
HOUSE BILL 2239

State of Washington 58th Legislature 2003 Regular Session

By Representatives Linville, Cooper and Gombosky

Read first time 04/04/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to water right fees; amending RCW 90.03.471; adding
2 a new section to chapter 90.03 RCW; creating a new section; and
3 repealing RCW 90.03.470.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
6 to read as follows:

7 (1) The following fees shall be collected by the department:

8 (a) For submitting an application for a permit to appropriate or to
9 store water, a minimum of forty dollars to be paid with the
10 application. For proposed diversion or withdrawal amounts exceeding
11 one-tenth of a cubic foot per second, the fee is payable at the rate of
12 four hundred dollars per cubic foot per second, or proportionally for
13 a fraction thereof. For proposed storage of water exceeding one
14 hundred acre feet, the fee is payable at the rate of forty cents per
15 acre foot or fraction thereof of water storage capacity. The minimum
16 fee paid with the application is a credit to the amount due whenever
17 the application fee totals more than forty dollars. The fee for
18 submitting an application to change, transfer, or amend a water right
19 or for a temporary permit or seasonal change is one-half the fee for

1 the same amount of water for a new water right. Within five working
2 days from the receipt of an application, the department shall send
3 notice to the applicant of any additional fees due under this
4 subsection (1)(a) and any additional fees must be paid to and received
5 by the department within sixty days from the date of receipt of the
6 notice of fees due, or the application must be rejected.

7 (b) For examining an application to appropriate or store water
8 leading to the issuance of a permit to appropriate water, a minimum of
9 one hundred sixty dollars. For proposed diversion or withdrawal amount
10 exceeding one-tenth of a cubic foot per second, the fee is payable at
11 the rate of one thousand six hundred dollars per cubic foot per second,
12 or proportionally for a fraction thereof. For proposed storage of
13 water exceeding one hundred acre feet, the fee is payable at the rate
14 of one dollar and sixty cents per acre foot or fraction thereof of
15 water storage capacity. The minimum permit examination fee paid is a
16 credit to the amount due whenever the fee totals more than one hundred
17 sixty dollars. The fee for examining an application to change,
18 transfer, or amend a water right or for a temporary permit or seasonal
19 change leading to an approval is one-half the fee for the same amount
20 of water for a new water right. The fee in this subsection must be
21 paid before the department initiates its formal examination of the
22 application. The department shall inform the applicant when the fee
23 required by this subsection (1)(b) is due and the fee must be paid to
24 and received by the department within sixty days from the date that
25 notice of the fee is received by the applicant, or the application must
26 be rejected. If the department determines that a permit or approval
27 must be denied, the department shall refund to the applicant one-half
28 of the amount of the fee that has been paid under this subsection
29 (1)(b).

30 (c) For preparing, issuing, and recording a water right certificate
31 for a new water right, three hundred dollars. For preparing, issuing,
32 and recording a superseding certificate or change certificate
33 documenting a change, transfer, or amendment of a water right or water
34 right claim respectively, one hundred fifty dollars. The department
35 shall also collect the applicable county recording fee from the
36 applicant and shall remit the recording fee to the county. The
37 department shall inform the applicant when the fee required by this
38 subsection (1)(c) is due and the fee must be paid to and received by

1 the department within sixty days from the date that notice of the fee
2 is received by the applicant, or the permit must be canceled and no
3 certificate will be issued.

4 (d) For granting each extension of time for beginning construction,
5 for completing construction, or for completing application of water to
6 a beneficial use under a permit to appropriate water, one-quarter of
7 the permit fee paid under (b) of this subsection must be paid for each
8 year that an extension is granted.

9 (e) For recording an assignment either of a permit to appropriate
10 water or of an application for a permit, a fee of sixty-five dollars.

11 (f) For filing and recording a protest against granting any
12 application, twenty-five dollars.

13 (g) For the inspection of any hydraulic works to ensure safety to
14 life and property, the actual cost of the inspection, including
15 expenses incurred by the inspector.

16 (h) For the examination of plans and specifications as to safety of
17 controlling works for storage of ten acre feet or more of water, a
18 minimum fee of one hundred thirty dollars or the actual cost.

19 (2) The department shall provide timely notification by certified
20 mail with return receipt requested to applicants that fees are due. No
21 action may be taken until the fee is paid in full. Failure to remit
22 fees within sixty days of the department's notification is grounds for
23 rejecting the application or canceling the permit. Fees must be paid
24 by check or money order and are nonrefundable except as provided in
25 this section.

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

29 **Sec. 2.** RCW 90.03.471 and 1987 c 109 s 99 are each amended to read
30 as follows:

31 All fees, collections, and revenues derived under ((RCW 90.03.470))
32 section 1 of this act or by virtue of RCW 90.03.180((7)) shall be used
33 exclusively for the purpose of carrying out the work and performing the
34 functions of the division of water resources of the department.

35 NEW SECTION. **Sec. 3.** The department of ecology shall investigate
36 and consult with key stakeholders regarding water right processing fee

1 schedule alternatives based on: (1) A predetermined set of complexity
2 factors for complex applications; and (2) direct reimbursement for
3 extraordinary work required in actually processing more complex
4 applications. By December 31, 2004, the department shall report the
5 results of its investigation and consultations to the appropriate
6 committees of the legislature with jurisdiction over water resources.

7 NEW SECTION. **Sec. 4.** RCW 90.03.470 (Schedule of fees) and 1993 c
8 495 s 2, 1987 c 109 s 98, 1965 ex.s. c 160 s 1, 1951 c 57 s 5, 1929 c
9 122 s 8, 1925 ex.s. c 161 s 2, & 1917 c 117 s 44 are each repealed.

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