

2 **E2SSB 6291** - S AMD

3 By Senators Rasmussen and Newhouse

4

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

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

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

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

18 In furtherance of the purpose of chapter . . ., Laws of 1994 (this  
19 act) to more expeditiously make decisions regarding water right  
20 applications as stated in section 1, chapter . . ., Laws of 1994  
21 (section 1 of this act), the legislature finds that the administering  
22 agency will be better enabled to make decisions and be better able to  
23 assure conditions placed on permits and certificates are complied with  
24 if procedures for the regulation of waters and water rights are clearly  
25 established. The purpose of this section is to set forth the powers of  
26 the department to regulate the withdrawal or diversion of public waters  
27 and water or water rights related thereto including regulation based on  
28 dates of priority or other pertinent factors. Regulatory actions taken  
29 under this section shall be based on examination and determination by  
30 the department or the court, as applicable, of the various water rights  
31 involved according to the department's records and other records and  
32 pertinent facts. The powers set forth in this section may be exercised  
33 whether or not a general adjudication relating to the water rights  
34 involved has been conducted.

1 (1) In a regulatory situation (a) where each water right proposed  
2 for regulation by the department, as well as each right of a senior  
3 priority that the proposed regulation is designed to protect, is or are  
4 embodied in a certificate or certificates issued under RCW 90.03.240,  
5 90.03.330, 90.38.040, 90.42.040, or 90.44.060 or a permit or permits  
6 issued pursuant to RCW 90.03.290 or 90.44.060; or (b) where a flow or  
7 level has been established by rule pursuant to chapter 90.22 or 90.54  
8 RCW; or (c) where it appears to the department that public waters are  
9 being withdrawn without any right or other appropriate authority  
10 whatsoever, the department in its discretion may regulate the right or  
11 rights under either RCW 43.27A.190 or subsection (2) of this section.

12 (2) The department may bring action in superior court for such  
13 remedies as it may deem necessary, including injunctive or other  
14 equitable relief, under the following situations: (a) When authorized  
15 in a regulatory situation under subsection (1) of this section; or (b)  
16 in a regulatory situation where one or more of the water rights  
17 proposed for regulation by the department, or one or more of the water  
18 rights of a senior priority that the proposed regulation is designed to  
19 protect, is not or are not embodied in a certificate or permit as  
20 described in subsection (1)(a) of this section. For purposes of  
21 regulatory situations covered under (b) of this subsection, court  
22 action under this subsection constitutes the department's sole and  
23 exclusive method of regulation. Action brought under this subsection  
24 shall be initiated in the superior court of the county where the point  
25 or points of diversion of the water right or rights proposed for  
26 regulation are located. If the points of diversion are located in more  
27 than one county, the department may bring the action in a county where  
28 a point of diversion is located.

29 (3) Nothing in this section authorizes the department to accomplish  
30 a general adjudication of water rights proceeding or the substantial  
31 equivalent of a general adjudication of water rights. The exclusive  
32 procedure for accomplishing a general adjudication of water rights is  
33 under RCW 90.03.110 through 90.03.245 or 90.44.220.

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

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

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

3       After January 1, 1995, the priority date of the right acquired by  
4 appropriation (~~((shall relate back to))~~) is the date (~~((of filing of))~~) the  
5 (~~((original))~~) completed application form for the right is filed with the  
6 department. For the purposes of this section and RCW 90.03.270, a  
7 completed application form is one that contains all of the information  
8 requested on the form and is accompanied by the application fee.

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

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

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

32       Upon receipt of a (~~((proper))~~) completed application, the department  
33 shall instruct the applicant to publish notice (~~((thereof))~~) in a form  
34 and within a time prescribed by (~~((him))~~) the department in a newspaper  
35 of general circulation published in the county or counties in which the  
36 storage, diversion or withdrawal, and use is to be made, and in such  
37 other newspapers as (~~((he))~~) the department may direct, once a week for

1 two consecutive weeks. The notice shall include information pertinent  
2 to the proposed appropriation, including the location, the source, the  
3 purpose or purposes of use, and the quantity proposed to be diverted or  
4 withdrawn. The notice shall state that persons wishing to protest the  
5 proposed application must do so in writing to the department within  
6 thirty days of the last date of publication of the notice. In order to  
7 be considered by the department, a protest must be received by the  
8 department within thirty days of the last date of publication of the  
9 notice. Upon receipt by the department of an application it shall send  
10 notice thereof containing pertinent information to ((~~the director of~~  
11 ~~fisheries and~~)) the director of fish and wildlife.

12 NEW SECTION. Sec. 6. A new section is added to chapter 43.21B RCW  
13 to read as follows:

14 In a proceeding before the pollution control hearings board  
15 challenging a decision of the department related to the issuance,  
16 conditioning, transfer, amendment, or denial of a water right permit  
17 under Title 90 RCW, the burden of proof is on the person filing the  
18 appeal.

19 NEW SECTION. Sec. 7. A new section is added to chapter 43.21B RCW  
20 to read as follows:

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

25 NEW SECTION. Sec. 8. A new section is added to chapter 43.21B RCW  
26 to read as follows:

27 One member of the pollution control hearings board may hear and  
28 render a decision on an appeal from a water right applicant regarding  
29 the nature and extent of the information needed to make determinations  
30 regarding the application for or the processing of a water right  
31 permit.

32 NEW SECTION. Sec. 9. A new section is added to chapter 90.03 RCW  
33 to read as follows:

34 A water right applicant may appeal to the pollution control  
35 hearings board a determination by the department regarding the nature

1 and extent of the information needed to make determinations regarding  
2 the application for or the processing of a water right permit.

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

5 (1) The department shall develop a general permit system for  
6 appropriating water for nonconsumptive, nonbypass uses and a general  
7 permit system for appropriating marine waters for use on upland sites.  
8 These systems shall be designed and used to streamline the  
9 consideration of applications for nonconsumptive, nonbypass water uses  
10 and marine water uses that by their nature do not raise issues  
11 regarding water availability or the impairment of other water rights.  
12 The evaluation and report required for an application under RCW  
13 90.03.290 are not required for applications processed under the general  
14 permit system. For the purposes of this section:

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

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

24 (c) "Marine waters" means the coastal saline waters under the  
25 jurisdiction of the state.

26 (2) The department shall establish the general permit systems by  
27 adopting rules in accordance with chapter 34.05 RCW. Before the  
28 adoption of rules for a system, at least four public hearings must be  
29 held at various locations around the state. The hearings on the  
30 general permit system for marine water use must be held in appropriate  
31 coastal communities. The rules shall identify criteria for proposed  
32 uses of water for which applications might be processed under each  
33 system and shall establish procedures for filing and processing  
34 applications under the general permit systems.

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

1 An application for appropriating water under a general permit  
2 system established under section 10 of this act shall be made on a form  
3 adopted and provided by the department. Within sixty days of the  
4 publication of a notice for the application in accordance with RCW  
5 90.03.280, the department shall determine whether the proposed use is  
6 eligible to be processed under the general permit system. If the  
7 department determines that the proposed use is eligible to be processed  
8 under the system, the application shall be processed under it. If the  
9 department determines that the proposed use is not eligible for the  
10 processing, the department shall explain to the applicant in writing  
11 the reasons for its determination. For a proposed use determined  
12 ineligible for the processing, if the department finds that the  
13 information contained on the application form substantially satisfies  
14 the information requirements for an application for a use that would  
15 normally be filed for processing the application outside of the general  
16 permit system, the department shall notify the applicant of its finding  
17 and shall process the application as if it were filed for processing  
18 outside of the system. If the department finds that the information  
19 does not substantially satisfy the requirements, the application shall  
20 be considered to be incomplete for the processing and the applicant  
21 shall be notified of this consideration.

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

24 (1) When ~~((an))~~ a completed application complying with the  
25 provisions of this chapter and with the rules ~~((and regulations))~~ of  
26 the department has been filed, the ~~((same))~~ application shall be placed  
27 on record with the department, and it shall be ~~((its))~~ the department's  
28 duty to ~~((investigate the application, and))~~ determine what water, if  
29 any, is available for appropriation, and find and determine to what  
30 beneficial use or uses it can be applied.

31 The department shall investigate the application. It is the duty  
32 of the applicant to provide a completed application form. In addition  
33 to providing the information requested on the form, however, the  
34 applicant shall also provide such information as may be required for  
35 the department's investigation, determinations, and findings regarding  
36 the application and may provide additional information. The  
37 information provided by the applicant must satisfy the protocols, that  
38 is, study plans and criteria, established by the department for

1 obtaining and providing the information. If an applicant provides the  
2 information and the protocols set by the department for obtaining and  
3 providing it have been satisfied, the department shall review the  
4 information and may take actions to verify that the information is  
5 accurate, but it may not, except to replace inaccurate information,  
6 take actions that would constitute obtaining major portions of the  
7 information anew.

8 (2) With regard to an application:

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

13 (b) If it is proposed to appropriate water for the purpose of power  
14 development, the department shall investigate, determine and find  
15 whether the proposed development is likely to prove detrimental to the  
16 public interest, having in mind the highest feasible use of the waters  
17 belonging to the public.

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

34 (4) The department shall make and file as part of the record in the  
35 matter, written findings of fact concerning all things investigated,  
36 and if it shall find that there is water available for appropriation  
37 for a beneficial use, and the appropriation thereof as proposed in the  
38 application will not impair existing rights or be detrimental to the  
39 public welfare, it shall issue a permit stating the amount of water to

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

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

30 (1) Actual construction work shall be commenced on any project for  
31 which permit has been granted within such reasonable time as shall be  
32 prescribed by the department, and shall thereafter be prosecuted with  
33 diligence and completed within the time prescribed by the department.  
34 The department, in fixing the time for the commencement of the work, or  
35 for the completion thereof and the application of the water to the  
36 beneficial use prescribed in the permit, shall take into consideration  
37 the cost and magnitude of the project and the engineering and physical  
38 features to be encountered, and shall allow such time as shall be



1 reasonable and just under the conditions then existing, having due  
2 regard for the public welfare and public interests affected: and, for  
3 good cause shown, it shall extend the time or times fixed as aforesaid,  
4 and shall grant such further period or periods as may be reasonably  
5 necessary, having due regard to the good faith of the applicant and the  
6 public interests affected.

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

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

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

13 (c) The operation of legal proceedings;

14 (d) Delays in securing other permits necessary to proceed with the  
15 development;

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

17 (f) Implementation of water efficiency measures, including  
18 conservation and reclaimed water use;

19 (g) Encountering unanticipated physical impediments to  
20 construction; and

21 (h) Encountering generally depressed economic conditions.

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

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

30 ~~((Each application for permit to appropriate water shall set forth~~  
31 ~~the name and post office address of the applicant, the source of water~~  
32 ~~supply, the nature and amount of the proposed use, the time during~~  
33 ~~which water will be required each year, the location and description of~~  
34 ~~the proposed ditch, canal, or other work, the time within which the~~  
35 ~~completion of the construction and the time for the complete~~  
36 ~~application of the water to the proposed use. If for agricultural~~  
37 ~~purposes, it shall give the legal subdivision of the land and the~~  
38 ~~acreage to be irrigated, as near as may be, and the amount of water~~

1 expressed in acre feet to be supplied per season. If for power  
2 purposes, it shall give the nature of the works by means of which the  
3 power is to be developed, the head and amount of water to be utilized,  
4 and the uses to which the power is to be applied. If for construction  
5 of a reservoir, it shall give the height of the dam, the capacity of  
6 the reservoir, and the uses to be made of the impounded waters. If for  
7 municipal water supply, it shall give the present population to be  
8 served, and, as near as may be, the future requirement of the  
9 municipality. If for mining purposes, it shall give the nature of the  
10 mines to be served and the method of supplying and utilizing the water;  
11 also their location by legal subdivisions. All applications shall be  
12 accompanied by such maps and drawings, in duplicate, and such other  
13 data, as may be required by the department, and such accompanying data  
14 shall be considered as a part of the application.)) The department  
15 shall adopt rules in accordance with chapter 34.05 RCW by January 1,  
16 1995, that specify the contents of completed water right application  
17 forms. The rules shall include specific timelines for the department  
18 to follow in making a determination as to whether an application is  
19 complete and notifying the applicant of its determination. The rules  
20 shall also identify the kinds of inaccuracies that render an  
21 application incomplete.

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

24 Applications for permits for appropriation of underground water  
25 shall be made in the same form and manner provided in RCW 90.03.250  
26 through 90.03.340, as amended, the provisions of which sections are  
27 hereby extended to govern and to apply to ground water, or ground water  
28 right certificates and to all permits that shall be issued pursuant to  
29 such applications, and the rights to the withdrawal of ground water  
30 acquired thereby shall be governed by RCW 90.03.250 through 90.03.340,  
31 inclusive(~~(: PROVIDED, That each application to withdraw public ground~~  
32 ~~water by means of a well or wells shall set forth the following~~  
33 ~~additional information: (1) the name and post office address of the~~  
34 ~~applicant; (2) the name and post office address of the owner of the~~  
35 ~~land on which such well or wells or works will be located; (3) the~~  
36 ~~location of the proposed well or wells or other works for the proposed~~  
37 ~~withdrawal; (4) the ground water area, sub-area, or zone from which~~  
38 ~~withdrawal is proposed, provided the department has designated such~~

1 ~~area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of~~  
2 ~~water proposed to be withdrawn, in gallons a minute and in acre feet a~~  
3 ~~year, or millions of gallons a year; (6) the depth and type of~~  
4 ~~construction proposed for the well or wells or other works: AND~~  
5 ~~PROVIDED FURTHER, That)).~~ The department shall adopt rules in  
6 accordance with chapter 34.05 RCW by January 1, 1995, that specify the  
7 contents of completed water right application forms. The rules shall  
8 include specific timelines for the department to follow in making a  
9 determination as to whether an application is complete and notifying  
10 the applicant of its determination. The rules shall also identify the  
11 kinds of inaccuracies that render an application incomplete. Any  
12 permit issued pursuant to an application for constructing a well or  
13 wells to withdraw public ground water may specify an approved type and  
14 manner of construction for the purposes of preventing waste of said  
15 public waters and of conserving their head.

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

18 Any person, municipal corporation, firm, irrigation district,  
19 association, corporation or water users' association hereafter desiring  
20 to appropriate water for a beneficial use shall make an application to  
21 the department for a permit to make such appropriation, and shall not  
22 use or divert such waters until he has received a permit from the  
23 department as in this chapter provided. The construction of any ditch,  
24 canal or works, or performing any work in connection with said  
25 construction or appropriation, or the use of any waters, shall not be  
26 an appropriation of such water nor an act for the purpose of  
27 appropriating water unless a permit to make said appropriation has  
28 first been granted by the department: PROVIDED, That a temporary  
29 permit may be granted upon a proper showing made to the department to  
30 be valid only during the pendency of such application for a permit  
31 unless sooner revoked by the department: PROVIDED, FURTHER, That  
32 nothing in this chapter contained shall be deemed to affect RCW  
33 90.40.010 through 90.40.080 except that the notice and certificate  
34 therein provided for in RCW 90.40.030 shall be addressed to the  
35 department, and the department shall exercise the powers and perform  
36 the duties prescribed by RCW 90.40.030.

37 The department shall encourage the filing of a consolidated  
38 application for a complex project under a single ownership that

1 proposes to divert or withdraw water from more than one source,  
2 including a combination of surface and ground water sources. The  
3 filing of a consolidated application for transfer or change of one or  
4 more water rights involving multiple sources shall also be encouraged  
5 if all of the affected diversions or withdrawals are intended to serve  
6 a single project with a single ownership. The department shall adopt  
7 and provide forms for consolidated applications.

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

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

14 (2) Applications for appropriating water under this section shall  
15 be made on a form provided by the department. Within sixty days of the  
16 publication of a notice in accordance with RCW 90.03.280, the  
17 department shall issue or deny a permit for the requested  
18 appropriation. If the department denies the application, it shall  
19 explain its determination in writing.

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

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

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

34 (6) The department shall develop, in cooperation with the  
35 department of health, informational materials regarding the risks of  
36 drinking untreated surface water. This informational material may be  
37 provided to prospective applicants. The department shall attach the

1 informational materials to any permit that is approved under this  
2 section.

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

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

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

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

21 The department shall establish a register that identifies, by water  
22 resource inventory area, applications for new water rights and  
23 applications for water right transfers and changes. The applications  
24 appearing in the register shall be limited to those requesting a new  
25 appropriation or change or transfer of more than three cubic feet per  
26 second of water. The register shall identify: The location of the  
27 proposed use, change, or transfer; whether the application is for  
28 surface or ground water; and, for surface water applications, the water  
29 source. The department shall produce the register once every two weeks  
30 and shall make the register available to interested parties for a fee  
31 that is based on the cost of producing and mailing the register. One  
32 year after the effective date of this section, the department may cease  
33 production of the register if the number of requests for the register  
34 are not adequate to cover the costs of producing and mailing it.

35 NEW SECTION. **Sec. 20.** (1) The department of ecology shall in  
36 conjunction with the task force created in section 3, chapter 495, Laws

1 of 1993 develop a budget process for its water rights administration  
2 program that accomplishes the following:

3 (a) Identifies targets for permitting activities for the biennium;

4 (b) Identifies workload standards;

5 (c) Prepares a draft budget;

6 (d) Provides for timely public review of the draft budget; and

7 (e) Circulates a final budget.

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

11 (a) Workload standards and proposed incentives to improve such  
12 standards;

13 (b) Program expenditure categories to account for and track costs  
14 related to the water rights administration program; and

15 (c) Success measures based upon programmatic results designed to  
16 evaluate program effectiveness and standards for defining the measures.

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

21 (3) The task force shall report annually to the legislature on the  
22 success measures established, the number of water right permit  
23 decisions made, and the associated costs of administering the water  
24 rights program.

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

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

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

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

36 (a) Two members of the Washington state house of representatives,  
37 one from each major caucus, to be appointed by the speaker of the house  
38 of representatives;

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

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

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

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

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

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

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

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

36 (f) ~~Review of the fees and accounting methods for the dam safety~~  
37 ~~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 Implementation of the development and maintenance of the water resource  
8 data management system, monitored on an annual basis;

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

12       (c) The water rights programs review task force will conduct a  
13 study to determine potential savings and efficiencies attainable by  
14 integrating all water resource data management functions among natural  
15 resource management agencies into a single data management system  
16 compared with the savings and efficiencies currently realized by each  
17 natural resource management agency maintaining independent water  
18 resource information. In reviewing this matter, the task force will  
19 work with the natural resource management agencies to determine the  
20 nature and extent of each natural resource management agency's:

21       (i) Existing water resource data;

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

23       (iii) Dependence on water resource data to fulfill agency  
24 responsibilities;

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

26       (v) Types of water resource data common to all natural resource  
27 agencies;

28       (vi) Method of managing water resources information, including an  
29 assessment of the compatibility of information management systems  
30 between natural resource management agencies, and the obstacles  
31 inhibiting integration and subsequent free exchange of water resource  
32 data between natural resource management agencies; and

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

35       For the purposes of this section, a "natural resource management  
36 agency" includes any of the following state agencies: Department of  
37 ecology, department of natural resources, department of fish and  
38 wildlife, and department of health.



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

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

6 (3) Before December 1, (~~1993~~) 1997, the task force shall provide  
7 recommendations to the legislature regarding:

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

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

13 (c) ~~Propose a new fee schedule for the water rights program which~~  
14 ~~incorporates the results of the task force's work and which funds~~  
15 ~~through fees fifty percent of the cost of the activities and services~~  
16 ~~provided by the program)) The efficiency and accountability of the  
17 water right permit processing program and the need for change to the  
18 level of funding in fiscal year 1999;~~

19 (b) The future direction of the water resource data management  
20 program and the need for changes to the level of funding in fiscal year  
21 1999; and

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

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

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

32 **Sec. 22.** 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 section,~~  
35 ~~the following fees shall be collected by the department in advance:~~

36 (1) ~~For the examination of an application for permit to appropriate~~  
37 ~~water or on application to change point of diversion, withdrawal,~~  
38 ~~purpose or place of use, a minimum of ten dollars, to be paid with the~~

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

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

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

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

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

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

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

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

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

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

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

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

21       ~~(12) For filing and recording a protest against granting any~~  
22 ~~application, two dollars.~~

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

28       (1) Application filing fees for the following:

29       (a) Surface water and ground water applications:

- |   |              |
|---|--------------|
| 30 <u>(i) Greater than 0.0 and less than or equal to 0.2</u>    |              |
| 31 <u>cubic feet per second</u>                                 | <u>\$90</u>  |
| 32 <u>(ii) Greater than 0.2 and less than or equal to 0.5</u>   |              |
| 33 <u>cubic feet per second</u>                                 | <u>\$290</u> |
| 34 <u>(iii) Greater than 0.5 and less than or equal to 3</u>    |              |
| 35 <u>cubic feet per second</u>                                 | <u>\$490</u> |
| 36 <u>(iv) Greater than 3 and less than or equal to 5 cubic</u> |              |
| 37 <u>feet per second</u>                                       | <u>\$660</u> |

1	(v) <u>Greater than 5 and less than or equal to 20</u>	
2	<u>cubic feet per second</u>	<u>\$820</u>
3	(vi) <u>Greater than 20 and less than or equal to 100</u>	
4	<u>cubic feet per second</u>	<u>\$990</u>
5	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$1,150</u>
6	<u>(b) Reservoir applications:</u>	
7	(i) <u>Greater than 0.0 and less than or equal to 10</u>	
8	<u>acre-feet</u>	<u>\$90</u>
9	(ii) <u>Greater than 10 and less than or equal to 100</u>	
10	<u>acre-feet</u>	<u>\$490</u>
11	(iii) <u>Greater than 100 and less than or equal to 1,000</u>	
12	<u>acre-feet</u>	<u>\$820</u>
13	(iv) <u>Greater than 1,000 acre-feet</u>	<u>\$1,150</u>
14	<u>(c) Change applications:</u>	
15	(i) <u>Changing a single element</u>	<u>\$90</u>
16	(ii) <u>Changing multiple elements</u>	<u>\$290</u>
17	<u>(2) Examination fees for the following:</u>	
18	<u>(a) Surface water applications:</u>	
19	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
20	<u>cubic feet per second</u>	<u>\$100</u>
21	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
22	<u>cubic feet per second</u>	<u>\$450</u>
23	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
24	<u>cubic feet per second</u>	<u>\$820</u>
25	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
26	<u>feet per second</u>	<u>\$1,150</u>
27	(v) <u>Greater than 5 and less than or equal to 20</u>	
28	<u>cubic feet per second</u>	<u>\$1,480</u>
29	(vi) <u>Greater than 20 and less than or equal to 100</u>	
30	<u>cubic feet per second</u>	<u>\$1,810</u>
31	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,130</u>
32	<u>(b) Ground water applications:</u>	
33	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
34	<u>cubic feet per second</u>	<u>\$120</u>
35	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
36	<u>cubic feet per second</u>	<u>\$540</u>
37	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
38	<u>cubic feet per second</u>	<u>\$980</u>

1	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
2	<u>feet per second</u>	<u>\$1,380</u>
3	(v) <u>Greater than 5 and less than or equal to 20</u>	
4	<u>cubic feet per second</u>	<u>\$1,780</u>
5	(vi) <u>Greater than 20 and less than or equal to 100</u>	
6	<u>cubic feet per second</u>	<u>\$2,170</u>
7	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$2,560</u>
8	<u>(c) Reservoir applications:</u>	
9	(i) <u>Greater than 0.0 and less than or equal to 10</u>	
10	<u>acre-feet</u>	<u>\$100</u>
11	(ii) <u>Greater than 10 and less than or equal to 100</u>	
12	<u>acre-feet</u>	<u>\$820</u>
13	(iii) <u>Greater than 100 and less than or equal to 1,000</u>	
14	<u>acre-feet</u>	<u>\$1,480</u>
15	(iv) <u>Greater than 1,000 acre-feet</u>	<u>\$2,130</u>
16	<u>(d) Changes to permits and certificates:</u>	
17	(i) <u>Changing a single element</u>	<u>\$100</u>
18	(ii) <u>Changing multiple elements</u>	<u>\$450</u>
19	<u>(3) Certificate fees:</u>	
20	<u>(a) Water appropriation applications:</u>	
21	(i) <u>Greater than 0.0 and less than or equal to 0.2</u>	
22	<u>cubic feet per second</u>	<u>\$90</u>
23	(ii) <u>Greater than 0.2 and less than or equal to 0.5</u>	
24	<u>cubic feet per second</u>	<u>\$290</u>
25	(iii) <u>Greater than 0.5 and less than or equal to 3</u>	
26	<u>cubic feet per second</u>	<u>\$490</u>
27	(iv) <u>Greater than 3 and less than or equal to 5 cubic</u>	
28	<u>feet per second</u>	<u>\$660</u>
29	(v) <u>Greater than 5 and less than or equal to 20</u>	
30	<u>cubic feet per second</u>	<u>\$820</u>
31	(vi) <u>Greater than 20 and less than or equal to 100</u>	
32	<u>cubic feet per second</u>	<u>\$990</u>
33	(vii) <u>Greater than 100 cubic feet per second</u>	<u>\$1,150</u>
34	<u>(b) Reservoir applications:</u>	
35	(i) <u>Greater than 0.0 and less than or equal to 10</u>	
36	<u>acre-feet</u>	<u>\$90</u>
37	(ii) <u>Greater than 10 and less than or equal to 100</u>	
38	<u>acre-feet</u>	<u>\$490</u>

1	<u>(iii) Greater than 100 and less than or equal to 1,000</u>	
2	<u>acre-feet</u>	\$820
3	<u>(iv) Greater than 1,000 acre-feet</u>	\$1,150
4	<u>(c) Changes to permits and certificates:</u>	
5	<u>(i) Changing a single element</u>	\$90
6	<u>(ii) Changing multiple elements</u>	\$290
7	<u>(4) Water right permit extensions</u>	\$100
8	<u>(5) Protests to applications</u>	\$50
9	<u>(6) Appealing a water right decision</u>	\$200
10	<u>(7) Registration fee for exempt wells</u>	\$45
11	<u>(8) Assignment of an application or permit</u>	\$100
12	<u>(9) General permits:</u>	
13	<u>(a) Application fee</u>	\$100
14	<u>(b) Examination fee</u>	\$0
15	<u>(c) Certificate fee</u>	\$100
16	<u>(10) Seasonal change or rotation</u>	\$100
17	<u>(11) Temporary or short-term water use</u>	\$100
18	<u>(12) De minimis appropriations developed under a reservation of</u>	
19	<u>water adopted by rule:</u>	
20	<u>(a) Application fee</u>	\$100
21	<u>(b) Examination fee</u>	\$0
22	<u>(c) Certificate fee</u>	\$100
23	<u>(13) Issuance of a preliminary permit</u>	\$100
24	<u>(14) For the examination of plans and specifications as to safety</u>	
25	<u>of controlling works for storage of ten acre feet or more of water, and</u>	
26	<u>for the inspection of any hydraulic works to insure safety to life and</u>	
27	<u>property, the actual cost of the examination and inspection.</u>	
28	<u>(15) For a consolidated application covering multiple sources or</u>	
29	<u>changes:</u>	
30	<u>(a) The application fee must be based upon either the total amount</u>	
31	<u>of water or the total number of changes requested, or both;</u>	
32	<u>(b) The examination fee is the total of the examination fees</u>	
33	<u>calculated for the individual applications and changes; and</u>	
34	<u>(c) The certificate fee is as is appropriate for the individual</u>	
35	<u>certificates, since separate permits would issue and, therefore,</u>	
36	<u>separate certificates would result.</u>	
37	<u>The combined application, examination, and certificate fee for</u>	
38	<u>transfers and changes of water into the trust water right program under</u>	
39	<u>chapter 90.42 RCW shall be one hundred dollars.</u>	

1       There shall be a forty-five dollar priority date registration fee  
2 on rights to ground water established after July 1, 1994, under RCW  
3 90.44.050 that are exempt from the water right permitting process. The  
4 department shall adopt by rule the means whereby these water rights are  
5 registered with the department and the method of collection of this fee  
6 in accordance with chapter 34.05 RCW. This fee shall be due from only  
7 those well owners who place the water to beneficial use. The  
8 department shall register the well in the water resource data  
9 management system and provide to the owner a certificate that the well  
10 has been registered.

11       The water right processing and data management account is created  
12 in the state treasury. All receipts collected under this section shall  
13 be deposited into the account. Moneys in the account may be spent only  
14 after appropriation. Expenditures from the account may be used only  
15 for functions of the department of ecology related to: Filing,  
16 examination, and certification of water right permits, changes to water  
17 rights, and transfers of water rights; development and maintenance of  
18 the data management program related to water rights; and a  
19 proportionate share of indirect costs allocated to these functions  
20 necessary to fund the general administrative functions of the  
21 department. Except for the biennium ending June 30, 1995, the  
22 department may expend funds from the account in an amount that is  
23 substantially equal to the amount expended of funds appropriated from  
24 the general fund for each biennium. For the biennium ending June 30,  
25 1995, data management development costs are not required to be funded  
26 in a substantially equal manner.

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

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

37       (~~(15)~~) For the period beginning July 1, 1993, and ending June 30,  
38 1994, there is imposed and the department shall collect a one hundred  
39 dollar surcharge on all water rights applications or changes filed

1 under this section, and upon all water rights applications or changes  
2 pending as of July 1, 1993. This charge shall be in addition to any  
3 other fees imposed under this section.

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

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

- 11 (1) Application filing fees for the following:
- 12 (a) Surface water and ground water applications:
- 13 (i) Greater than 0.0 and less than or equal to 0.2  
14 cubic feet per second ((~~\$90~~) \$100)
- 15 (ii) Greater than 0.2 and less than or equal to 0.5  
16 cubic feet per second ((~~\$290~~) \$210)
- 17 (iii) Greater than 0.5 and less than or equal to 3  
18 cubic feet per second ((~~\$490~~) \$320)
- 19 (iv) Greater than 3 and less than or equal to 5 cubic  
20 feet per second ((~~\$660~~) \$420)
- 21 (v) Greater than 5 and less than or equal to 20  
22 cubic feet per second ((~~\$820~~) \$530)
- 23 (vi) Greater than 20 and less than or equal to 100  
24 cubic feet per second ((~~\$990~~) \$640)
- 25 (vii) Greater than 100 cubic feet per second ((~~\$1,150~~) \$740)
- 26 (b) Reservoir applications:
- 27 (i) Greater than 0.0 and less than or equal to 10  
28 acre-feet ((~~\$90~~) \$100)
- 29 (ii) Greater than 10 and less than or equal to 100  
30 acre-feet ((~~\$490~~) \$320)
- 31 (iii) Greater than 100 and less than or equal to 1,000  
32 acre-feet ((~~\$820~~) \$530)
- 33 (iv) Greater than 1,000 acre-feet ((~~\$1,150~~) \$740)
- 34 (c) Change applications:
- 35 (i) Changing a single element ((~~\$90~~) \$100)
- 36 (ii) Changing multiple elements ((~~\$290~~) \$210)
- 37 (2) Examination fees for the following:



1	(a) Surface water applications:	
2	(i) Greater than 0.0 and less than or equal to 0.2	
3	cubic feet per second	\$100
4	(ii) Greater than 0.2 and less than or equal to 0.5	
5	cubic feet per second	(( <del>\$450</del> )) <u>\$320</u>
6	(iii) Greater than 0.5 and less than or equal to 3	
7	cubic feet per second	(( <del>\$820</del> )) <u>\$530</u>
8	(iv) Greater than 3 and less than or equal to 5 cubic	
9	feet per second	(( <del>\$1,150</del> )) <u>\$740</u>
10	(v) Greater than 5 and less than or equal to 20	
11	cubic feet per second	(( <del>\$1,480</del> )) <u>\$960</u>
12	(vi) Greater than 20 and less than or equal to 100	
13	cubic feet per second	(( <del>\$1,810</del> )) <u>\$1,170</u>
14	(vii) Greater than 100 cubic feet per second	(( <del>\$2,130</del> )) <u>\$1,380</u>
15	(b) Ground water applications:	
16	(i) Greater than 0.0 and less than or equal to 0.2	
17	cubic feet per second	\$120
18	(ii) Greater than 0.2 and less than or equal to 0.5	
19	cubic feet per second	(( <del>\$540</del> )) <u>\$380</u>
20	(iii) Greater than 0.5 and less than or equal to 3	
21	cubic feet per second	(( <del>\$980</del> )) <u>\$640</u>
22	(iv) Greater than 3 and less than or equal to 5 cubic	
23	feet per second	(( <del>\$1,380</del> )) <u>\$890</u>
24	(v) Greater than 5 and less than or equal to 20	
25	cubic feet per second	(( <del>\$1,780</del> )) <u>\$1,150</u>
26	(vi) Greater than 20 and less than or equal to 100	
27	cubic feet per second	(( <del>\$2,170</del> )) <u>\$1,400</u>
28	(vii) Greater than 100 cubic feet per second	(( <del>\$2,560</del> )) <u>\$1,660</u>
29	(c) Reservoir applications:	
30	(i) Greater than 0.0 and less than or equal to 10	
31	acre-feet	\$100
32	(ii) Greater than 10 and less than or equal to 100	
33	acre-feet	(( <del>\$820</del> )) <u>\$530</u>
34	(iii) Greater than 100 and less than or equal to 1,000	
35	acre-feet	(( <del>\$1,480</del> )) <u>\$960</u>
36	(iv) Greater than 1,000 acre-feet	(( <del>\$2,130</del> )) <u>\$1,380</u>
37	(d) Changes to permits and certificates:	
38	(i) Changing a single element	\$100
39	(ii) Changing multiple elements	(( <del>\$450</del> )) <u>\$320</u>

1	(3) Certificate fees:	
2	(a) Water appropriation applications:	
3	(i) Greater than 0.0 and less than or equal to 0.2	
4	cubic feet per second	<del>(\$90)</del> <u>\$100</u>
5	(ii) Greater than 0.2 and less than or equal to 0.5	
6	cubic feet per second	<del>(\$290)</del> <u>\$210</u>
7	(iii) Greater than 0.5 and less than or equal to 3	
8	cubic feet per second	<del>(\$490)</del> <u>\$320</u>
9	(iv) Greater than 3 and less than or equal to 5 cubic	
10	feet per second	<del>(\$660)</del> <u>\$420</u>
11	(v) Greater than 5 and less than or equal to 20	
12	cubic feet per second	<del>(\$820)</del> <u>\$530</u>
13	(vi) Greater than 20 and less than or equal to 100	
14	cubic feet per second	<del>(\$990)</del> <u>\$640</u>
15	(vii) Greater than 100 cubic feet per second	<del>(\$1,150)</del> <u>\$740</u>
16	(b) Reservoir applications:	
17	(i) Greater than 0.0 and less than or equal to 10	
18	acre-feet	<del>(\$90)</del> <u>\$100</u>
19	(ii) Greater than 10 and less than or equal to 100	
20	acre-feet	<del>(\$490)</del> <u>\$320</u>
21	(iii) Greater than 100 and less than or equal to 1,000	
22	acre-feet	<del>(\$820)</del> <u>\$530</u>
23	(iv) Greater than 1,000 acre-feet	<del>(\$1,150)</del> <u>\$740</u>
24	(c) Changes to permits and certificates:	
25	(i) Changing a single element	<del>(\$90)</del> <u>\$100</u>
26	(ii) Changing multiple elements	<del>(\$290)</del> <u>\$210</u>
27	(4) Water right permit extensions	\$100
28	(5) Protests to applications	\$50
29	(6) Appealing a water right decision	\$200
30	(7) Registration fee for exempt wells	\$45
31	(8) Assignment of an application or permit	\$100
32	(9) General permits:	
33	(a) Application fee	\$100
34	(b) Examination fee	\$0
35	(c) Certificate fee	\$100
36	(10) Seasonal change or rotation	\$100
37	(11) Temporary or short-term water use	\$100
38	(12) De minimis appropriations developed under a reservation of	
39	water adopted by rule:	

- 1 (a) Application fee \$100  
2 (b) Examination fee \$0  
3 (c) Certificate fee \$100  
4 (13) Issuance of a preliminary permit \$100

5 (14) For the examination of plans and specifications as to safety  
6 of controlling works for storage of ten acre feet or more of water, and  
7 for the inspection of any hydraulic works to insure safety to life and  
8 property, the actual cost of the examination and inspection.

9 (15) For a consolidated application covering multiple sources or  
10 changes:

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

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

15 (c) The certificate fee is as is appropriate for the individual  
16 certificates, since separate permits would issue and, therefore,  
17 separate certificates would result.

18 The combined application, examination, and certificate fee for  
19 transfers and changes of water into the trust water right program under  
20 chapter 90.42 RCW will be one hundred dollars.

21 There shall be a forty-five dollar priority date registration fee  
22 on rights to ground water established after July 1, 1994, under RCW  
23 90.44.050 that are exempt from the water right permitting process. The  
24 department shall adopt by rule the means whereby these water rights are  
25 registered with the department and the method of collection of this fee  
26 in accordance with chapter 34.05 RCW. This fee shall be due from only  
27 those well owners who place the water to beneficial use. The  
28 department shall register the well in the water resource data  
29 management system and provide to the owner a certificate that the well  
30 has been registered.

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

1 necessary to fund the general administrative functions of the  
2 department. (~~Except for the biennium ending June 30, 1995,~~) The  
3 department may expend funds from the account in an amount that is  
4 substantially equal to the amount expended of funds appropriated from  
5 the general fund for each biennium. (~~For the biennium ending June 30,~~  
6 ~~1995, data management development costs are not required to be funded~~  
7 ~~in a substantially equal manner.~~)

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

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

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

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

26 Reclamation districts including an area of not less than one  
27 million acres of land may be created and maintained in this state, as  
28 herein provided, for the reclamation and improvement of arid and  
29 semiarid lands situated in such districts, and for the generation  
30 and/or sale of hydroelectric energy(~~(:—PROVIDED, That no~~  
31 ~~appropriation, license, filing, recording, examination or other fee or~~  
32 ~~fees, as provided in RCW 90.16.050 through 90.16.090 or in RCW~~  
33 ~~90.03.470 shall be applicable to a district or districts created under~~  
34 ~~this chapter)).~~

35 **Sec. 25.** RCW 90.40.090 and 1988 c 127 s 83 are each amended to  
36 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, shall be required)~~).

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

10 (1) The department of ecology shall, in coordination with the  
11 department of health, develop ~~((interim))~~ standards for ~~((pilot~~  
12 ~~projects under subsection (3) of this section on or before July 1,~~  
13 ~~1992, for))~~ the use of reclaimed water in land applications.

14 (2) The department of health shall, in coordination with the  
15 department of ecology, develop ~~((interim))~~ standards for ~~((pilot~~  
16 ~~projects under subsection (3) of this section on or before November 15,~~  
17 ~~1992, for))~~ the use of reclaimed water in commercial and industrial  
18 activities.

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

22 NEW SECTION. **Sec. 27.** The legislature shall examine and recommend  
23 state policies relating to water rights, water use, and water doctrine  
24 and report the recommendations to the appropriate standing committees  
25 of the 1995 legislature.

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

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

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

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

3    **E2SSB 6291** - S AMD  
4        By Senators Rasmussen and Newhouse

5

6        On page 1, beginning on line 2 of the title strike "90.03.380,  
7 90.03.390, 90.44.100"

8        On page 1, line 4 of the title, strike "90.03....., (section 29, of  
9 this act)" and insert "90.03.470"

--- END ---