
SENATE BILL 6291

State of Washington 53rd Legislature 1994 Regular Session

By Senators M. Rasmussen, Prince, McCaslin, Bauer, Winsley and Newhouse

Read first time 01/18/94. Referred to Committee on Agriculture.

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, 90.03.380,
3 90.03.390, 90.44.100, 90.03.260, 90.44.060, 90.03.250, 90.03.470,
4 90.03.--- (section 26 of this act), 89.30.001, 90.03.471, and
5 90.40.090; adding new sections to chapter 43.21B RCW; adding new
6 sections to chapter 90.03 RCW; creating a new section; providing
7 effective dates; and providing an expiration date.

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

9 **Sec. 1.** RCW 90.03.340 and 1987 c 109 s 90 are each amended to read
10 as follows:

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

17 **Sec. 2.** RCW 90.03.270 and 1987 c 109 s 85 are each amended to read
18 as follows:

1 Upon receipt of ((an)) a completed water right application form, it
2 shall be the duty of the department to ~~((make an endorsement thereon of~~
3 ~~the))~~ date ~~((of its receipt,))~~ stamp and ~~((to))~~ keep a record of
4 ~~((same))~~ it. If ~~((upon examination,))~~ an application form is filed
5 with the department but the information requested on the application
6 form is ((found to be defective,)) not complete or the form is not
7 accompanied by the proper application fee, the form and any application
8 fee filed with it shall be returned to the applicant ((for correction
9 or completion,)) and the date and the reasons for the return thereof
10 shall be ~~((endorsed thereon and made a record in his office. No~~
11 ~~application shall lose its priority of filing on account of such~~
12 ~~defects, provided acceptable maps, drawings and such data as is~~
13 ~~required by the department shall be filed with the department within~~
14 ~~such reasonable time as it shall require))~~ noted in the department's
15 records and in a letter returning the form. The department may not
16 require an applicant to provide information in support of an
17 application for a water right permit that is not directly necessary for
18 the department's investigations, determinations, or findings regarding
19 that particular application.

20 **Sec. 3.** RCW 90.03.280 and 1988 c 36 s 65 are each amended to read
21 as follows:

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21B RCW
2 to read as follows:

3 In a proceeding before the pollution control hearings board
4 challenging a decision of the department related to the issuance,
5 conditioning, transfer, amendment, or denial of a water right permit
6 under Title 90 RCW, the burden of proof is on the person filing the
7 appeal.

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

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

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

16 If the department proposes to issue a water right permit or
17 transfer or change authorization under Title 90 RCW and:

18 (1) The decision of the department is appealed to the pollution
19 control hearings board within thirty days of the date of filing;

20 (2) The hearings board upholds the department's decision; and

21 (3) An appeal for judicial review of the hearings board decision is
22 filed under chapter 34.05 RCW,

23 the applicant for the water right may request, within ten days of the
24 filing of the appeal with the court, a hearing before the court to
25 determine whether construction and operation may begin under the water
26 right permit or authorization. If at the conclusion of the hearing the
27 court finds that construction and operation under the permit or
28 authorization would not involve a significant damaging of the
29 environment or impair existing water rights, the court may allow the
30 permittee to begin construction and operation under the permit or
31 authorization as the court deems appropriate. The court may require
32 the permittee to post bonds, in the name of the department, sufficient
33 to remove the construction or to restore the environment if the permit
34 or authorization is ultimately disapproved by the courts, or to alter
35 the construction or operation if the alteration is ultimately ordered
36 by the courts. In the hearing before the court, the burden of proving
37 whether the construction or operation might involve significant damage

1 to the environment or impair existing water rights and demonstrating
2 whether the construction would or would not be appropriate is on the
3 appellant.

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

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

11 NEW SECTION. **Sec. 8.** A water right applicant may appeal to the
12 pollution control hearings board a determination by the department
13 regarding the nature and extent of the information needed to make
14 determinations regarding the application for or the processing of a
15 water right permit.

16 NEW SECTION. **Sec. 9.** (1) The department shall develop a general
17 permit system for appropriating water for nonconsumptive, nonbypass
18 uses and a general permit system for appropriating marine waters for
19 use on upland sites. These systems must be designed and used to
20 streamline the consideration of applications for nonconsumptive,
21 nonbypass water uses and marine water uses that by their nature do not
22 raise issues regarding water availability or the impairment of other
23 water rights. The evaluation and report required for an application
24 under RCW 90.03.290 are not required for applications processed under
25 the general permit system. For the purposes of this section:

26 (a) "Nonconsumptive, nonbypass use" means a use of water in which
27 water is diverted from a stream or withdrawn from an aquifer and
28 following its use is discharged back to or very near the point of
29 diversion or withdrawal without diminishment in quantity or quality;

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

33 (c) "Marine waters" means the coastal saline waters under the
34 jurisdiction of the state.

35 (2) The department shall establish the general permit systems by
36 adopting rules in accordance with chapter 34.05 RCW. Before the

1 adoption of rules for a system, at least four public hearings must be
2 held at various locations around the state. The hearings on the
3 general permit system for marine water use must be held in appropriate
4 coastal communities. The rules must identify criteria for proposed
5 uses of water for which applications might be processed under each
6 system and must establish procedures for filing and processing
7 applications under the general permit systems.

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

29 **Sec. 11.** RCW 90.03.290 and 1988 c 36 s 66 are each amended to read
30 as follows:

31 (1) When an application complying with the provisions of this
32 chapter and with the rules ~~((and regulations))~~ of the department has
33 been filed, the ~~((same))~~ application shall be placed on record with the
34 department, and it shall be ~~((its))~~ the department's duty to
35 ~~((investigate the application, and))~~ determine what water, if any, is
36 available for appropriation, and find and determine to what beneficial
37 use or uses it can be applied.

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

16 (2) With regard to an application:

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

21 (b) If it is proposed to appropriate water for the purpose of power
22 development, the department shall investigate, determine and find
23 whether the proposed development is likely to prove detrimental to the
24 public interest, having in mind the highest feasible use of the waters
25 belonging to the public.

26 (3) If the application does not contain, and the applicant does not
27 promptly furnish sufficient information on which to base such findings,
28 the department may issue a preliminary permit, for a period of not to
29 exceed three years, requiring the applicant to make such surveys,
30 investigations, studies, and progress reports, as in the opinion of the
31 department may be necessary. If the applicant fails to comply with the
32 conditions of the preliminary permit, it and the application or
33 applications on which it is based shall be automatically canceled and
34 the applicant so notified. If the holder of a preliminary permit
35 shall, before its expiration, file with the department a verified
36 report of expenditures made and work done under the preliminary permit,
37 which, in the opinion of the department, establishes the good faith,
38 intent and ability of the applicant to carry on the proposed
39 development, the preliminary permit may, with the approval of the

1 governor, be extended, but not to exceed a maximum period of five years
2 from the date of the issuance of the preliminary permit.

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

36 NEW SECTION. **Sec. 12.** As used in RCW 90.03.280 and 90.03.290,
37 "the director of fish and wildlife" means the director of fisheries and
38 the director of wildlife.

1 NEW SECTION. **Sec. 13.** Section 12 of this act shall expire June
2 30, 1994.

3 **Sec. 14.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to
4 read as follows:

5 (1) Actual construction work shall be commenced on any project for
6 which permit has been granted within such reasonable time as shall be
7 prescribed by the department, and shall thereafter be prosecuted with
8 diligence and completed within the time prescribed by the department.
9 The department, in fixing the time for the commencement of the work, or
10 for the completion thereof and the application of the water to the
11 beneficial use prescribed in the permit, shall take into consideration
12 the cost and magnitude of the project and the engineering and physical
13 features to be encountered, and shall allow such time as shall be
14 reasonable and just under the conditions then existing, having due
15 regard for the public welfare and public interests affected: and, for
16 good cause shown, it shall extend the time or times fixed as aforesaid,
17 and shall grant such further period or periods as may be reasonably
18 necessary, having due regard to the good faith of the applicant and the
19 public interests affected. If the terms of the permit or extension
20 thereof, are not complied with the department shall give notice by
21 registered mail that such permit will be canceled unless the holders
22 thereof shall show cause within sixty days why the same should not be
23 so canceled. If cause be not shown, said permit shall be canceled.

24 (2) For the purposes of this section, "good cause" includes but is
25 not limited to the following circumstances:

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) Encountering unanticipated physical impediments to
34 construction; and

35 (g) Encountering generally depressed economic conditions.

36 **Sec. 15.** RCW 90.03.380 and 1991 c 347 s 15 are each amended to
37 read as follows:

1 (1) The right to the use of water which has been applied to a
2 beneficial use in the state shall be and remain appurtenant to the land
3 or place upon which the same is used(~~(:—PROVIDED, HOWEVER, That~~
4 ~~said))~~). However, all or a portion of a water right may be transferred
5 to another ((~~or to others~~)) person or persons and become appurtenant to
6 any other land or place of use without loss of priority of right
7 ((~~theretofore established~~)) if ((~~such change~~)) the transfer can be made
8 without detriment or injury to existing rights.

9 (2) The point of diversion or withdrawal of water for beneficial
10 use or the purpose of use under an existing water right or permit may
11 be changed((~~7~~)) if ((~~such~~)) the change or changes can be made without
12 detriment or injury to existing water rights.

13 The season of use under an existing water right or permit may be
14 changed if the change involves the same general category of water use
15 and the change can be made without detriment or injury to existing
16 water rights. An example of a general category of water use for the
17 purposes of this subsection, but not a limit to the categories, is an
18 agricultural use of water.

19 (3) The source of water for an existing water right or permit may
20 be changed from a surface water diversion to a ground water withdrawal
21 or vice versa if the two sources are in direct hydraulic continuity and
22 if the change can be made without detriment or injury to existing water
23 rights.

24 (4) The right embodied in a permit for water that has not yet been
25 put to beneficial use may be transferred or changed. For a
26 certificate, only the amount of water that has been beneficially used
27 in accordance with the laws of the state may be transferred or changed.
28 Excess quantities must be relinquished as provided under chapter 90.14
29 RCW. If a water right permit or certificate is transferred or changed,
30 the amount diverted or withdrawn for beneficial use may not be enlarged
31 as to annual quantity.

32 (5) Before any transfer of ((~~such~~)) a water right ((~~to use water or~~
33 change of the point of diversion of water or change of purpose of use))
34 or permit can be made, any person having an interest in the transfer or
35 change((~~7~~)) shall file a written application ((~~therefor~~)) with the
36 department((~~7 and said application~~)) on a form adopted and provided by
37 the department.

38 (6) A person proposing to relocate a point of diversion of surface
39 water is not required to file an application if the diversion point is

1 moved no more than one-quarter mile from its original location and no
2 other water rights will be impaired. At least fifteen days before
3 construction of a replacement diversion point, the water right holder
4 shall inform the department in writing of the intention to move the
5 diversion point.

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

9 (8) If it ((shall)) appears that ((such)) the transfer or ((such))
10 change may be made without injury or detriment to existing rights, the
11 department shall issue to the applicant an authorization to proceed
12 with the transfer or change. The department may include in its
13 authorization necessary conditions or limitations under which the
14 transfer or change may be made, including a reasonable time for
15 completion. The time may be extended upon request and a showing of
16 good cause in accordance with RCW 90.03.320 and 90.03 470. If the
17 person authorized to make a transfer or change of right fails to do so
18 within the time allowed, including extensions granted for good cause,
19 the department shall cancel the authorization and the water right or
20 permit reverts to its original form and substance.

21 (9) If the department determines that the proposed transfer or
22 change may periodically operate to impair an existing right, the
23 department's authorization may be made contingent on the proponent's
24 willingness to subordinate the use to the potentially impaired right or
25 rights and the authorization must be so conditioned.

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

1 If an application for change proposes to transfer water rights from
2 one irrigation district to another, the department shall, before
3 publication of notice, receive concurrence from each of the irrigation
4 districts that such transfer or change will not adversely affect the
5 ability to deliver water to other landowners or impair the financial
6 integrity of either of the districts.

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

11 This section shall not apply to trust water rights acquired by the
12 state through the funding of water conservation projects under chapter
13 90.38 RCW or RCW 90.42.010 through 90.42.070.

14 **Sec. 16.** RCW 90.03.390 and 1991 c 350 s 3 are each amended to read
15 as follows:

16 (~~RCW 90.03.380 shall not be construed to prevent~~) (1) A water
17 ~~((users from making))~~ right holder may make a seasonal or temporary
18 change of ~~((point of diversion or place of use of water))~~ a water right
19 when ~~((such))~~ the change can be made without detriment to existing
20 rights, but in no case shall such change be made without the permission
21 of ~~((the water master of the district in which such proposed change is~~
22 ~~located, or of))~~ the department. ~~((Nor shall RCW 90.03.380 be~~
23 ~~construed to prevent construction of emergency interties between public~~
24 ~~water systems to permit exchange of water during short term emergency~~
25 ~~situations, or rotation in the use of water for bringing))~~

26 (2) To bring about a more economical use of the available supply,
27 ~~((provided however, that the department of health in consultation with~~
28 ~~the department of ecology shall adopt rules or develop written~~
29 ~~guidelines setting forth standards for determining when a short term~~
30 ~~emergency exists and the circumstances in which emergency interties are~~
31 ~~permitted. The rules or guidelines shall be consistent with the~~
32 ~~procedures established in RCW 43.83B.400 through 43.83B.420.))~~ water
33 users owning lands to which water rights are attached may rotate in the
34 use of water to which they are collectively entitled, or an individual
35 water user having lands to which are attached water rights of a
36 different priority, may in like manner rotate in use when ~~((such))~~
37 rotation can be made without detriment to other existing water rights,
38 and has the approval of the ~~((water master or))~~ department.

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

13 **Sec. 17.** 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) Authorization from the department is not 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. The well owner shall notify the department in writing of
5 the intent to replace the original well and to describe the change in
6 location.

7 **Sec. 18.** 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 must include specific timelines for the department to
35 follow in making a determination as to whether an application is
36 complete and notifying the applicant of its determination. The rules
37 must also identify the kinds of inaccuracies that render an application
38 incomplete.~~

1 **Sec. 19.** 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 must
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 must 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. 20.** 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 must also be encouraged if
22 all of the affected diversions or withdrawals are intended to serve a
23 single project with a single ownership. The department shall adopt and
24 provide forms for consolidated applications.

25 NEW SECTION. Sec. 21. (1) Future de minimis appropriations of
26 surface water may be developed under streamlined procedures if the
27 department has adopted a reservation of water for such uses under RCW
28 90.54.050.

29 (2) For purposes of this chapter, "de minimis appropriation" means
30 diversion and use of surface water in an amount not exceeding four
31 hundred fifty gallons per day and not exceeding an instantaneous
32 diversion rate of two one-hundredths cubic feet per second.

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

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

6 (5) This section may not be utilized in areas that are within urban
7 growth areas as designated under RCW 36.70A.110 or within the service
8 areas of an existing public water system as defined in RCW 70.119A.020
9 that has an available water supply.

10 NEW SECTION. Sec. 22. (1) The department may authorize short-term
11 uses of water without publication of the notice required under RCW
12 90.03.280 and without the report required under RCW 90.03.290.
13 However, before approving a short-term use, the department shall
14 determine to its satisfaction that the substantive criteria in RCW
15 90.03.290 are met and that a stream affected by a short-term use will
16 be retained with sufficient flows to maintain instream uses and to
17 protect existing water rights. The department shall adopt and provide
18 application forms for persons applying for a short-term use and shall
19 expedite its consideration of short-term use requests to the extent
20 practicable.

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

25 NEW SECTION. Sec. 23. The department shall establish a register
26 that identifies, by water resource inventory area, applications for new
27 water rights and applications for water right transfers and changes.
28 The applications appearing in the register must be limited to those
29 requesting a new appropriation or change or transfer of more than three
30 cubic feet per second of water. The register must identify: The
31 location of the proposed use, change, or transfer; whether the
32 application is for surface or ground water; and, for surface water
33 applications, the water source. The department shall produce the
34 register once every two weeks and shall make the register available to
35 interested parties for a fee that is based on the cost of producing and
36 mailing the register. One year after the effective date of this
37 section, the department may cease production of the register if the

1 number of requests for the register are not adequate to cover the costs
2 of producing and mailing it.

3 NEW SECTION. **Sec. 24.** (1) The department of ecology shall develop
4 a budget process for its water rights administration program that
5 accomplishes the following:

- 6 (a) Identifies targets for permitting activities for the biennium;
- 7 (b) Identifies workload standards;
- 8 (c) Prepares a draft budget;
- 9 (d) Provides for timely public review of the draft budget; and
- 10 (e) Circulates a final budget.

11 (2) The department of ecology shall also establish an advisory
12 committee of stakeholders. This group of stakeholders shall establish
13 and periodically review the following:

- 14 (a) Workload standards and proposed incentives to improve such
15 standards;
- 16 (b) Program expenditure categories to account for and track costs
17 related to the water rights administration program; and
- 18 (c) Success measures based upon programmatic results designed to
19 evaluate program effectiveness and standards for defining the measures.

20 In establishing the initial workload standards, the legislature has
21 an expectation that the department of ecology will process a simple,
22 basic application in six months and an application of intermediate
23 difficulty in one year.

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

27 (4) The legislature shall provide for another state entity or an
28 independent contractor to conduct periodic performance audits or
29 evaluations of the effectiveness and efficiency of the department of
30 ecology in meeting its workload standards and achieving programmatic
31 success.

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

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

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

15 Within five days from receipt of an application the department
16 shall notify the applicant by registered mail of any additional fees
17 due under the above schedule and any additional fees shall be paid to
18 and received by the department within thirty days from the date of
19 filing the application, or the application shall be rejected.

20 (2) For filing and recording a permit to appropriate water for
21 irrigation purposes, forty cents per acre for each acre to be irrigated
22 up to and including one hundred acres, and twenty cents per acre for
23 each acre in excess of one hundred acres up to and including one
24 thousand acres, and ten cents for each acre in excess of one thousand
25 acres; and also twenty cents for each theoretical horsepower up to and
26 including one thousand horsepower, and four cents for each theoretical
27 horsepower in excess of one thousand horsepower, but in no instance
28 shall the minimum fee for filing and recording a permit to appropriate
29 water be less than five dollars. For all other beneficial purposes the
30 fee shall be twice the amount of the examination fee except that for
31 individual household and domestic use, which may include water for
32 irrigation of a family garden, the fee shall be five dollars.

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

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

1 ~~((5))~~ (2) For certifying to copies, documents, records or maps,
2 two dollars for each certification.

3 ~~((6))~~ (3) For blueprint copies of a map or drawing, or, for such
4 other work of a similar nature as may be required of the department, at
5 actual cost of the work.

6 ~~((7))~~ (4) For granting each extension of time for beginning
7 construction work under a permit to appropriate water, ~~((an amount
8 equal to one half of the filing and recording fee, except that the
9 minimum fee shall be not less than five dollars for each year that an
10 extension is granted, and for granting an extension of time for
11 completion of construction work or for completing application of water
12 to a beneficial use, five dollars for each year that an extension is
13 granted))~~ one hundred dollars.

14 ~~((8))~~ (5) For the inspection of any hydraulic works to insure
15 safety to life and property, the actual cost of the inspection,
16 including the expense incident thereto.

17 ~~((9))~~ (6) For the examination of plans and specifications as to
18 safety of controlling works for storage of ten acre feet or more of
19 water, a minimum fee of ten dollars, or the actual cost.

20 ~~((10))~~ (7) For recording an assignment either of a permit to
21 appropriate water or of an application for such a permit, a fee of
22 ~~((five))~~ one hundred dollars.

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

25 ~~(12))~~ (8) For filing and recording a protest against granting any
26 application, ~~((two))~~ fifty dollars.

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

34 ~~(14))~~ (9) For an appeal of a decision against granting any
35 application, two hundred dollars.

36 (10) For a general permit for nonconsumptive and nonbypass use and
37 marine waters, one hundred dollars for filing an application and one
38 hundred dollars for the issuance of a certificate.

1	(D)	Greater than 3 and less than or equal to 5 cubic	
2		feet per second	\$750
3	(E)	Greater than 5 and less than or equal to 20	
4		cubic feet per second	\$940
5	(F)	Greater than 20 and less than or equal to 100	
6		cubic feet per second	\$1,130
7	(G)	Greater than 100 cubic feet per second	\$1,320
8	(ii)	Reservoir applications:	
9	(A)	Greater than 0.0 and less than or equal to 10	
10		acre-feet	\$100
11	(B)	Greater than 10 and less than or equal to 100	
12		acre-feet	\$570
13	(C)	Greater than 100 and less than or equal to 1,000	
14		acre-feet	\$940
15	(D)	Greater than 1,000 acre-feet	\$1,320
16	(iii)	Change applications:	
17	(A)	Changing a single element	\$100
18	(B)	Changing multiple elements	\$330
19	(b)	Examination fees for the following:	
20	(i)	Surface water applications:	
21	(A)	Greater than 0.0 and less than or equal to 0.2	
22		cubic feet per second	\$100
23	(B)	Greater than 0.2 and less than or equal to 0.5	
24		cubic feet per second	\$520
25	(C)	Greater than 0.5 and less than or equal to 3	
26		cubic feet per second	\$940
27	(D)	Greater than 3 and less than or equal to 5 cubic	
28		feet per second	\$1,320
29	(E)	Greater than 5 and less than or equal to 20	
30		cubic feet per second	\$1,700
31	(F)	Greater than 20 and less than or equal to 100	
32		cubic feet per second	\$2,070
33	(G)	Greater than 100 cubic feet per second	\$2,450
34	(ii)	Ground water applications:	
35	(A)	Greater than 0.0 and less than or equal to 0.2	
36		cubic feet per second	\$120
37	(B)	Greater than 0.2 and less than or equal to 0.5	
38		cubic feet per second	\$620

1	(C)	Greater than 0.5 and less than or equal to 3	
2		cubic feet per second	\$1,130
3	(D)	Greater than 3 and less than or equal to 5 cubic	
4		feet per second	\$1,580
5	(E)	Greater than 5 and less than or equal to 20	
6		cubic feet per second	\$2,040
7	(F)	Greater than 20 and less than or equal to 100	
8		cubic feet per second	\$2,480
9	(G)	Greater than 100 cubic feet per second	\$2,940
10	(iii)	Reservoir applications:	
11	(A)	Greater than 0.0 and less than or equal to 10	
12		acre-feet	\$100
13	(B)	Greater than 10 and less than or equal to 100	
14		acre-feet	\$940
15	(C)	Greater than 100 and less than or equal to 1,000	
16		acre-feet	\$1,700
17	(D)	Greater than 1,000 acre-feet	\$2,450
18	(iv)	Changes to permits and certificates:	
19	(A)	Changing a single element	\$100
20	(B)	Changing multiple elements	\$520
21	(c)	Certificate fees:	
22	(i)	Surface water and ground water applications:	
23	(A)	Less than 0.0 and greater than or equal to 0.2	
24		cubic feet per second	\$100
25	(B)	Less than 0.2 and greater than or equal to 0.5	
26		cubic feet per second	\$330
27	(C)	Less than 0.5 and greater than or equal to 3	
28		cubic feet per second	\$570
29	(D)	Less than 3 and greater than or equal to 5 cubic	
30		feet per second	\$750
31	(E)	Less than 5 and greater than or equal to 20	
32		cubic feet per second	\$940
33	(F)	Less than 20 and greater than or equal to 100	
34		cubic feet per second	\$1,130
35	(G)	Less than 100 cubic feet per second	\$1,320
36	(ii)	Reservoir applications:	
37	(A)	Less than 0.0 and greater than or equal to 10	
38		acre-feet	\$100

1	(B)	Less than 10 and greater than or equal to 100	
2		acre-feet	\$570
3	(C)	Less than 100 and greater than or equal to 1,000	
4		acre-feet	\$940
5	(D)	Less than 1,000 acre-feet	\$1,320
6	(iii)	Changes to permits and certificates:	
7	(A)	Changing a single element	\$100
8	(B)	Changing multiple elements	\$330

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

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

19 (2) There shall be a seventy-five dollar registration fee on rights
20 to ground water established under RCW 90.44.050 that are exempt from
21 the water right permitting process. The department shall adopt by rule
22 the means whereby these water rights are registered with the department
23 and the method of collection of this fee in accordance with chapter
24 34.05 RCW. This fee shall be due from only those well owners who place
25 the water to beneficial use. The department shall register the well in
26 the water resource data management system and provide to the owner a
27 certificate that the well has been registered.

28 (3) The water right processing and data management account is
29 created in the state treasury. All receipts collected under RCW
30 90.03.470 and this section shall be deposited into the account. Moneys
31 in the account may be spent only after appropriation. Expenditures
32 from the account may be used only for functions of the department of
33 ecology related to: Filing, examination, and certification water right
34 permits, changes to water right permits, and transfer of water rights;
35 development and maintenance of the data management program related to
36 water rights; and a proportionate share of indirect costs allocated to
37 these functions necessary to fund the general administrative functions
38 of the department. The department may expend funds from the account in

1 an amount that is equal to the amount expended of funds derived from
2 funds appropriated from the general fund.

3 **Sec. 27.** RCW 90.03.--- and 1994 c ... s 26 (section 26 of this
4 act) are each amended to read as follows:

5 (1) The department shall collect the following fees in advance:

6 (a) Application filing fees for the following:

7 (i) Surface water and ground water applications:

8 (A) Greater than 0.0 and less than or equal to 0.2
9 cubic feet per second \$100

10 (B) Greater than 0.2 and less than or equal to 0.5
11 cubic feet per second ((~~\$330~~) \$210)

12 (C) Greater than 0.5 and less than or equal to 3
13 cubic feet per second ((~~\$570~~) \$320)

14 (D) Greater than 3 and less than or equal to 5 cubic
15 feet per second ((~~\$750~~) \$420)

16 (E) Greater than 5 and less than or equal to 20
17 cubic feet per second ((~~\$940~~) \$530)

18 (F) Greater than 20 and less than or equal to 100
19 cubic feet per second ((~~\$1,130~~) \$640)

20 (G) Greater than 100 cubic feet per second ((~~\$1,320~~) \$740)

21 (ii) Reservoir applications:

22 (A) Greater than 0.0 and less than or equal to 10
23 acre-feet \$100

24 (B) Greater than 10 and less than or equal to 100
25 acre-feet ((~~\$570~~) \$320)

26 (C) Greater than 100 and less than or equal to 1,000
27 acre-feet ((~~\$940~~) \$530)

28 (D) Greater than 1,000 acre-feet ((~~\$1,320~~) \$740)

29 (iii) Change applications:

30 (A) Changing a single element \$100

31 (B) Changing multiple elements ((~~\$330~~) \$210)

32 (b) Examination fees for the following:

33 (i) Surface water applications:

34 (A) Greater than 0.0 and less than or equal to 0.2
35 cubic feet per second \$100

36 (B) Greater than 0.2 and less than or equal to 0.5
37 cubic feet per second ((~~\$520~~) \$320)

1 (C) Greater than 0.5 and less than or equal to 3
2 cubic feet per second ((~~\$940~~) \$530)

3 (D) Greater than 3 and less than or equal to 5 cubic
4 feet per second ((~~\$1,320~~) \$740)

5 (E) Greater than 5 and less than or equal to 20
6 cubic feet per second ((~~\$1,700~~) \$960)

7 (F) Greater than 20 and less than or equal to 100
8 cubic feet per second ((~~\$2,070~~) \$1,170)

9 (G) Greater than 100 cubic feet per second ((~~\$2,450~~) \$1,380)

10 (ii) Ground water applications:

11 (A) Greater than 0.0 and less than or equal to 0.2
12 cubic feet per second \$120

13 (B) Greater than 0.2 and less than or equal to 0.5
14 cubic feet per second ((~~\$620~~) \$380)

15 (C) Greater than 0.5 and less than or equal to 3
16 cubic feet per second ((~~\$1,130~~) \$640)

17 (D) Greater than 3 and less than or equal to 5 cubic
18 feet per second ((~~\$1,580~~) \$890)

19 (E) Greater than 5 and less than or equal to 20
20 cubic feet per second ((~~\$2,040~~) \$1,150)

21 (F) Greater than 20 and less than or equal to 100
22 cubic feet per second ((~~\$2,480~~) \$1,400)

23 (G) Greater than 100 cubic feet per second ((~~\$2,940~~) \$1,660)

24 (iii) Reservoir applications:

25 (A) Greater than 0.0 and less than or equal to 10
26 acre-feet \$100

27 (B) Greater than 10 and less than or equal to 100
28 acre-feet ((~~\$940~~) \$530)

29 (C) Greater than 100 and less than or equal to 1,000
30 acre-feet ((~~\$1,700~~) \$960)

31 (D) Greater than 1,000 acre-feet ((~~\$2,450~~) \$1,380)

32 (iv) Changes to permits and certificates:

33 (A) Changing a single element \$100

34 (B) Changing multiple elements ((~~\$520~~) \$320)

35 (c) Certificate fees:

36 (i) Surface water and ground water applications:

37 (A) Less than 0.0 and greater than or equal to 0.2
38 cubic feet per second \$100

1	(B)	Less than 0.2 and greater than or equal to 0.5	
2		cubic feet per second	((\$330)) <u>\$210</u>
3	(C)	Less than 0.5 and greater than or equal to 3	
4		cubic feet per second	((\$570)) <u>\$320</u>
5	(D)	Less than 3 and greater than or equal to 5 cubic	
6		feet per second	((\$750)) <u>\$420</u>
7	(E)	Less than 5 and greater than or equal to 20	
8		cubic feet per second	((\$940)) <u>\$530</u>
9	(F)	Less than 20 and greater than or equal to 100	
10		cubic feet per second	((\$1,130)) <u>\$640</u>
11	(G)	Less than 100 cubic feet per second	((\$1,320)) <u>\$740</u>
12	(ii)	Reservoir applications:	
13	(A)	Less than 0.0 and greater than or equal to 10	
14		acre-feet	\$100
15	(B)	Less than 10 and greater than or equal to 100	
16		acre-feet	((\$570)) <u>\$320</u>
17	(C)	Less than 100 and greater than or equal to 1,000	
18		acre-feet	((\$940)) <u>\$530</u>
19	(D)	Less than 1,000 acre-feet	((\$1,320)) <u>\$740</u>
20	(iii)	Changes to permits and certificates:	
21	(A)	Changing a single element	\$100
22	(B)	Changing multiple elements	((\$330)) <u>\$210</u>

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

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

33 (2) There shall be a seventy-five dollar registration fee on rights
34 to ground water established under RCW 90.44.050 that are exempt from
35 the water right permitting process. The department shall adopt by rule
36 the means whereby these water rights are registered with the department
37 and the method of collection of this fee in accordance with chapter
38 34.05 RCW. This fee shall be due from only those well owners who place

1 the water to beneficial use. The department shall register the well in
2 the water resource data management system and provide to the owner a
3 certificate that the well has been registered.

4 (3) The water right processing and data management account is
5 created in the state treasury. All receipts collected under RCW
6 90.03.470 and this section shall be deposited into the account. Moneys
7 in the account may be spent only after appropriation. Expenditures
8 from the account may be used only for functions of the department of
9 ecology related to: Filing, examination, and certification water right
10 permits, changes to water right permits, and transfer of water rights;
11 development and maintenance of the data management program related to
12 water rights; and a proportionate share of indirect costs allocated to
13 these functions necessary to fund the general administrative functions
14 of the department. The department may expend funds from the account in
15 an amount that is equal to the amount expended of funds derived from
16 funds appropriated from the general fund.

17 **Sec. 28.** RCW 89.30.001 and 1933 c 149 s 1 are each amended to read
18 as follows:

19 Reclamation districts including an area of not less than one
20 million acres of land may be created and maintained in this state, as
21 herein provided, for the reclamation and improvement of arid and
22 semiarid lands situated in such districts, and for the generation
23 and/or sale of hydroelectric energy: PROVIDED, That no appropriation,
24 license, filing, recording, examination or other fee or fees, as
25 provided in RCW 90.16.050 through 90.16.090 or in RCW 90.03.470 or
26 section 26 of this act shall be applicable to a district or districts
27 created under this chapter.

28 **Sec. 29.** RCW 90.03.471 and 1987 c 109 s 99 are each amended to
29 read as follows:

30 All fees, collections and revenues derived under RCW 90.03.470 or
31 section 26 of this act or by virtue of RCW 90.03.180, shall be used
32 exclusively for the purpose of carrying out the work and performing the
33 functions of the division of water resources of the department.

34 **Sec. 30.** RCW 90.40.090 and 1988 c 127 s 83 are each amended to
35 read as follows:

1 An application filed by the department of ecology or its assignee,
2 the United States Bureau of Reclamation, for a permit to appropriate
3 waters of the Columbia River under chapter 90.03 RCW, for the
4 development of the Grand Coulee project shall be perfected in the same
5 manner and to the same extent as though such appropriation had been
6 made by a private person, corporation or association, but no fees, as
7 provided for in RCW 90.03.470 or section 26 of this act, shall be
8 required.

9 NEW SECTION. **Sec. 31.** Sections 8 through 10, 21 through 24, and
10 26 of this act are each added to chapter 90.03 RCW.

11 NEW SECTION. **Sec. 32.** (1) Section 1 of this act shall take effect
12 January 2, 1995.

13 (2) Sections 24 through 26 and 28 through 30 of this act shall take
14 effect July 1, 1995.

15 (3) Section 27 of this act shall take effect July 1, 1997.

--- END ---