
SENATE BILL 6529

State of Washington

59th Legislature

2006 Regular Session

By Senators Swecker, Poulsen and Rasmussen

Read first time 01/13/2006. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to fee relief for the nonconsumptive portion of
2 water rights; and amending RCW 90.03.470.

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

4 **Sec. 1.** RCW 90.03.470 and 2005 c 412 s 2 are each amended to read
5 as follows:

6 The fees specified in this section shall be collected by the
7 department in advance of the requested action.

8 (1) For the examination of an application for a permit to
9 appropriate water, a minimum fee of fifty dollars must be remitted with
10 the application. For an amount of water exceeding one-half cubic foot
11 per second, the examination fee shall be assessed upon the consumptive
12 portion of the proposed appropriation at the rate of one dollar per one
13 hundredth cubic foot per second. In no case will the examination fee
14 be less than fifty dollars or more than twenty-five thousand dollars.
15 No fee is required under this subsection (1) for an application filed
16 by a party to a cost reimbursement agreement made under RCW 90.03.265.

17 (2) For the examination of an application to store water, a fee of
18 two dollars for each acre foot of storage proposed shall be charged,
19 but a minimum fee of fifty dollars must be remitted with the

1 application. In no case will the examination fee for a storage project
2 be less than fifty dollars or more than twenty-five thousand dollars.
3 No fee is required under this subsection (2) for an application filed
4 by a party to a cost reimbursement agreement made under RCW 90.03.265.

5 (3)(a) For the examination of an application to transfer, change,
6 or amend a water right certificate, permit, or claim as authorized by
7 RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars
8 must be remitted with the application. For an application for change
9 involving an amount of water exceeding one cubic foot per second, the
10 total examination fee shall be assessed upon the consumptive portion of
11 the proposed transfer, change, or amendment at the rate of fifty cents
12 per one hundredth cubic foot per second. For an application for change
13 of a storage water right, the total examination fee shall be assessed
14 at the rate of one dollar for each acre foot of water involved in the
15 change. The fee shall be based on the amount of water subject to
16 change as proposed in the application, not on the total amount of water
17 reflected in the water right certificate, permit, or claim. In no case
18 will the examination fee charged for a change application be less than
19 fifty dollars or more than twelve thousand five hundred dollars.

20 (b) The examination fee for a temporary or seasonal change under
21 RCW 90.03.390 is fifty dollars and must be remitted with the
22 application.

23 (c) No fee is required under this subsection (3) for:

24 (i) An application to process a change relating to donation of a
25 trust water right to the state;

26 (ii) An application to process a change when the department
27 otherwise acquires a trust water right for purposes of improving
28 instream flows or for other public purposes;

29 (iii) An application filed with a water conservancy board according
30 to chapter 90.80 RCW or for the review of a water conservancy board's
31 record of decision submitted to the department according to chapter
32 90.80 RCW; or

33 (iv) An application filed by a party to a cost reimbursement
34 agreement made under RCW 90.03.265.

35 (d) For a change, transfer, or amendment involving a single project
36 operating under more than one water right, including related secondary
37 diversion rights, or involving the consolidation of multiple water

1 rights, only one examination fee and one certificate fee are required
2 to be paid.

3 (4) The fifty-dollar minimum fee payable with the application shall
4 be a credit to the total amount whenever the examination fee totals
5 more than fifty dollars under the schedule specified in subsections (1)
6 through (3) of this section and in such case the further fee due shall
7 be the total computed amount, less the amount previously paid. Within
8 five working days from receipt of an application, the department shall
9 notify the applicant by registered mail of any additional fees due
10 under subsections (1) through (3) of this section.

11 (5) The fees specified in subsections (1) through (3) of this
12 section do not apply to any filings for emergency withdrawal
13 authorizations or temporary drought-related water right changes
14 authorized under RCW 43.83B.410 that are received by the department
15 while a drought condition order issued under RCW 43.83B.405 is in
16 effect.

17 (6) For applying for each extension of time for beginning
18 construction work under a permit to appropriate water, for completion
19 of construction work, or for completing application of water to a
20 beneficial use, a fee of fifty dollars is required. These fees also
21 apply to similar extensions of time requested under a change or
22 transfer authorization.

23 (7) For the inspection of any hydraulic works to insure safety to
24 life and property, a fee based on the actual cost of the inspection,
25 including the expense incident thereto, is required except as follows:
26 (a) For any hydraulic works less than ten years old, that the
27 department examined and approved the construction plans and
28 specifications as to its safety when required under RCW 90.03.350,
29 there shall be no fee charged; or (b) for any hydraulic works more than
30 ten years old, but less than twenty years old, that the department
31 examined and approved the construction plans and specifications as to
32 its safety when required under RCW 90.03.350, the fee charged shall not
33 exceed the fee for a significant hazard dam.

34 (8) For the examination of plans and specifications as to safety of
35 controlling works for storage of ten acre feet or more of water, a
36 minimum fee of ten dollars, or a fee equal to the actual cost, is
37 required.

1 (9) For recording an assignment either of a permit to appropriate
2 water or of an application for such a permit, a fee of fifty dollars is
3 required.

4 (10) For preparing and issuing all water right certificates, a fee
5 of fifty dollars is required.

6 (11) For filing and recording a formal protest against granting any
7 application, a fee of fifty dollars is required. No fee is required to
8 submit a comment, by mail or otherwise, regarding an application.

9 (12) For filing an application to amend a water right claim filed
10 under chapter 90.14 RCW, a fee of fifty dollars is required.

11 (13) An application or request for an action as provided for under
12 this section is incomplete unless accompanied by the fee or the minimum
13 fee. If no fee or an amount less than the minimum fee accompanies an
14 application or other request for an action as provided under this
15 section, the department shall return the application or request to the
16 applicant with advice as to the fee that must be remitted with the
17 application or request for it to be accepted for processing. If
18 additional fees are due, the department shall provide timely
19 notification by certified mail with return receipt requested to the
20 applicant. No action may be taken by the department until the fee is
21 paid in full. Failure to remit fees within sixty days of the
22 department's notification is grounds for rejecting the application or
23 request or canceling the permit. Cash shall not be accepted. Fees
24 must be paid by check or money order and are nonrefundable.

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

28 (15) Eighty percent of the fees collected by the department under
29 this section shall be deposited in the state general fund. Twenty
30 percent of the fees collected by the department under this section
31 shall be deposited in the water rights tracking system account
32 established in RCW 90.14.240.

33 (16) Except for the fees relating to the inspection of hydraulic
34 works and the examination of plans and specifications of controlling
35 works provided for in subsections (7) and (8) of this section, nothing
36 in this section is intended to grant authority to the department to

1 amend the fees in this section by adoption of rules or otherwise.

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