

FINAL BILL REPORT

ESHB 1236

Synopsis as Enacted

C 495 L 93

Brief Description: Establishing fees for certain water rights.

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

House Committee on Natural Resources & Parks
House Committee on Revenue
Senate Committee on Ways & Means

Background: Under the State Water Code, a person must have a water right for any use of surface water and for larger withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Water Rights Program in Washington is managed by the Department of Ecology. The process of acquiring a water right involves a number of steps and the payment of several fees. These fees are established in statute.

The number of new water rights applications has increased over the last several years, from 800 new applications in 1985 to 1,835 applications in 1992. The average waiting period associated with processing an application has also increased, from one and one half years in 1985 to two and one half years in 1992. The department also reports an increase in application protests and appeals.

In the current biennium, the state will spend approximately \$7.3 million on water rights processing. Currently the fees generate \$100,000 per biennium, less than 2 percent of the costs of the program.

A number of parties have expressed interest in encouraging greater water use efficiency and conservation. Trickle or drip irrigation is an irrigation technique which may result in greater water use efficiency. Allowing transfers or sales of saved water may provide an incentive for investing in trickle irrigation systems.

Summary: The Legislature finds that a water right confers significant economic benefits to the water right holder and that water rights applicants should contribute more to the cost of administration of the Water Rights Program. The

Legislature also finds that water rights applicants have a right to know that the Water Rights Program is being administered efficiently and that the fees charged for various services relate to the cost of those services.

The Legislature creates a water rights fees task force and provides for the appointment of task force members. The task force is directed to conduct a comprehensive review of water rights fees. A number of specific tasks are to be included in this review. Before December 1, 1993, the task force is to (1) provide recommendations to the Department of Ecology on ways to improve the efficiency and accountability of the Water Rights Program; (2) provide recommendations to the Legislature on statutory changes necessary to make these efficiency and accountability improvements; and (3) propose a new water rights fee schedule which incorporates the task force's work and which funds through fees 50 percent of the cost of the activities and services provided by the Water Rights Program.

For the period July 1, 1993, through June 30, 1994, a \$100 surcharge is imposed on new and pending water rights applications.

The Legislature directs the House committees on Agriculture and Natural Resources and Parks and the Senate committees on Energy and Utilities and Agriculture to study the feasibility of a water transfer program for water saved through installation of trickle irrigation systems. The committees are to report their findings and recommendations to the Legislature by December 1, 1993.

Votes on Final Passage:

House	96	1	
Senate	38	4	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	20	25	(Failed)
Senate	25	22	
House	56	42	

Effective: July 25, 1993