

# SENATE BILL REPORT

## SB 6529

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As of January 30, 2006

**Title:** An act relating to fee relief for the nonconsumptive portion of water rights.

**Brief Description:** Concerning water right application fees.

**Sponsors:** Senators Swecker, Poulsen and Rasmussen.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 1/26/06.

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Staff:** Margaret King (786-7416)

**Background:** Under the state Water Code, a person must have a water right for any use of surface water and for all but certain exempted withdrawals of groundwater. The process of acquiring a water right involves a number of steps and the payment of fees. Fees were originally set in 1917. The first major revision of fees occurred in 1951, when the minimum examination fee was increased from the 1917 fee of \$5 to a fee of \$10. The next major revision took place last year, when the Legislature completely revised the fee system for acquiring water rights and the amount of fees now vary depending on the type of transfer or use of water that is being proposed.

Currently, the fee for an appropriation of water to be used for a private or public fish hatchery or fish rearing facility is one dollar per one hundredth cubic foot per second.

**Summary of Substitute Bill:** The non-consumptive portion of water used in a private or public fish hatchery or fish rearing facility would be exempt from the water rights permit fee structure. Likewise, the non-consumptive portion of water used by such facilities would not be subject to a permit fee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Fish hatcheries use a large amount of water but it is mostly a non-consumptive use so the fee schedule places a disproportionate impact on this type of use. Aquiculture is agriculture and anything that will help industries get going deserves support. The exemption is the same for both public and private hatcheries and a number of the private hatcheries raise fish under contract for the department and other public agencies. Amount of

consumed water and definitions are not changed, only the amount of fees that such users would be subject to.

**Testimony Against:** None.

**Testimony Other:** The question is whether the diversion of water for a fishery creates a bypass of water. If it does create a bypass, then it is a consumptive use and would not be eligible for relief under this bill. Even if use is non-consumptive, it still costs the department money to process, and such permits can also raise issues for surrounding users. Alternatives to consider is a lower cap on fees or different fee rates with at least a minimum fee of \$50.00.

**Who Testified:** PRO: Senator Swecker, prime sponsor; John Stuhlmiller, Washington Farm Bureau; Jim Zimmerman, Washington Fish Grower's Assn.

OTHER: Ken Slattery, Department of Ecology.