

# SENATE BILL REPORT

## SB 5507

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As of February 10, 1999

**Title:** An act relating to the processing of water rights.

**Brief Description:** Affecting the processing of water rights.

**Sponsors:** Senators Rasmussen and Swecker.

**Brief History:**

**Committee Activity:** Environmental Quality & Water Resources: 2/11/99.

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### SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

**Staff:** Genevieve Pisarski (786-7488)

**Background:** Fees for permitting of water rights were established in the Water Code of 1917. Revenue from these fees is approximately 2 percent of current program costs. Over 6,000 water rights applications are pending.

In 1993, the budget for processing applications was reduced by approximately 60 percent and future increases were made contingent on enactment of legislation that would provide for recovery of 50 percent of program costs. The Legislature created a Water Right Fee Task Force to develop recommendations for improving processing and establishing fees that would recover 50 percent of program costs. These recommendations have not been enacted.

**Summary of Bill:** Beginning in 2000, the priority date of a water right is the date of filing of a completed application form. Only information that is directly necessary to support the application can be required. If an applicant provides the required information, according to the established protocols, only corrections, not additional new information, can be required. Requirements are adopted by rule. Public notice of an application must give the particulars of the proposed appropriation and of the procedure for filing a protest. A register of applications is established. Affected federally recognized Indian tribes must be notified when permits are issued.

An applicant can appeal and one member of the Pollution Control Hearings Board can rule on the information needed for an application. The person filing an appeal to the Pollution Control Hearings Board bears the burden of proof and must have standing according to the requirements of the state Administrative Procedure Act. If there is an appeal for judicial review, an applicant has opportunity to obtain a finding of no significant damage to the environment or impairment of existing rights and proceed with perfecting the water right.

Good cause for extension of time to perfect a water right includes military service, legal proceedings, delay in other permits, implementation of conservation measures, transfer of the property, unanticipated construction problems, and economic conditions.

Change in season of use and change in source between surface and ground are allowed. Authorization of change or transfer may include conditions, including a reasonable time for completion and periodic subordination to other rights, in case of impairment. Relocating a point of diversion less than a quarter of a mile is exempt.

Consolidated applications for complex projects involving multiple sources must be encouraged. Streamlined procedures are established for de minimis appropriations, those not exceeding 450 gallons per day and, for short-term uses, those not exceeding one year.

A new fee schedule is adopted. A water right processing account is created to receive fees. Expenditures are by appropriation and limited to recovery of costs. Fee exemptions are repealed.

A legislative water rights programs review task force is created.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.