

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1236

Chapter 495, Laws of 1993

53rd Legislature
1993 Regular Session

WATER RIGHTS FEES

EFFECTIVE DATE: 7/25/93

Passed by the House April 25, 1993
Yeas 56 Nays 42

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 24, 1993
Yeas 25 Nays 22

R. LORRAINE WOJAHN
President of the Senate

Approved May 18, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1236** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 18, 1993 - 2:26 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1236

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Rust, Pruitt and Sheldon; by request of Department of Ecology)

Read first time 03/03/93.

1 AN ACT Relating to fees for water rights and related approvals;
2 amending RCW 90.03.470; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that a water right
5 confers significant economic benefits to the water right holder. The
6 fees associated with acquiring a water right have not changed
7 significantly since 1917. Water rights applicants pay less than two
8 percent of the costs of the administration of the water rights program.
9 The legislature finds that, since water rights are of significant
10 value, water rights applicants should contribute more to the cost of
11 administration of the water rights program.

12 The legislature also finds that an abrupt increase in water rights
13 fees could be disruptive to water rights holders and applicants. The
14 legislature further finds that water rights applicants have a right to
15 know that the water rights program is being administered efficiently
16 and that the fees charged for various services relate directly to the
17 cost of providing those services.

18 Therefore, the legislature creates a task force to review the water
19 rights program, to make recommendations for streamlining the

1 application process and increasing the overall efficiency and
2 accountability of the administration of the program, and to return to
3 the legislature with a proposal for a fee schedule where the fee levels
4 relate clearly to the cost of services provided.

5 **Sec. 2.** RCW 90.03.470 and 1987 c 109 s 98 are each amended to read
6 as follows:

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

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

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

28 (2) For filing and recording a permit to appropriate water for
29 irrigation purposes, forty cents per acre for each acre to be irrigated
30 up to and including one hundred acres, and twenty cents per acre for
31 each acre in excess of one hundred acres up to and including one
32 thousand acres, and ten cents for each acre in excess of one thousand
33 acres; and also twenty cents for each theoretical horsepower up to and
34 including one thousand horsepower, and four cents for each theoretical
35 horsepower in excess of one thousand horsepower, but in no instance
36 shall the minimum fee for filing and recording a permit to appropriate
37 water be less than five dollars. For all other beneficial purposes the
38 fee shall be twice the amount of the examination fee except that for

1 individual household and domestic use, which may include water for
2 irrigation of a family garden, the fee shall be five dollars.

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

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

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

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

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

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

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

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

30 (11) For preparing and issuing all water right certificates, five
31 dollars.

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

34 (13) The department shall provide timely notification by certified
35 mail with return receipt requested to applicants that fees are due. No
36 action may be taken until the fee is paid in full. Failure to remit
37 fees within sixty days of the department's notification shall be
38 grounds for rejecting the application or canceling the permit. Cash

1 shall not be accepted. Fees must be paid by check or money order and
2 are nonrefundable.

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

6 (15) For the period beginning July 1, 1993, and ending June 30,
7 1994, there is imposed and the department shall collect a one hundred
8 dollar surcharge on all water rights applications or changes filed
9 under this section, and upon all water rights applications or changes
10 pending as of July 1, 1993. This charge shall be in addition to any
11 other fees imposed under this section.

12 NEW SECTION. Sec. 3. (1) There is created a water rights fees
13 task force. The task force shall be comprised of fourteen members, who
14 are appointed as follows:

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

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

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

27 (2) The task force shall conduct a comprehensive review of water
28 rights fees. The task force's tasks shall include but not be limited
29 to:

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

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

1 number of applications on a one-time basis and that the department of
2 ecology must meet its legal obligations under the doctrine of prior
3 appropriation;

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

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

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

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

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

18 (h) Establishment of a reasonable time framework for completion of
19 new and pending water rights applications, and an analysis of the staff
20 and funding levels required to meet the established time framework.

21 (3) Before December 1, 1993, the task force shall:

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

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

26 (c) Propose a new fee schedule for the water rights program which
27 incorporates the results of the task force's work and which funds
28 through fees fifty percent of the cost of the activities and services
29 provided by the program.

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

32 (5) The task force shall convene as soon as possible upon the
33 appointment of its members. Task force members shall elect a chair and
34 adopt rules for conducting the business of the task force. The task
35 force shall expire on June 30, 1994.

36 NEW SECTION. **Sec. 4.** The legislature finds that installation of
37 trickle irrigation systems in climatically and economically suitable
38 areas may result in significant water savings. The legislature further

1 finds that encouraging the voluntary transfer of the water savings will
2 provide an incentive for the installation of trickle irrigation
3 systems.

4 Therefore, the legislature directs the committee on natural
5 resources and parks in the house of representatives and the committee
6 on energy and utilities in the senate to jointly: (1) Study the
7 physical, legal, and economic feasibility of transferring water saved
8 from installation of trickle irrigation systems; (2) explore the
9 relationship between a possible water transfer program connected to
10 water savings from trickle irrigation systems and the state's existing
11 trust water rights program; and (3) make recommendations for
12 legislation to implement a transfer program for savings from trickle
13 irrigation systems, if the committees determine that such a program is
14 in the public interest. The committees shall coordinate the study with
15 the agriculture committees in the senate and the house of
16 representatives. The committees shall report their findings and
17 recommendations to the legislature by December 1, 1993.

Passed the House April 25, 1993.

Passed the Senate April 24, 1993.

Approved by the Governor May 18, 1993.

Filed in Office of Secretary of State May 18, 1993.