
SENATE BILL 6690

State of Washington 54th Legislature 1996 Regular Session

By Senators Rasmussen, Swecker, Morton, Snyder and Fraser

Read first time 01/24/96. Referred to Committee on Ways & Means.

1 AN ACT Relating to water permit fees; amending RCW 90.03.470,
2 89.30.001, and 90.40.090; amending 1993 c 495 s 3 (uncodified); adding
3 a new section to chapter 90.03 RCW; creating a new section; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 90.03.470 and 1993 c 495 s 2 are each amended to read
7 as follows:

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

11 (1) (~~For the examination of an application for permit to~~
12 ~~appropriate water or on application to change point of diversion,~~
13 ~~withdrawal, purpose or place of use, a minimum of ten dollars, to be~~
14 ~~paid with the application. For each second foot between one and five~~
15 ~~hundred second feet, two dollars per second foot; for each second foot~~
16 ~~between five hundred and two thousand second feet, fifty cents per~~
17 ~~second foot; and for each second foot in excess thereof, twenty cents~~
18 ~~per second foot. For each acre foot of storage up to and including one~~
19 ~~hundred thousand acre feet, one cent per acre foot, and for each acre~~

1 foot in excess thereof, one-fifth cent per acre foot. The ten dollar
2 fee payable with the application shall be a credit to that amount
3 whenever the fee for direct diversion or storage totals more than ten
4 dollars under the above schedule and in such case the further fee due
5 shall be the total computed amount less ten dollars.

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

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

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

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

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

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

36 (7)) For granting each extension of time for beginning
37 construction work under a permit to appropriate water((, an amount
38 equal to one-half of the filing and recording fee, except that the
39 minimum fee shall be not less than five dollars for each year that an

1 ~~extension is granted,))~~ and for granting an extension of time for
2 completion of construction work or for completing application of water
3 to a beneficial use, ~~((five))~~ one hundred dollars ~~((for each year that~~
4 ~~an extension is granted))~~.

5 ~~((+8))~~ (2) For the inspection of any hydraulic works to insure
6 safety to life and property, the actual cost of the inspection,
7 including the expense incident thereto.

8 ~~((+9))~~ (3) For the examination of plans and specifications as to
9 safety of controlling works for storage of ten acre feet or more of
10 water, a minimum fee of ~~((ten))~~ fifty dollars, or the actual cost.

11 ~~((+10))~~ (4) For recording an assignment either of a permit to
12 appropriate water or of an application for such a permit, a fee of
13 ~~((five))~~ one hundred dollars.

14 ~~((+11) For preparing and issuing all water right certificates, five~~
15 ~~dollars.~~

16 ~~(+12))~~ (5) For filing and recording a protest against granting any
17 application, ~~((two))~~ fifty dollars.

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

25 ~~(+14))~~ (6) For filing an application for and authorizing a seasonal
26 change or rotation, one hundred dollars.

27 (7) For filing an application for and authorizing a temporary or
28 short-term water use, one hundred dollars.

29 (8) For a consolidated application covering multiple sources or
30 changes:

31 (a) The filing fee must be based upon either the total amount of
32 water or the total number of changes requested, or both;

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

35 (c) The certificate fee is as is appropriate for the individual
36 certificates, since separate permits would issue and, therefore,
37 separate certificates would result.

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

4 ~~((15) For the period beginning July 1, 1993, and ending June 30,~~
5 ~~1994, there is imposed and the department shall collect a one hundred~~
6 ~~dollar surcharge on all water rights applications or changes filed~~
7 ~~under this section, and upon all water rights applications or changes~~
8 ~~pending as of July 1, 1993. This charge shall be in addition to any~~
9 ~~other fees imposed under this section.))~~

10 NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW
11 to read as follows:

12 (1) The department shall collect the following fees in advance of
13 each of the three stages of the permitting process:

14 (a) Application filing fees for the following:

15 (i) Surface water and ground water applications:

16 (A) Greater than 0.0 and less than or equal
17 to 0.02 cubic feet per second \$ 100

18 (B) Greater than 0.02 and less than or equal to
19 0.1 cubic feet per second \$ 150

20 (C) Greater than 0.1 and less than or equal to
21 0.2 cubic feet per second \$ 200

22 (D) Greater than 0.2 and less than or equal to
23 0.5 cubic feet per second \$ 250

24 (E) Greater than 0.5 and less than or equal to 1
25 cubic feet per second \$ 300

26 (F) Greater than 1 and less than or equal to 3
27 cubic feet per second \$ 400

28 (G) Greater than 3 and less than or equal to 5
29 cubic feet per second \$ 1500

30 (H) Greater than 5 and less than or equal to 20
31 cubic feet per second \$ 1700

32 (I) Greater than 20 and less than or equal to 100
33 cubic feet per second \$ 2,000

34 (J) Greater than 100 cubic feet per second \$ 2,200

35 (ii) Reservoir applications:

36 (A) Greater than 0.0 and less than or equal to
37 10 acre-feet \$ 100

38 (B) Greater than 10 and less than or equal to

1	100 acre-feet	\$ 200
2	(C) Greater than 100 and less than or equal to	
3	1,000 acre-feet	\$ 600
4	(D) Greater than 1,000 acre-feet	\$ 1,500
5	(iii) Change applications:	
6	(A) Changing a single element	\$ 150
7	(B) Changing multiple elements	\$ 250
8	(b) Examination fees for the following:	
9	(i) Surface water applications:	
10	(A) Greater than 0.0 and less than or equal to	
11	0.02 cubic feet per second	\$ 100
12	(B) Greater than 0.02 and less than or equal to	
13	0.1 cubic feet per second	\$ 200
14	(C) Greater than 0.01 and less than or equal to	
15	0.2 cubic feet per second	\$ 250
16	(D) Greater than 0.2 and less than or equal to	
17	0.5 cubic feet per second	\$ 300
18	(E) Greater than 0.5 and less than or equal to	
19	1 cubic feet per second	\$ 400
20	(F) Greater than 1 and less than or equal to 3	
21	cubic feet per second	\$ 500
22	(G) Greater than 3 and less than or equal to 5	
23	cubic feet per second	\$ 2,200
24	(H) Greater than 5 and less than or equal to 20	
25	cubic feet per second	\$ 2,500
26	(I) Greater than 20 and less than or equal to 100	
27	cubic feet per second	\$ 2,800
28	(J) Greater than 100 cubic feet per second	\$ 3,200
29	(ii) Ground water applications:	
30	(A) Greater than 0.0 and less than or equal to	
31	0.02 cubic feet per second	\$ 100
32	(B) Greater than 0.02 and less than or equal to	
33	0.1 cubic feet per second	\$ 250
34	(C) Greater than 0.1 and less than or equal to	
35	0.2 cubic feet per second	\$ 300
36	(D) Greater than 0.2 and less than or equal to	
37	0.5 cubic feet per second	\$ 400
38	(E) Greater than 0.5 and less than or equal to 1	
39	cubic feet per second	\$ 500

1	(F) Greater than 1 or less than or equal to 3	
2	cubic feet per second	\$ 600
3	(G) Greater than 3 and less than or equal to 5	
4	cubic feet per second	\$ 2,600
5	(H) Greater than 5 and less than or equal to 20	
6	cubic feet per second	\$ 3,000
7	(I) Greater than 20 and less than or equal to 100	
8	cubic feet per second	\$ 3,400
9	(J) Greater than 100 cubic feet per second	\$ 3,800
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	\$ 250
15	(C) Greater than 100 and less than or equal to	
16	1,000 acre-feet	\$ 900
17	(D) Greater than 1,000 acre-feet	\$ 2,200
18	(iv) Changes to permits and certificates:	
19	(A) Changing a single element	\$ 200
20	(B) Changing multiple elements	\$ 300
21	(c) Certificate fees:	
22	(i) Surface water and ground water applications:	
23	(A) Greater than 0.0 and less than or equal to	
24	0.02 cubic feet per second	\$ 100
25	(B) Greater than 0.02 and less than or equal to	
26	0.1 cubic feet per second	\$ 150
27	(C) Greater than 0.1 and less than or equal to	
28	0.2 cubic feet per second	\$ 200
29	(D) Greater than 0.2 and less than or equal to	
30	0.5 cubic feet per second	\$ 250
31	(E) Greater than 0.5 and less than or equal to 1	
32	cubic feet per second	\$ 300
33	(F) Greater than 1 and less than or equal to 3	
34	cubic feet per second	\$ 400
35	(G) Greater than 3 and less than or equal to 5	
36	cubic feet per second	\$ 1,500
37	(H) Greater than 5 and less than or equal to 20	
38	cubic feet per second	\$ 1,700
39	(I) Greater than 20 and less than or equal to 100	

1	cubic feet per second	\$ 2,000
2	(J) Greater than 100 cubic feet per second	\$ 2,200
3	(ii) Reservoir applications:	
4	(A) Greater than 0.0 and less than or equal to 10	
5	acre-feet	\$ 200
6	(B) Greater than 10 and less than or equal to 100	
7	acre-feet	\$ 300
8	(C) Greater than 100 and less than or equal to	
9	1,000 acre-feet	\$ 1,000
10	(D) Greater than 1,000 acre-feet	\$ 1,500
11	(iii) Changes to permits and certificates:	
12	(A) Changing a single element	\$ 150
13	(B) Changing multiple elements	\$ 250

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

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

24 (2) The water right permit processing account is created in the
25 state treasury. All receipts collected under RCW 90.03.470 and this
26 section shall be deposited into the account. Moneys in the account may
27 be spent only after appropriation. Expenditures from the account may
28 be used only for functions of the department of ecology related to:
29 Filing, examination, and certification of water right permits, changes
30 to water right permits, and transfer of water rights; and a
31 proportionate share of indirect costs allocated to these functions
32 necessary to fund the general administrative functions of the
33 department. The department may expend funds from the water right
34 permit processing account in an amount that is substantially equal to
35 the amount expended of funds appropriated from the general fund for
36 water right permit processing.

37 NEW SECTION. **Sec. 3.** (1) The department of ecology shall in
38 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 water rights programs review task force shall, in
9 conjunction with the department of ecology, establish and periodically
10 review 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. The department of ecology shall report to the
21 task force, within fifteen days of the end of each calendar quarter,
22 the number of applications that were not processed within this time
23 frame and the reasons for the delay.

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

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

33 (5) This section shall expire December 31, 1998.

34 **Sec. 4.** 1993 c 495 s 3 (uncodified) is amended to read as follows:

35 (1) There is created a water rights (~~fees~~) programs review task
36 force. The task force shall be comprised of (~~fourteen~~) sixteen
37 members, who 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))~~ Twelve members, to be appointed jointly by the speaker
7 of the house of representatives and the president of the senate, to
8 represent the following interests: Agriculture, aquaculture, business,
9 cities, counties, the state department of ecology, environmentalists,
10 water recreation interests, water utilities, federally recognized
11 Indian tribes, rural residential interests, and hydropower interests.
12 ~~((The task force may establish technical advisory committees as~~
13 ~~necessary to complete its tasks.))~~

14 (2) In addition to the functions established in section 3 of this
15 act, the task force shall conduct a ((comprehensive)) review ((of water
16 rights fees. The task force's tasks shall include)), including but not
17 ((be)) limited to the following matters:

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

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

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

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

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

1 ~~(f) Review of the fees and accounting methods for the dam safety~~
2 ~~program;~~

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

6 ~~(h) Establishment of a reasonable time framework for completion of~~
7 ~~new and pending water rights applications, and an analysis of the staff~~
8 ~~and funding levels required to meet the established time framework))~~
9 Implementation of the development and maintenance of the water resource
10 data management system, monitored on an annual basis; and

11 (b) The use and amount of funds available for the water right
12 permit processing and data management programs.

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

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

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

18 ~~(c) Propose a new fee schedule for the water rights program which~~
19 ~~incorporates the results of the task force's work and which funds~~
20 ~~through fees fifty percent of the cost of the activities and services~~
21 ~~provided by the program.~~

22 ~~(4))~~ The department of ecology and the legislature shall jointly
23 provide for the staff support of the task force.

24 ~~((+5))~~ (4) The task force shall convene as soon as possible upon
25 the appointment of its members. Task force members shall elect a chair
26 and adopt rules for conducting the business of the task force. The
27 task force shall expire ~~((on June 30, 1994))~~ December 31, 1998.

28 **Sec. 5.** RCW 89.30.001 and 1933 c 149 s 1 are each amended to read
29 as follows:

30 Reclamation districts including an area of not less than one
31 million acres of land may be created and maintained in this state, as
32 herein provided, for the reclamation and improvement of arid and
33 semiarid lands situated in such districts, and for the generation
34 and/or sale of hydroelectric energy(~~(:—PROVIDED, That no~~
35 ~~appropriation, license, filing, recording, examination or other fee or~~
36 ~~fees, as provided in RCW 90.16.050 through 90.16.090 or in RCW~~
37 ~~90.03.470 shall be applicable to a district or districts created under~~
38 ~~this chapter)).~~

1 **Sec. 6.** RCW 90.40.090 and 1988 c 127 s 83 are each amended to read
2 as follows:

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

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