

SHB 2309 - H AMD 578

By Representatives Linville, Newhouse

ADOPTED 04/19/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the fees  
4 associated with various actions of the department of ecology relating  
5 to the processing and administration of water rights are outdated and  
6 are insufficient even to recover the cost of handling the funds  
7 submitted. The legislature also finds that water right processing fees  
8 are currently collected at three different stages of the water rights  
9 process and that reducing the number of instances of fee collection to  
10 two stages of the process would increase efficiency and reduce  
11 administrative costs. The legislature further finds that several  
12 current statutory fees are archaic or are otherwise covered by other  
13 general statutes, including the state's public disclosure laws. The  
14 legislature therefore intends to update and modernize the fee schedule  
15 associated with water right-related actions of the department of  
16 ecology.

17 **Sec. 2.** RCW 90.03.470 and 1993 c 495 s 2 are each amended to read  
18 as follows:

19 ~~((Except as otherwise provided in subsection (15) of this~~  
20 ~~section,)) The ~~((following))~~ fees specified in this section shall be  
21 collected by the department in advance~~((+))~~ of the requested action.~~

22 (1) For the examination of an application for a permit to  
23 appropriate water ~~((or on application to change point of diversion,~~  
24 ~~withdrawal, purpose or place of use)),~~ a minimum fee of ~~((ten))~~ fifty  
25 dollars~~((, to be paid))~~ must be remitted with the application. For  
26 ~~((each second foot between one and five hundred second feet, two~~  
27 ~~dollars per second foot; for each second foot between five hundred and~~  
28 ~~two thousand second feet, fifty cents per second foot; and for each~~  
29 ~~second foot in excess thereof, twenty cents per second foot))~~ an amount

1 of water exceeding one-half cubic foot per second, the examination fee  
2 shall be assessed at the rate of one dollar per one hundredth cubic  
3 foot per second. In no case will the examination fee be less than  
4 fifty dollars or more than twenty-five thousand dollars. No fee is  
5 required under this subsection (1) for an application filed by a party  
6 to a cost reimbursement agreement made under RCW 90.03.265.

7 (2) For the examination of an application to store water, a fee of  
8 two dollars for each acre foot of storage ((~~up to and including one~~  
9 hundred thousand acre feet, one cent per acre foot, and for each acre  
10 foot in excess thereof, one fifth cent per acre foot)) proposed shall  
11 be charged, but a minimum fee of fifty dollars must be remitted with  
12 the application. In no case will the examination fee for a storage  
13 project be less than fifty dollars or more than twenty-five thousand  
14 dollars. No fee is required under this subsection (2) for an  
15 application filed by a party to a cost reimbursement agreement made  
16 under RCW 90.03.265.

17 (3)(a) For the examination of an application to transfer, change,  
18 or amend a water right certificate, permit, or claim as authorized by  
19 RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars  
20 must be remitted with the application. For an application for change  
21 involving an amount of water exceeding one cubic foot per second, the  
22 total examination fee shall be assessed at the rate of fifty cents per  
23 one hundredth cubic foot per second. For an application for change of  
24 a storage water right, the total examination fee shall be assessed at  
25 the rate of one dollar for each acre foot of water involved in the  
26 change. The fee shall be based on the amount of water subject to  
27 change as proposed in the application, not on the total amount of water  
28 reflected in the water right certificate, permit, or claim. In no case  
29 will the examination fee charged for a change application be less than  
30 fifty dollars or more than twelve thousand five hundred dollars.

31 (b) The examination fee for a temporary or seasonal change under  
32 RCW 90.03.390 is fifty dollars and must be remitted with the  
33 application.

34 (c) No fee is required under this subsection (3) for:

35 (i) An application to process a change relating to donation of a  
36 trust water right to the state;

37 (ii) An application to process a change when the department

1 otherwise acquires a trust water right for purposes of improving  
2 instream flows or for other public purposes;

3 (iii) An application filed with a water conservancy board according  
4 to chapter 90.80 RCW or for the review of a water conservancy board's  
5 record of decision submitted to the department according to chapter  
6 90.80 RCW; or

7 (iv) An application filed by a party to a cost reimbursement  
8 agreement made under RCW 90.03.265.

9 (d) For a change, transfer, or amendment involving a single project  
10 operating under more than one water right, including related secondary  
11 diversion rights, or involving the consolidation of multiple water  
12 rights, only one examination fee and one certificate fee are required  
13 to be paid.

14 (4) The ((ten)) fifty-dollar minimum fee payable with the  
15 application shall be a credit to ((that)) the total amount whenever the  
16 examination fee ((for direct diversion or storage)) totals more than  
17 ((ten)) fifty dollars under the ((above schedule)) schedule specified  
18 in subsections (1) through (3) of this section and in such case the  
19 further fee due shall be the total computed amount, less ((ten-  
20 dollars)) the amount previously paid. Within five working days from  
21 receipt of an application, the department shall notify the applicant by  
22 registered mail of any additional fees due under ((the above schedule  
23 and any additional fees shall be paid to and received by the department  
24 within thirty days from the date of filing the application, or the  
25 application shall be rejected)) subsections (1) through (3) of this  
26 section.

27 ~~((2) For filing and recording a permit to appropriate water for~~  
28 ~~irrigation purposes, forty cents per acre for each acre to be irrigated~~  
29 ~~up to and including one hundred acres, and twenty cents per acre for~~  
30 ~~each acre in excess of one hundred acres up to and including one~~  
31 ~~thousand acres, and ten cents for each acre in excess of one thousand~~  
32 ~~acres; and also twenty cents for each theoretical horsepower up to and~~  
33 ~~including one thousand horsepower, and four cents for each theoretical~~  
34 ~~horsepower in excess of one thousand horsepower, but in no instance~~  
35 ~~shall the minimum fee for filing and recording a permit to appropriate~~  
36 ~~water be less than five dollars. For all other beneficial purposes the~~  
37 ~~fee shall be twice the amount of the examination fee except that for~~

1 individual household and domestic use, which may include water for  
2 irrigation of a family garden, the fee shall be five dollars.

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

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

10 ~~(5) For certifying to copies, documents, records or maps, two~~  
11 ~~dollars for each certification.~~

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

15 ~~(7))~~ (5) The fees specified in subsections (1) through (3) of this  
16 section do not apply to any filings for emergency withdrawal  
17 authorizations or temporary drought-related water right changes  
18 authorized under RCW 43.83B.410 that are received by the department  
19 while a drought condition order issued under RCW 43.83B.405 is in  
20 effect.

21 ~~(6)~~ For ((granting)) applying for each extension of time for  
22 beginning construction work under a permit to appropriate water, ~~((an~~  
23 ~~amount equal to one half of the filing and recording fee, except that~~  
24 ~~the minimum fee shall be not less than five dollars for each year that~~  
25 ~~an extension is granted, and for granting an extension of time))~~ for  
26 completion of construction work, or for completing application of water  
27 to a beneficial use, ~~((five dollars for each year that an extension is~~  
28 ~~granted))~~ a fee of fifty dollars is required. These fees also apply to  
29 similar extensions of time requested under a change or transfer  
30 authorization.

31 ~~((8))~~ (7) For the inspection of any hydraulic works to insure  
32 safety to life and property, a fee based on the actual cost of the  
33 inspection, including the expense incident thereto, is required.

34 ~~((9))~~ (8) For the examination of plans and specifications as to  
35 safety of controlling works for storage of ten acre feet or more of  
36 water, a minimum fee of ten dollars, or a fee equal to the actual cost,  
37 is required.

1       ~~((10))~~ (9) For recording an assignment either of a permit to  
2 appropriate water or of an application for such a permit, a fee of  
3 ~~((five))~~ fifty dollars is required.

4       ~~((11))~~ (10) For preparing and issuing all water right  
5 certificates, ~~((five))~~ a fee of fifty dollars is required.

6       ~~((12))~~ (11) For filing and recording a formal protest against  
7 granting any application, ~~((two))~~ a fee of fifty dollars is required.  
8 No fee is required to submit a comment, by mail or otherwise, regarding  
9 an application.

10       ~~((13))~~ (12) For filing an application to amend a water right  
11 claim filed under chapter 90.14 RCW, a fee of fifty dollars is  
12 required.

13       (13) An application or request for an action as provided for under  
14 this section is incomplete unless accompanied by the fee or the minimum  
15 fee. If no fee or an amount less than the minimum fee accompanies an  
16 application or other request for an action as provided under this  
17 section, the department shall return the application or request to the  
18 applicant with advice as to the fee that must be remitted with the  
19 application or request for it to be accepted for processing. If  
20 additional fees are due, the department shall provide timely  
21 notification by certified mail with return receipt requested to  
22 ~~((applicants that fees are due))~~ the applicant. No action may be taken  
23 by the department until the fee is paid in full. Failure to remit fees  
24 within sixty days of the department's notification ~~((shall be))~~ is  
25 grounds for rejecting the application or request or canceling the  
26 permit. Cash shall not be accepted. Fees must be paid by check or  
27 money order and are nonrefundable.

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

31       ~~((For the period beginning July 1, 1993, and ending June 30,~~  
32 ~~1994, there is imposed and the department shall collect a one hundred~~  
33 ~~dollar surcharge on all water rights applications or changes filed~~  
34 ~~under this section, and upon all water rights applications or changes~~  
35 ~~pending as of July 1, 1993. This charge shall be in addition to any~~  
36 ~~other fees imposed under this section.))~~ Fees collected by the  
37 department under this section shall be deposited to the state general  
38 fund.

1       (16) Except for the fees relating to the inspection of hydraulic  
2 works and the examination of plans and specifications of controlling  
3 works provided for in subsections (7) and (8) of this section, nothing  
4 in this section is intended to grant authority to the department to  
5 amend the fees in this section by adoption of rules or otherwise."

6       Correct the title.

EFFECT: Changes the basis for fee calculations for applications for water right permits, water storage permits, and for changes and transfers exceeding specified quantities. Specifies a \$50 fee for a temporary or seasonal change application. Exempts applications filed by a party to a cost reimbursement agreement from specified fees. Specifies only one examination fee and one certificate fee may be imposed for a single project involving multiple water rights. Specifies the fee provisions, with specified exceptions, are not intended to authorize the Department of Ecology to amend the statutory fees by rule or otherwise. Makes some technical and clarification revisions.

--- END ---