

2 **ESHB 1236** - S COMM AMD
3 By Committee on Ways & Means

4
5 Strike everything after the enacting clause and insert the
6 following:

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

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

21 Therefore, the legislature creates a task force to review the water
22 rights program, to make recommendations for streamlining the
23 application process and increasing the overall efficiency and
24 accountability of the administration of the program, and to return to
25 the legislature with a proposal for a fee schedule where the fee levels
26 relate clearly to the cost of services provided.

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

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

31 (1) For the examination of an application for permit to appropriate
32 water or on application to change point of diversion, withdrawal,
33 purpose or place of use, a minimum of ten dollars, to be paid with the
34 application. For each second foot between one and five hundred second
35 feet, two dollars per second foot; for each second foot between five

1 hundred and two thousand second feet, fifty cents per second foot; and
2 for each second foot in excess thereof, twenty cents per second foot.
3 For each acre foot of storage up to and including one hundred thousand
4 acre feet, one cent per acre foot, and for each acre foot in excess
5 thereof, one-fifth cent per acre foot. The ten dollar fee payable with
6 the application shall be a credit to that amount whenever the fee for
7 direct diversion or storage totals more than ten dollars under the
8 above schedule and in such case the further fee due shall be the total
9 computed amount less ten dollars.

10 Within five days from receipt of an application the department
11 shall notify the applicant by registered mail of any additional fees
12 due under the above schedule and any additional fees shall be paid to
13 and received by the department within thirty days from the date of
14 filing the application, or the application shall be rejected.

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

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

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

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

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

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

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

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

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

16 (11) For preparing and issuing all water right certificates, five
17 dollars.

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

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

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

30 (15) For the period beginning July 1, 1993, and ending June 30,
31 1994, there is imposed and the department shall collect a fifty dollar
32 surcharge on all water rights applications or changes filed under this
33 section, and upon all water rights applications or changes pending as
34 of July 1, 1993. This charge shall be in addition to any other fees
35 imposed under this section.

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

1 (a) Two members of the Washington state house of representatives,
2 one from each major caucus, to be appointed by the speaker of the house
3 of representatives;

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

6 (c) Ten members, to be appointed jointly by the speaker of the
7 house of representatives and the president of the senate, to represent
8 the following interests: Agriculture, aquaculture, business, cities,
9 counties, the state department of ecology, environmentalists, water
10 recreation interests, water utilities, and hydropower interests. The
11 task force may establish technical advisory committees as necessary to
12 complete its tasks.

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

16 (a) Identification of the costs associated with the various
17 activities and services provided by the water rights program and
18 examination of how these costs compare with the fees charged for these
19 activities and services;

20 (b) Identification of appropriate accountability measures for the
21 department of ecology to employ in administration of the water rights
22 program. Recommendations of accountability requirements and
23 measurements shall take into account the distinctive characteristics of
24 the water rights program, that is, that the department receives a large
25 number of applications on a one-time basis and that the department of
26 ecology must meet its legal obligations under the doctrine of prior
27 appropriation;

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

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

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

37 (f) Review of the fees and accounting methods for the dam safety
38 program;

1 (g) Identification of the appropriate distribution of
2 responsibility between the applicant and the department of ecology for
3 provision of technical information and analysis; and

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

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

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

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

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

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

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

22 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

26 NEW SECTION. **Sec. 5.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected."

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1 On page 1, line 1 of the title, after "approvals;" strike the
2 remainder of the title and insert "amending RCW 90.03.470; creating new
3 sections; and declaring an emergency."

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