
SUBSTITUTE HOUSE BILL 2309

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representative Linville; by request of Office of Financial Management)

READ FIRST TIME 04/05/05.

1 AN ACT Relating to water right fees; amending RCW 90.03.470; and
2 creating a new section.

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

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6 to the processing and administration of water rights are outdated and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

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

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

4 (1) For the examination of an application for a permit to
5 appropriate water ((or on application to change point of diversion,
6 withdrawal, purpose or place of use)), a minimum fee of ((ten)) fifty
7 dollars((, to be paid)) must be remitted with the application. For
8 ((each second foot between one and five hundred second feet, two
9 dollars per second foot; for each second foot between five hundred and
10 two thousand second feet, fifty cents per second foot; and for each
11 second foot in excess thereof, twenty cents per second foot)) an amount
12 of water exceeding one-half cubic foot per second, the examination fee
13 shall be assessed at the rate of one hundred dollars per cubic foot per
14 second.

15 (2) For the examination of an application to store water, a fee of
16 two dollars for each acre foot of storage ((up to and including one
17 hundred thousand acre feet, one cent per acre foot, and for each acre
18 foot in excess thereof, one fifth cent per acre foot)) proposed, but
19 not less than fifty dollars must be remitted with the application.

20 (3)(a) For the examination of an application to change the point of
21 diversion, the point of withdrawal, the purpose of use or the place of
22 use of an existing water right certificate or claim, a minimum of fifty
23 dollars must be remitted with the application. For an application for
24 change involving an amount of water exceeding one cubic foot per
25 second, the total examination fee shall be assessed at the rate of
26 fifty dollars per cubic foot per second. The fee shall be based on the
27 amount of water subject to change as proposed in the application, not
28 on the total amount of water reflected in the water right certificate
29 or claim.

30 (b) The fee specified in this subsection (3) also applies to:

31 (i) A change of the point of withdrawal or the manner of use or the
32 place of use of a ground water permit;

33 (ii) Addition of points of withdrawal for a ground water permit,
34 certificate, or claim; and

35 (iii) The consolidation of one or more ground water rights exempt
36 from permitting with a ground water certificate or claim.

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

1 (i) Applications to process changes relating to donation of a trust
2 water right to the state; or

3 (ii) Processing a change when the department otherwise acquires a
4 trust water right for purposes of improving instream flows or for other
5 public purposes.

6 (d) No fee is required under this subsection (3) for an application
7 filed with a water conservancy board according to chapter 90.80 RCW or
8 for the review of a water conservancy board's record of decision
9 submitted to the department according to chapter 90.80 RCW.

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

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

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

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

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

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

10 ~~(7))~~ (5) The fees specified in subsections (1) through (3) of this
11 section do not apply to any filings for emergency withdrawal
12 authorizations or temporary drought-related water right changes
13 authorized under RCW 43.83B.410 that are received by the department
14 while a drought condition order issued under RCW 43.83B.405 is in
15 effect.

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

26 ~~((8))~~ (7) For the inspection of any hydraulic works to insure
27 safety to life and property, a fee equal to the actual cost of the
28 inspection, including the expense incident thereto, is required.

29 ~~((9))~~ (8) For the examination of plans and specifications as to
30 safety of controlling works for storage of ten acre feet or more of
31 water, a minimum fee of ten dollars, or a fee equal to the actual cost,
32 is required.

33 ~~((10))~~ (9) For recording an assignment either of a permit to
34 appropriate water or of an application for such a permit, a fee of
35 ~~((five))~~ fifty dollars is required.

36 ~~((11))~~ (10) For preparing and issuing all water right
37 certificates, ((five)) a fee of fifty dollars is required.

1 ~~((12))~~ (11) For filing and recording a formal protest against
2 granting any application, ~~((two))~~ a fee of fifty dollars is required.
3 No fee is required to submit a comment, by mail or otherwise, regarding
4 an application.

5 ~~((13))~~ (12) For filing an application to amend a water right
6 claim filed under chapter 90.14 RCW, a fee of fifty dollars is
7 required.

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

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

25 ~~((For the period beginning July 1, 1993, and ending June 30,~~
26 ~~1994, there is imposed and the department shall collect a one hundred~~
27 ~~dollar surcharge on all water rights applications or changes filed~~
28 ~~under this section, and upon all water rights applications or changes~~
29 ~~pending as of July 1, 1993. This charge shall be in addition to any~~
30 ~~other fees imposed under this section.))~~ Fees collected by the
31 department under this section shall be deposited to the state general
32 fund.

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