
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 6291

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, Prince, McCaslin, Bauer, Winsley and Newhouse)

Read first time 2/24/94.

1 AN ACT Relating to the processing of water rights; amending RCW
2 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.260,
3 90.44.060, 90.03.250, 90.03.470, 90.03.470, 89.30.001, 90.40.090, and
4 90.46.020; amending 1993 c 495 s 3 (uncodified); adding new sections to
5 chapter 90.03 RCW; adding new sections to chapter 43.21B RCW; creating
6 new sections; repealing RCW 90.03.471; and providing effective dates.

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

8 NEW SECTION. **Sec. 1.** The purpose of chapter . . ., Laws of 1994
9 (this act) is to make changes to the water right permitting process and
10 to provide sufficient funds to catch up on the backlog of water right
11 applications in as short a period as possible.

12 In furtherance of this purpose, the department shall expedite to
13 the maximum extent possible the processing of water right applications,
14 consistent with RCW 90.03.290, in areas where there are no known
15 shortages of water. In areas where there is a known shortage of water,
16 the department may act promptly to deny the water right applications.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
18 to read as follows:

1 In furtherance of the purpose of chapter . . . , Laws of 1994 (this
2 act) to more expeditiously make decisions regarding water right
3 applications as stated in section 1, chapter . . . , Laws of 1994
4 (section 1 of this act), the legislature finds that the administering
5 agency will be better enabled to make decisions and be better able to
6 assure conditions placed on permits and certificates are complied with
7 if procedures for the regulation of waters and water rights are clearly
8 established. The purpose of this section is to set forth the powers of
9 the department to regulate the withdrawal or diversion of public waters
10 and water or water rights related thereto including regulation based on
11 dates of priority or other pertinent factors. Regulatory actions taken
12 under this section shall be based on examination and determination by
13 the department or the court, as applicable, of the various water rights
14 involved according to the department's records and other records and
15 pertinent facts. The powers set forth in this section may be exercised
16 whether or not a general adjudication relating to the water rights
17 involved has been conducted.

18 (1) In a regulatory situation (a) where each water right proposed
19 for regulation by the department, as well as each right of a senior
20 priority that the proposed regulation is designed to protect, is or are
21 embodied in a certificate or certificates issued under RCW 90.03.240,
22 90.03.330, 90.38.040, 90.42.040, or 90.44.060 or a permit or permits
23 issued pursuant to RCW 90.03.290 or 90.44.060; or (b) where a flow or
24 level has been established by rule pursuant to chapter 90.22 or 90.54
25 RCW; or (c) where it appears to the department that public waters are
26 being withdrawn without any right or other appropriate authority
27 whatsoever, the department in its discretion may regulate the right or
28 rights under either RCW 43.27A.190 or subsection (2) of this section.

29 (2) The department may bring action in superior court for such
30 remedies as it may deem necessary, including injunctive or other
31 equitable relief, under the following situations: (a) When authorized
32 in a regulatory situation under subsection (1) of this section; or (b)
33 in a regulatory situation where one or more of the water rights
34 proposed for regulation by the department, or one or more of the water
35 rights of a senior priority that the proposed regulation is designed to
36 protect, is not or are not embodied in a certificate or permit as
37 described in subsection (1)(a) of this section. For purposes of
38 regulatory situations covered under (b) of this subsection, court
39 action under this subsection constitutes the department's sole and

1 exclusive method of regulation. Action brought under this subsection
2 shall be initiated in the superior court of the county where the point
3 or points of diversion of the water right or rights proposed for
4 regulation are located. If the points of diversion are located in more
5 than one county, the department may bring the action in a county where
6 a point of diversion is located.

7 (3) Nothing in this section authorizes the department to accomplish
8 a general adjudication of water rights proceeding or the substantial
9 equivalent of a general adjudication of water rights. The exclusive
10 procedure for accomplishing a general adjudication of water rights is
11 under RCW 90.03.110 through 90.03.245 or 90.44.220.

12 (4) Nothing in this section shall have an impact on RCW 90.14.130
13 or 90.14.200.

14 (5) This section does not in any way modify regulatory powers
15 previously placed with the department except as provided in subsections
16 (1) and (2) of this section.

17 **Sec. 3.** RCW 90.03.340 and 1987 c 109 s 90 are each amended to read
18 as follows:

19 After January 1, 1995, the priority date of the right acquired by
20 appropriation ((shall relate back to)) is the date ((of filing of)) the
21 ((original)) completed application form for the right is filed with the
22 department. For the purposes of this section and RCW 90.03.270, a
23 completed application form is one that contains all of the information
24 requested on the form and is accompanied by the application fee.

25 **Sec. 4.** RCW 90.03.270 and 1987 c 109 s 85 are each amended to read
26 as follows:

27 Upon receipt of ((an)) a completed water right application form, it
28 shall be the duty of the department to ((make an endorsement thereon of
29 the)) date ((of its receipt,)) stamp and ((to)) keep a record of
30 ((same)) it. If ((upon examination,)) an application form is filed
31 with the department but the information requested on the application
32 form is ((found to be defective,)) not complete or the form is not
33 accompanied by the proper application fee, the form and any application
34 fee filed with it shall be returned to the applicant ((for correction
35 or completion,)) and the date and the reasons for the return thereof
36 shall be ((endorsed thereon and made a record in his office. No
37 application shall lose its priority of filing on account of such

1 defects, ~~provided acceptable maps, drawings and such data as is~~
2 ~~required by the department shall be filed with the department within~~
3 ~~such reasonable time as it shall require~~) noted in the department's
4 records and in a letter returning the form. The department may not
5 require an applicant to provide information in support of an
6 application for a water right permit that is not necessary for the
7 department's investigations, determinations, or findings regarding that
8 particular application.

9 **Sec. 5.** RCW 90.03.280 and 1988 c 36 s 65 are each amended to read
10 as follows:

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

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21B RCW
29 to read as follows:

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

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

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

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

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

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

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

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.03 RCW
19 to read as follows:

20 (1) The department shall develop a general permit system for
21 appropriating water for nonconsumptive, nonbypass uses and a general
22 permit system for appropriating marine waters for use on upland sites.
23 These systems shall be designed and used to streamline the
24 consideration of applications for nonconsumptive, nonbypass water uses
25 and marine water uses that by their nature do not raise issues
26 regarding water availability or the impairment of other water rights.
27 The evaluation and report required for an application under RCW
28 90.03.290 are not required for applications processed under the general
29 permit system. For the purposes of this section:

30 (a) "Nonconsumptive, nonbypass use" means a use of water in which
31 water is diverted from a stream or withdrawn from an aquifer and
32 following its use is discharged, as determined by the department, back
33 to or very near the point of diversion or withdrawal without
34 diminishment in quantity or quality and with little or no damage to
35 fish habitat;

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

4 (c) "Marine waters" means the coastal saline waters under the
5 jurisdiction of the state.

6 (2) The department shall establish the general permit systems by
7 adopting rules in accordance with chapter 34.05 RCW. Before the
8 adoption of rules for a system, at least four public hearings must be
9 held at various locations around the state. The hearings on the
10 general permit system for marine water use must be held in appropriate
11 coastal communities. The rules shall identify criteria for proposed
12 uses of water for which applications might be processed under each
13 system and shall establish procedures for filing and processing
14 applications under the general permit systems.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.03 RCW
16 to read as follows:

17 An application for appropriating water under a general permit
18 system established under section 10 of this act shall be made on a form
19 adopted and provided by the department. Within sixty days of the
20 publication of a notice for the application in accordance with RCW
21 90.03.280, the department shall determine whether the proposed use is
22 eligible to be processed under the general permit system. If the
23 department determines that the proposed use is eligible to be processed
24 under the system, the application shall be processed under it. If the
25 department determines that the proposed use is not eligible for the
26 processing, the department shall explain to the applicant in writing
27 the reasons for its determination. For a proposed use determined
28 ineligible for the processing, if the department finds that the
29 information contained on the application form substantially satisfies
30 the information requirements for an application for a use that would
31 normally be filed for processing the application outside of the general
32 permit system, the department shall notify the applicant of its finding
33 and shall process the application as if it were filed for processing
34 outside of the system. If the department finds that the information
35 does not substantially satisfy the requirements, the application shall
36 be considered to be incomplete for the processing and the applicant
37 shall be notified of this consideration.

1 **Sec. 12.** RCW 90.03.290 and 1988 c 36 s 66 are each amended to read
2 as follows:

3 (1) When ~~((an))~~ a completed application complying with the
4 provisions of this chapter and with the rules ~~((and regulations))~~ of
5 the department has been filed, the ~~((same))~~ application shall be placed
6 on record with the department, and it shall be ~~((its))~~ the department's
7 duty to ~~((investigate the application, and))~~ determine what water, if
8 any, is available for appropriation, and find and determine to what
9 beneficial use or uses it can be applied.

10 The department shall investigate the application. It is the duty
11 of the applicant to provide a completed application form. In addition
12 to providing the information requested on the form, however, the
13 applicant shall also provide such information as may be required for
14 the department's investigation, determinations, and findings regarding
15 the application and may provide additional information. The
16 information provided by the applicant must satisfy the protocols, that
17 is, study plans and criteria, established by the department for
18 obtaining and providing the information. If an applicant provides the
19 information and the protocols set by the department for obtaining and
20 providing it have been satisfied, the department shall review the
21 information and may take actions to verify that the information is
22 accurate, but it may not, except to replace inaccurate information,
23 take actions that would constitute obtaining major portions of the
24 information anew.

25 (2) With regard to an application:

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

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

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

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

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

1 pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the
2 event a permit is issued by the department upon any application, it
3 shall be its duty to notify (~~both the director of fisheries and~~) the
4 director of fish and wildlife and affected federally recognized Indian
5 tribes of such issuance.

6 **Sec. 13.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to
7 read as follows:

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

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

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

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

29 (c) The operation of legal proceedings;

30 (d) Delays in securing other permits necessary to proceed with the
31 development;

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

33 (f) Implementation of water efficiency measures, including
34 conservation and reclaimed water use;

35 (g) Encountering unanticipated physical impediments to
36 construction; and

37 (h) Encountering generally depressed economic conditions.

1 (3) If the terms of the permit or extension thereof(~~(7)~~) are not
2 complied with, the department shall give notice by (~~registered~~)
3 certified mail that (~~such~~) the permit will be canceled unless the
4 (~~holders thereof shall~~) permittee shows cause within sixty days why
5 the (~~same~~) permit should not be (~~so~~) canceled. If cause (~~be~~) is
6 not shown, (~~said~~) the permit shall be canceled.

7 **Sec. 14.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to
8 read as follows:

9 (~~Each application for permit to appropriate water shall set forth
10 the name and post office address of the applicant, the source of water
11 supply, the nature and amount of the proposed use, the time during
12 which water will be required each year, the location and description of
13 the proposed ditch, canal, or other work, the time within which the
14 completion of the construction and the time for the complete
15 application of the water to the proposed use. If for agricultural
16 purposes, it shall give the legal subdivision of the land and the
17 acreage to be irrigated, as near as may be, and the amount of water
18 expressed in acre feet to be supplied per season. If for power
19 purposes, it shall give the nature of the works by means of which the
20 power is to be developed, the head and amount of water to be utilized,
21 and the uses to which the power is to be applied. If for construction
22 of a reservoir, it shall give the height of the dam, the capacity of
23 the reservoir, and the uses to be made of the impounded waters. If for
24 municipal water supply, it shall give the present population to be
25 served, and, as near as may be, the future requirement of the
26 municipality. If for mining purposes, it shall give the nature of the
27 mines to be served and the method of supplying and utilizing the water;
28 also their location by legal subdivisions. All applications shall be
29 accompanied by such maps and drawings, in duplicate, and such other
30 data, as may be required by the department, and such accompanying data
31 shall be considered as a part of the application.)) The department
32 shall adopt rules in accordance with chapter 34.05 RCW by January 1,
33 1995, that specify the contents of completed water right application
34 forms. The rules shall include specific timelines for the department
35 to follow in making a determination as to whether an application is
36 complete and notifying the applicant of its determination. The rules
37 shall also identify the kinds of inaccuracies that render an
38 application incomplete.~~

1 **Sec. 15.** RCW 90.44.060 and 1987 c 109 s 109 are each amended to
2 read as follows:

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

33 **Sec. 16.** RCW 90.03.250 and 1987 c 109 s 83 are each amended to
34 read as follows:

35 Any person, municipal corporation, firm, irrigation district,
36 association, corporation or water users' association hereafter desiring
37 to appropriate water for a beneficial use shall make an application to
38 the department for a permit to make such appropriation, and shall not

1 use or divert such waters until he has received a permit from the
2 department as in this chapter provided. The construction of any ditch,
3 canal or works, or performing any work in connection with said
4 construction or appropriation, or the use of any waters, shall not be
5 an appropriation of such water nor an act for the purpose of
6 appropriating water unless a permit to make said appropriation has
7 first been granted by the department: PROVIDED, That a temporary
8 permit may be granted upon a proper showing made to the department to
9 be valid only during the pendency of such application for a permit
10 unless sooner revoked by the department: PROVIDED, FURTHER, That
11 nothing in this chapter contained shall be deemed to affect RCW
12 90.40.010 through 90.40.080 except that the notice and certificate
13 therein provided for in RCW 90.40.030 shall be addressed to the
14 department, and the department shall exercise the powers and perform
15 the duties prescribed by RCW 90.40.030.

16 The department shall encourage the filing of a consolidated
17 application for a complex project under a single ownership that
18 proposes to divert or withdraw water from more than one source,
19 including a combination of surface and ground water sources. The
20 filing of a consolidated application for transfer or change of one or
21 more water rights involving multiple sources shall also be encouraged
22 if all of the affected diversions or withdrawals are intended to serve
23 a single project with a single ownership. The department shall adopt
24 and provide forms for consolidated applications.

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

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

31 (2) Applications for appropriating water under this section shall
32 be made on a form provided by the department. Within sixty days of the
33 publication of a notice in accordance with RCW 90.03.280, the
34 department shall issue or deny a permit for the requested
35 appropriation. If the department denies the application, it shall
36 explain its determination in writing.

37 (3) The department shall waive the evaluation and report
38 requirements of RCW 90.03.290 if during the establishment of the

1 reservation it was conclusively determined that water is available and
2 that no impairment of existing water rights or the public interest will
3 occur.

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

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

13 (6) The department shall develop, in cooperation with the
14 department of health, informational materials regarding the risks of
15 drinking untreated surface water. This informational material may be
16 provided to prospective applicants. The department shall attach the
17 informational materials to any permit that is approved under this
18 section.

19 NEW SECTION. **Sec. 18.** A new section is added to chapter 90.03 RCW
20 to read as follows:

21 (1) The department may authorize short-term uses of water without
22 publication of the notice required under RCW 90.03.280 and without the
23 report required under RCW 90.03.290. However, before approving a
24 short-term use, the department shall determine to its satisfaction that
25 the substantive criteria in RCW 90.03.290 are met and that a stream
26 affected by a short-term use will be retained with sufficient flows to
27 maintain instream uses and to protect existing water rights. The
28 department shall adopt and provide application forms for persons
29 applying for a short-term use and shall expedite its consideration of
30 short-term use requests to the extent practicable.

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

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 90.03 RCW
36 to read as follows:

1 The department shall establish a register that identifies, by water
2 resource inventory area, applications for new water rights and
3 applications for water right transfers and changes. The applications
4 appearing in the register shall be limited to those requesting a new
5 appropriation or change or transfer of more than three cubic feet per
6 second of water. The register shall identify: The location of the
7 proposed use, change, or transfer; whether the application is for
8 surface or ground water; and, for surface water applications, the water
9 source. The department shall produce the register once every two weeks
10 and shall make the register available to interested parties for a fee
11 that is based on the cost of producing and mailing the register. One
12 year after the effective date of this section, the department may cease
13 production of the register if the number of requests for the register
14 are not adequate to cover the costs of producing and mailing it.

15 NEW SECTION. **Sec. 20.** (1) The department of ecology shall in
16 conjunction with the task force created in section 3, chapter 495, Laws
17 of 1993 develop a budget process for its water rights administration
18 program that accomplishes the following:

- 19 (a) Identifies targets for permitting activities for the biennium;
20 (b) Identifies workload standards;
21 (c) Prepares a draft budget;
22 (d) Provides for timely public review of the draft budget; and
23 (e) Circulates a final budget.

24 (2) The department of ecology shall, in conjunction with the water
25 rights programs review task force, establish and periodically review
26 the following:

- 27 (a) Workload standards and proposed incentives to improve such
28 standards;
29 (b) Program expenditure categories to account for and track costs
30 related to the water rights administration program; and
31 (c) Success measures based upon programmatic results designed to
32 evaluate program effectiveness and standards for defining the measures.

33 In establishing the initial workload standards, the legislature has
34 an expectation that the department of ecology will process a simple,
35 basic application in six months and an application of intermediate
36 difficulty in one year.

37 (3) The task force shall report annually to the legislature on the
38 success measures established, the number of water right permit

1 decisions made, and the associated costs of administering the water
2 rights program.

3 (4) The legislature may provide for another state entity or an
4 independent contractor to conduct periodic performance audits or
5 evaluations of the effectiveness and efficiency of the department of
6 ecology in meeting its workload standards and achieving programmatic
7 success.

8 (5) This section shall expire June 30, 1998.

9 **Sec. 21.** 1993 c 495 s 3 (uncodified) is amended to read as
10 follows:

11 (1) There is created a water rights ~~((fees))~~ programs review task
12 force. The task force shall be comprised of ~~((fourteen))~~ sixteen
13 members, who are appointed as follows:

14 (a) Two members of the Washington state house of representatives,
15 one from each major caucus, to be appointed by the speaker of the house
16 of representatives;

17 (b) Two members of the Washington state senate, one from each major
18 caucus, to be appointed by the president of the senate;

19 (c) ~~((Ten))~~ Twelve members, to be appointed jointly by the speaker
20 of the house of representatives and the president of the senate, to
21 represent the following interests: Agriculture, aquaculture, business,
22 cities, counties, the state department of ecology, environmentalists,
23 water recreation interests, water utilities, federally recognized
24 Indian tribes, rural residential interests and hydropower interests.
25 ~~((The task force may establish technical advisory committees as
26 necessary to complete its tasks.))~~

27 (2) In addition to the functions established in section 20 of this
28 act, the task force shall conduct a ((comprehensive)) review ((of water
29 rights fees. The task force's tasks shall include)), including but not
30 ~~((be))~~ limited to the following matters:

31 (a) ~~((Identification of the costs associated with the various
32 activities and services provided by the water rights program and
33 examination of how these costs compare with the fees charged for these
34 activities and services;~~

35 (b) ~~Identification of appropriate accountability measures for the
36 department of ecology to employ in administration of the water rights
37 program. Recommendations of accountability requirements and
38 measurements shall take into account the distinctive characteristics of~~

1 the water rights program, that is, that the department receives a large
2 number of applications on a one-time basis and that the department of
3 ecology must meet its legal obligations under the doctrine of prior
4 appropriation;

5 (c) Identification of which program activities should be eligible
6 for cost recovery from fees, as well as which direct and indirect costs
7 of program administration;

8 (d) Review of the application, examination, and water rights permit
9 requirements for marine water users to determine if these users should
10 receive special fee consideration;

11 (e) Review of the definition and treatment of nonconsumptive water
12 uses to determine if special fee consideration should be given to these
13 users;

14 (f) Review of the fees and accounting methods for the dam safety
15 program;

16 (g) Identification of the appropriate distribution of
17 responsibility between the applicant and the department of ecology for
18 provision of technical information and analysis; and

19 (h) Establishment of a reasonable time framework for completion of
20 new and pending water rights applications, and an analysis of the staff
21 and funding levels required to meet the established time framework))
22 Implementation of the development and maintenance of the water resource
23 data management system, monitored on an annual basis;

24 (b) The use and amount of funds available for the water right
25 permit processing and data management programs and the transition
26 between fiscal year 1998 and fiscal year 1999;

27 (c) The water rights programs review task force will conduct a
28 study to determine potential savings and efficiencies attainable by
29 integrating all water resource data management functions among natural
30 resource management agencies into a single data management system
31 compared with the savings and efficiencies currently realized by each
32 natural resource management agency maintaining independent water
33 resource information. In reviewing this matter, the task force will
34 work with the natural resource management agencies to determine the
35 nature and extent of each natural resource management agency's:

36 (i) Existing water resource data;

37 (ii) Existing water resource data management system or systems;

38 (iii) Dependence on water resource data to fulfill agency
39 responsibilities;

1 (iv) Types of water resource data unique to that agency;

2 (v) Types of water resource data common to all natural resource
3 agencies;

4 (vi) Method of managing water resources information, including an
5 assessment of the compatibility of information management systems
6 between natural resource management agencies, and the obstacles
7 inhibiting integration and subsequent free exchange of water resource
8 data between natural resource management agencies; and

9 (vii) Biennial cost of acquiring and maintaining each type of water
10 resource data used by the agency.

11 For the purposes of this section, a "natural resource management
12 agency" includes any of the following state agencies: Department of
13 ecology, department of natural resources, department of fish and
14 wildlife, and department of health.

15 The report shall be presented to the legislature on or before
16 December 1, 1994; and

17 (d) In conjunction with the review required in (a) and (b) of this
18 subsection, the task force shall recommend, by December 1, 1994,
19 appropriate future funding sources for data management development.

20 (3) Before December 1, ((1993)) 1997, the task force shall provide
21 recommendations to the legislature regarding:

22 (a) ((Provide recommendations to the department of ecology on ways
23 to improve the efficiency and accountability of the water rights
24 program;

25 (b) Provide recommendations to the legislature on statutory changes
26 necessary to make these efficiency and accountability improvements; and

27 (c) Propose a new fee schedule for the water rights program which
28 incorporates the results of the task force's work and which funds
29 through fees fifty percent of the cost of the activities and services
30 provided by the program)) The efficiency and accountability of the
31 water right permit processing program and the need for change to the
32 level of funding in fiscal year 1999;

33 (b) The future direction of the water resource data management
34 program and the need for changes to the level of funding in fiscal year
35 1999; and

36 (c) Modification to the fee schedule to fund water right permit
37 processing and data management programs that is to go into effect on
38 July 1, 1998, including a reexamination of the fee on exempt wells
39 established in RCW 90.03.470.

1 (4) The department of ecology and the legislature shall jointly
2 provide for the staff support of the task force.

3 (5) The task force shall convene as soon as possible upon the
4 appointment of its members. Task force members shall elect a chair and
5 adopt rules for conducting the business of the task force. The task
6 force shall expire on June 30, (~~(1994)~~) 1998.

7 **Sec. 22.** RCW 90.03.470 and 1993 c 495 s 2 are each amended to read
8 as follows:

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

11 (1) ~~For the examination of an application for permit to appropriate~~
12 ~~water or on application to change point of diversion, withdrawal,~~
13 ~~purpose or place of use, a minimum of ten dollars, to be paid with the~~
14 ~~application. For each second foot between one and five hundred second~~
15 ~~feet, two dollars per second foot; for each second foot between five~~
16 ~~hundred and two thousand second feet, fifty cents per second foot; and~~
17 ~~for each second foot in excess thereof, twenty cents per second foot.~~
18 ~~For each acre foot of storage up to and including one hundred thousand~~
19 ~~acre feet, one cent per acre foot, and for each acre foot in excess~~
20 ~~thereof, one fifth cent per acre foot. The ten dollar fee payable with~~
21 ~~the application shall be a credit to that amount whenever the fee for~~
22 ~~direct diversion or storage totals more than ten dollars under the~~
23 ~~above schedule and in such case the further fee due shall be the total~~
24 ~~computed amount less ten dollars.~~

25 ~~Within five days from receipt of an application the department~~
26 ~~shall notify the applicant by registered mail of any additional fees~~
27 ~~due under the above schedule and any additional fees shall be paid to~~
28 ~~and received by the department within thirty days from the date of~~
29 ~~filing the application, or the application shall be rejected.~~

30 (2) ~~For filing and recording a permit to appropriate water for~~
31 ~~irrigation purposes, forty cents per acre for each acre to be irrigated~~
32 ~~up to and including one hundred acres, and twenty cents per acre for~~
33 ~~each acre in excess of one hundred acres up to and including one~~
34 ~~thousand acres, and ten cents for each acre in excess of one thousand~~
35 ~~acres; and also twenty cents for each theoretical horsepower up to and~~
36 ~~including one thousand horsepower, and four cents for each theoretical~~
37 ~~horsepower in excess of one thousand horsepower, but in no instance~~
38 ~~shall the minimum fee for filing and recording a permit to appropriate~~

1 water be less than five dollars. For all other beneficial purposes the
2 fee shall be twice the amount of the examination fee except that for
3 individual household and domestic use, which may include water for
4 irrigation of a family garden, the fee shall be five dollars.

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

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

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

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

17 (7) For granting each extension of time for beginning construction
18 work under a permit to appropriate water, an amount equal to one half
19 of the filing and recording fee, except that the minimum fee shall be
20 not less than five dollars for each year that an extension is granted,
21 and for granting an extension of time for completion of construction
22 work or for completing application of water to a beneficial use, five
23 dollars for each year that an extension is granted.

24 (8) For the inspection of any hydraulic works to insure safety to
25 life and property, the actual cost of the inspection, including the
26 expense incident thereto.

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

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

32 (11) For preparing and issuing all water right certificates, five
33 dollars.

34 (12) For filing and recording a protest against granting any
35 application, two dollars.

36 (13)) The legislature finds it necessary to assess additional fees
37 for a four-year period in order to address the water right application
38 backlog and data management development. For the period July 1, 1994,

1 through June 30, 1998, the department shall collect the following fees
2 in advance:

3 (1) Application filing fees for the following:

4 (a) Surface water and ground water applications:

- 5 (i) Greater than 0.0 and less than or equal to 0.2
6 cubic feet per second \$90
- 7 (ii) Greater than 0.2 and less than or equal to 0.5
8 cubic feet per second \$290
- 9 (iii) Greater than 0.5 and less than or equal to 3
10 cubic feet per second \$490
- 11 (iv) Greater than 3 and less than or equal to 5 cubic
12 feet per second \$660
- 13 (v) Greater than 5 and less than or equal to 20
14 cubic feet per second \$820
- 15 (vi) Greater than 20 and less than or equal to 100
16 cubic feet per second \$990
- 17 (vii) Greater than 100 cubic feet per second \$1,150

18 (b) Reservoir applications:

- 19 (i) Greater than 0.0 and less than or equal to 10
20 acre-feet \$90
- 21 (ii) Greater than 10 and less than or equal to 100
22 acre-feet \$490
- 23 (iii) Greater than 100 and less than or equal to 1,000
24 acre-feet \$820
- 25 (iv) Greater than 1,000 acre-feet \$1,150

26 (c) Change applications:

- 27 (i) Changing a single element \$90
- 28 (ii) Changing multiple elements \$290

29 (2) Examination fees for the following:

30 (a) Surface water applications:

- 31 (i) Greater than 0.0 and less than or equal to 0.2
32 cubic feet per second \$100
- 33 (ii) Greater than 0.2 and less than or equal to 0.5
34 cubic feet per second \$450
- 35 (iii) Greater than 0.5 and less than or equal to 3
36 cubic feet per second \$820
- 37 (iv) Greater than 3 and less than or equal to 5 cubic
38 feet per second \$1,150

1	(v) <u>Greater than 5 and less than or equal to 20</u>	
2	<u>cubic feet per second</u>	<u>\$1,480</u>
3	(vi) <u>Greater than 20 and less than or equal to 100</u>	
4	<u>cubic feet per second</u>	<u>\$1,810</u>
5	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,130</u>
6	<u>(b) Ground water applications:</u>	
7	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
8	<u>cubic feet per second</u>	<u>\$120</u>
9	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
10	<u>cubic feet per second</u>	<u>\$540</u>
11	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
12	<u>cubic feet per second</u>	<u>\$980</u>
13	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
14	<u>feet per second</u>	<u>\$1,380</u>
15	(v) <u>Greater than 5 and less than or equal to 20</u>	
16	<u>cubic feet per second</u>	<u>\$1,780</u>
17	(vi) <u>Greater than 20 and less than or equal to 100</u>	
18	<u>cubic feet per second</u>	<u>\$2,170</u>
19	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,560</u>
20	<u>(c) Reservoir applications:</u>	
21	(i) <u>Greater than 0.0 and less than or equal to 10</u>	
22	<u>acre-feet</u>	<u>\$100</u>
23	(ii) <u>Greater than 10 and less than or equal to 100</u>	
24	<u>acre-feet</u>	<u>\$820</u>
25	(iii) <u>Greater than 100 and less than or equal to 1,000</u>	
26	<u>acre-feet</u>	<u>\$1,480</u>
27	(iv) <u>Greater than 1,000 acre-feet</u>	<u>\$2,130</u>
28	<u>(d) Changes to permits and certificates:</u>	
29	(i) <u>Changing a single element</u>	<u>\$100</u>
30	(ii) <u>Changing multiple elements</u>	<u>\$450</u>
31	<u>(3) Certificate fees:</u>	
32	<u>(a) Water appropriation applications:</u>	
33	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
34	<u>cubic feet per second</u>	<u>\$90</u>
35	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
36	<u>cubic feet per second</u>	<u>\$290</u>
37	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
38	<u>cubic feet per second</u>	<u>\$490</u>

1	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
2	<u>feet per second</u>	\$660
3	(v) <u>Greater than 5 and less than or equal to 20</u>	
4	<u>cubic feet per second</u>	\$820
5	(vi) <u>Greater than 20 and less than or equal to 100</u>	
6	<u>cubic feet per second</u>	\$990
7	(vii) <u>Greater than 100 cubic feet per second</u>	\$1,150
8	<u>(b) Reservoir applications:</u>	
9	(i) <u>Greater than 0.0 and less than or equal to 10</u>	
10	<u>acre-feet</u>	\$90
11	(ii) <u>Greater than 10 and less than or equal to 100</u>	
12	<u>acre-feet</u>	\$490
13	(iii) <u>Greater than 100 and less than or equal to 1,000</u>	
14	<u>acre-feet</u>	\$820
15	(iv) <u>Greater than 1,000 acre-feet</u>	\$1,150
16	<u>(c) Changes to permits and certificates:</u>	
17	(i) <u>Changing a single element</u>	\$90
18	(ii) <u>Changing multiple elements</u>	\$290
19	(4) <u>Water right permit extensions</u>	\$100
20	(5) <u>Protests to applications</u>	\$50
21	(6) <u>Appealing a water right decision</u>	\$200
22	(7) <u>Registration fee for exempt wells</u>	\$45
23	(8) <u>Assignment of an application or permit</u>	\$100
24	<u>(9) General permits:</u>	
25	(a) <u>Application fee</u>	\$100
26	(b) <u>Examination fee</u>	\$0
27	(c) <u>Certificate fee</u>	\$100
28	(10) <u>Seasonal change or rotation</u>	\$100
29	(11) <u>Temporary or short-term water use</u>	\$100
30	(12) <u>De minimis appropriations developed under a reservation of</u>	
31	<u>water adopted by rule:</u>	
32	(a) <u>Application fee</u>	\$100
33	(b) <u>Examination fee</u>	\$0
34	(c) <u>Certificate fee</u>	\$100
35	(13) <u>Issuance of a preliminary permit</u>	\$100
36	(14) <u>For the examination of plans and specifications as to safety</u>	
37	<u>of controlling works for storage of ten acre feet or more of water, and</u>	
38	<u>for the inspection of any hydraulic works to insure safety to life and</u>	
39	<u>property, the actual cost of the examination and inspection.</u>	

1 (15) For a consolidated application covering multiple sources or
2 changes:

3 (a) The application fee must be based upon either the total amount
4 of water or the total number of changes requested, or both;

5 (b) The examination fee is the total of the examination fees
6 calculated for the individual applications and changes; and

7 (c) The certificate fee is as is appropriate for the individual
8 certificates, since separate permits would issue and, therefore,
9 separate certificates would result.

10 The combined application, examination, and certificate fee for
11 transfers and changes of water into the trust water right program under
12 chapter 90.42 RCW shall be one hundred dollars.

13 There shall be a forty-five dollar priority date registration fee
14 on rights to ground water established after July 1, 1994, under RCW
15 90.44.050 that are exempt from the water right permitting process. The
16 department shall adopt by rule the means whereby these water rights are
17 registered with the department and the method of collection of this fee
18 in accordance with chapter 34.05 RCW. This fee shall be due from only
19 those well owners who place the water to beneficial use. The
20 department shall register the well in the water resource data
21 management system and provide to the owner a certificate that the well
22 has been registered.

23 The water right processing and data management account is created
24 in the state treasury. All receipts collected under this section shall
25 be deposited into the account. Moneys in the account may be spent only
26 after appropriation. Expenditures from the account may be used only
27 for functions of the department of ecology related to: Filing,
28 examination, and certification of water right permits, changes to water
29 rights, and transfers of water rights; development and maintenance of
30 the data management program related to water rights; and a
31 proportionate share of indirect costs allocated to these functions
32 necessary to fund the general administrative functions of the
33 department. Except for the biennium ending June 30, 1995, the
34 department may expend funds from the account in an amount that is
35 substantially equal to the amount expended of funds appropriated from
36 the general fund for each biennium. For the biennium ending June 30,
37 1995, data management development costs are not required to be funded
38 in a substantially equal manner.

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

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

11 ~~((15))~~ For the period beginning July 1, 1993, and ending June 30,
12 1994, there is imposed and the department shall collect a one hundred
13 dollar surcharge on all water rights applications or changes filed
14 under this section, and upon all water rights applications or changes
15 pending as of July 1, 1993. This charge shall be in addition to any
16 other fees imposed under this section.

17 **Sec. 23.** RCW 90.03.470 and 1994 c . . . s 22 (section 22 of this
18 act) are each amended to read as follows:

19 ~~((The legislature finds it necessary to assess additional fees for
20 a four year period in order to address the water right application
21 backlog and data management development. For the period July 1, 1994,
22 through June 30, 1998,))~~ The department shall collect the following
23 fees in advance:

- 24 (1) Application filing fees for the following:
- 25 (a) Surface water and ground water applications:
- 26 (i) Greater than 0.0 and less than or equal to 0.2
27 cubic feet per second ~~((90))~~ \$100
- 28 (ii) Greater than 0.2 and less than or equal to 0.5
29 cubic feet per second ~~((290))~~ \$210
- 30 (iii) Greater than 0.5 and less than or equal to 3
31 cubic feet per second ~~((490))~~ \$320
- 32 (iv) Greater than 3 and less than or equal to 5 cubic
33 feet per second ~~((660))~~ \$420
- 34 (v) Greater than 5 and less than or equal to 20
35 cubic feet per second ~~((820))~~ \$530
- 36 (vi) Greater than 20 and less than or equal to 100
37 cubic feet per second ~~((990))~~ \$640

1	(vii) Greater than 100 cubic feet per second	((\$1,150))	<u>\$740</u>
2	(b) Reservoir applications:		
3	(i) Greater than 0.0 and less than or equal to 10		
4	acre-feet	((\$90))	<u>\$100</u>
5	(ii) Greater than 10 and less than or equal to 100		
6	acre-feet	((\$490))	<u>\$320</u>
7	(iii) Greater than 100 and less than or equal to 1,000		
8	acre-feet	((\$820))	<u>\$530</u>
9	(iv) Greater than 1,000 acre-feet	((\$1,150))	<u>\$740</u>
10	(c) Change applications:		
11	(i) Changing a single element	((\$90))	<u>\$100</u>
12	(ii) Changing multiple elements	((\$290))	<u>\$210</u>
13	(2) Examination fees for the following:		
14	(a) Surface water applications:		
15	(i) Greater than 0.0 and less than or equal to 0.2		
16	cubic feet per second		\$100
17	(ii) Greater than 0.2 and less than or equal to 0.5		
18	cubic feet per second	((\$450))	<u>\$320</u>
19	(iii) Greater than 0.5 and less than or equal to 3		
20	cubic feet per second	((\$820))	<u>\$530</u>
21	(iv) Greater than 3 and less than or equal to 5 cubic		
22	feet per second	((\$1,150))	<u>\$740</u>
23	(v) Greater than 5 and less than or equal to 20		
24	cubic feet per second	((\$1,480))	<u>\$960</u>
25	(vi) Greater than 20 and less than or equal to 100		
26	cubic feet per second	((\$1,810))	<u>\$1,170</u>
27	(vii) Greater than 100 cubic feet per second	((\$2,130))	<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	((\$540))	<u>\$380</u>
33	(iii) Greater than 0.5 and less than or equal to 3		
34	cubic feet per second	((\$980))	<u>\$640</u>
35	(iv) Greater than 3 and less than or equal to 5 cubic		
36	feet per second	((\$1,380))	<u>\$890</u>
37	(v) Greater than 5 and less than or equal to 20		
38	cubic feet per second	((\$1,780))	<u>\$1,150</u>

1 (vi) Greater than 20 and less than or equal to 100
2 cubic feet per second ((~~\$2,170~~) \$1,400)
3 (vii) Greater than 100 cubic feet per second ((~~\$2,560~~) \$1,660)
4 (c) Reservoir applications:
5 (i) Greater than 0.0 and less than or equal to 10
6 acre-feet \$100
7 (ii) Greater than 10 and less than or equal to 100
8 acre-feet ((~~\$820~~) \$530)
9 (iii) Greater than 100 and less than or equal to 1,000
10 acre-feet ((~~\$1,480~~) \$960)
11 (iv) Greater than 1,000 acre-feet ((~~\$2,130~~) \$1,380)
12 (d) Changes to permits and certificates:
13 (i) Changing a single element \$100
14 (ii) Changing multiple elements ((~~\$450~~) \$320)
15 (3) Certificate fees:
16 (a) Water appropriation applications:
17 (i) Greater than 0.0 and less than or equal to 0.2
18 cubic feet per second ((~~\$90~~) \$100)
19 (ii) Greater than 0.2 and less than or equal to 0.5
20 cubic feet per second ((~~\$290~~) \$210)
21 (iii) Greater than 0.5 and less than or equal to 3
22 cubic feet per second ((~~\$490~~) \$320)
23 (iv) Greater than 3 and less than or equal to 5 cubic
24 feet per second ((~~\$660~~) \$420)
25 (v) Greater than 5 and less than or equal to 20
26 cubic feet per second ((~~\$820~~) \$530)
27 (vi) Greater than 20 and less than or equal to 100
28 cubic feet per second ((~~\$990~~) \$640)
29 (vii) Greater than 100 cubic feet per second ((~~\$1,150~~) \$740)
30 (b) Reservoir applications:
31 (i) Greater than 0.0 and less than or equal to 10
32 acre-feet ((~~\$90~~) \$100)
33 (ii) Greater than 10 and less than or equal to 100
34 acre-feet ((~~\$490~~) \$320)
35 (iii) Greater than 100 and less than or equal to 1,000
36 acre-feet ((~~\$820~~) \$530)
37 (iv) Greater than 1,000 acre-feet ((~~\$1,150~~) \$740)
38 (c) Changes to permits and certificates:
39 (i) Changing a single element ((~~\$90~~) \$100)

1	(ii) Changing multiple elements	((\$290))	<u>\$210</u>
2	(4) Water right permit extensions		\$100
3	(5) Protests to applications		\$50
4	(6) Appealing a water right decision		\$200
5	(7) Registration fee for exempt wells		\$45
6	(8) Assignment of an application or permit		\$100
7	(9) General permits:		
8	(a) Application fee		\$100
9	(b) Examination fee		\$0
10	(c) Certificate fee		\$100
11	(10) Seasonal change or rotation		\$100
12	(11) Temporary or short-term water use		\$100
13	(12) De minimis appropriations developed under a reservation of		
14	water adopted by rule:		
15	(a) Application fee		\$100
16	(b) Examination fee		\$0
17	(c) Certificate fee		\$100
18	(13) Issuance of a preliminary permit		\$100
19	(14) For the examination of plans and specifications as to safety		
20	of controlling works for storage of ten acre feet or more of water, and		
21	for the inspection of any hydraulic works to insure safety to life and		
22	property, the actual cost of the examination and inspection.		
23	(15) For a consolidated application covering multiple sources or		
24	changes:		
25	(a) The application fee must be based upon either the total amount		
26	of water or the total number of changes requested, or both;		
27	(b) The examination fee is the total of the examination fees		
28	calculated for the individual applications and changes; and		
29	(c) The certificate fee is as is appropriate for the individual		
30	certificates, since separate permits would issue and, therefore,		
31	separate certificates would result.		
32	The combined application, examination, and certificate fee for		
33	transfers and changes of water into the trust water right program under		
34	chapter 90.42 RCW will be one hundred dollars.		
35	There shall be a forty-five dollar priority date registration fee		
36	on rights to ground water established after July 1, 1994, under RCW		
37	90.44.050 that are exempt from the water right permitting process. The		
38	department shall adopt by rule the means whereby these water rights are		
39	registered with the department and the method of collection of this fee		

1 in accordance with chapter 34.05 RCW. This fee shall be due from only
2 those well owners who place the water to beneficial use. The
3 department shall register the well in the water resource data
4 management system and provide to the owner a certificate that the well
5 has been registered.

6 The water right processing and data management account is created
7 in the state treasury. All receipts collected under this section shall
8 be deposited into the account. Moneys in the account may be spent only
9 after appropriation. Expenditures from the account may be used only
10 for functions of the department of ecology related to: Filing,
11 examination, and certification of water right permits, changes to water
12 rights, and transfers of water rights; development and maintenance of
13 the data management program related to water rights; and a
14 proportionate share of indirect costs allocated to these functions
15 necessary to fund the general administrative functions of the
16 department. ~~((Except for the biennium ending June 30, 1995,))~~ The
17 department may expend funds from the account in an amount that is
18 substantially equal to the amount expended of funds appropriated from
19 the general fund for each biennium. ~~((For the biennium ending June 30,
20 1995, data management development costs are not required to be funded
21 in a substantially equal manner.))~~

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

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

1 **Sec. 24.** RCW 89.30.001 and 1933 c 149 s 1 are each amended to read
2 as follows:

3 Reclamation districts including an area of not less than one
4 million acres of land may be created and maintained in this state, as
5 herein provided, for the reclamation and improvement of arid and
6 semiarid lands situated in such districts, and for the generation
7 and/or sale of hydroelectric energy(~~(:—PROVIDED, That no~~
8 ~~appropriation, license, filing, recording, examination or other fee or~~
9 ~~fees, as provided in RCW 90.16.050 through 90.16.090 or in RCW~~
10 ~~90.03.470 shall be applicable to a district or districts created under~~
11 ~~this chapter))~~).

12 **Sec. 25.** RCW 90.40.090 and 1988 c 127 s 83 are each amended to
13 read as follows:

14 An application filed by the department of ecology or its assignee,
15 the United States Bureau of Reclamation, for a permit to appropriate
16 waters of the Columbia River under chapter 90.03 RCW, for the
17 development of the Grand Coulee project shall be perfected in the same
18 manner and to the same extent as though such appropriation had been
19 made by a private person, corporation or association(~~(, but no fees, as~~
20 ~~provided for in RCW 90.03.470, shall be required))~~).

21 **Sec. 26.** RCW 90.46.020 and 1992 c 204 s 3 are each amended to read
22 as follows:

23 (1) The department of ecology shall, in coordination with the
24 department of health, develop ~~((interim))~~ standards for ~~((pilot~~
25 ~~projects under subsection (3) of this section on or before July 1,~~
26 ~~1992, for))~~ the use of reclaimed water in land applications.

27 (2) The department of health shall, in coordination with the
28 department of ecology, develop ~~((interim))~~ standards for ~~((pilot~~
29 ~~projects under subsection (3) of this section on or before November 15,~~
30 ~~1992, for))~~ the use of reclaimed water in commercial and industrial
31 activities.

32 (3) The department of ecology and the department of health shall
33 assist interested parties in the development of ~~((pilot))~~ projects to
34 aid in achieving the purposes of this chapter.

35 NEW SECTION. **Sec. 27.** The legislature shall examine and recommend
36 state policies relating to water rights, water use, and water doctrine

1 and report the recommendations to the appropriate standing committees
2 of the 1995 legislature.

3 NEW SECTION. **Sec. 28.** RCW 90.03.471 and 1987 c 109 s 99 & 1925
4 ex.s. c 161 s 3 are each repealed.

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

7 NEW SECTION. **Sec. 30.** Sections 22 and 28 of this act shall take
8 effect July 1, 1994.

9 NEW SECTION. **Sec. 31.** Section 23 of this act shall take effect
10 July 1, 1998.

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