall employ emergency rule-making procedures to implement this
33 act.

34 NEW SECTION. Sec. 28. Sections 1, 3 through 24, 26, and 27 of
35 this act are necessary for the immediate preservation of the public

1 peace, health, or safety, or support of the state government and its
2 existing public institutions, and shall take effect immediately.

3 NEW SECTION. **Sec. 29.** Section 2 of this act shall take effect
4 January 2, 1995.

5 NEW SECTION. **Sec. 30.** Section 25 of this act shall take effect
6 July 1, 1997.

7 NEW SECTION. **Sec. 31.** Section 24 of this act shall expire June
8 30, 1997.

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