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SENATE BILL 6099

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State of Washington                      59th Legislature                      2005 Regular Session

By Senator Prentice; by request of Office of Financial Management

Read first time 03/28/2005. Referred to Committee on Ways & Means.

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6            to the processing and administration of water rights are outdated and  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 shall be collected by the department in  
3 advance of the requested action:

4       (1)(a) 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       (b) 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       (c) 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. This fee also applies to: A  
27 change of the point of withdrawal or the manner of use or the place of  
28 use of a ground water permit; to adding points of withdrawal for a  
29 ground water permit, certificate, or claim; and to the consolidation of  
30 one or more ground water rights exempt from permitting with a ground  
31 water certificate or claim. No fee is required for applications to  
32 process changes relating to donation of a trust water right to the  
33 state, nor is a fee required for processing a change when the  
34 department otherwise acquires a trust water right for purposes of  
35 improving in stream flows or for other public purposes.

36       (d) The (~~ten~~) fifty-dollar minimum fee payable with the  
37 application shall be a credit to (~~that~~) the total amount whenever the  
38 fee (~~for direct diversion or storage~~) totals more than (~~ten~~) fifty

1 dollars under the (~~above schedule~~) fees due under this subsection (1)  
2 and in such case the further fee due shall be the total computed  
3 amount, less (~~ten~~) fifty dollars. Within five working days from  
4 receipt of an application, the department shall notify the applicant by  
5 registered mail of any additional fees due under (~~the above schedule~~  
6 ~~and any additional fees shall be paid to and received by the department~~  
7 ~~within thirty days from the date of filing the application, or the~~  
8 ~~application shall be rejected~~) this subsection.

9 (e) The fees provided for in this subsection (1) do not apply to  
10 any filings for emergency withdrawal authorizations or temporary  
11 drought-related water right changes authorized under RCW 43.83B.410  
12 that are received by the department while a drought condition order  
13 issued under RCW 43.83B.405 is in effect.

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

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

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

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

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

1       ~~(7))~~ For ~~((granting))~~ applying for each extension of time for  
2 beginning construction work under a permit to appropriate water, ~~((an~~  
3 ~~amount equal to one half of the filing and recording fee, except that~~  
4 ~~the minimum fee shall be not less than five dollars for each year that~~  
5 ~~an extension is granted, and for granting an extension of time))~~ for  
6 completion of construction work, or for completing application of water  
7 to a beneficial use, ~~((five dollars for each year that an extension is~~  
8 ~~granted))~~ a fee of fifty dollars must accompany the application. These  
9 fees also apply to similar extensions of time requested under a change  
10 or transfer authorization.

11       ~~((8))~~ (3) For the inspection of any hydraulic works to insure  
12 safety to life and property, the actual cost of the inspection,  
13 including the expense incident thereto.

14       ~~((9))~~ (4) For the examination of plans and specifications as to  
15 safety of controlling works for storage of ten acre feet or more of  
16 water, a minimum fee of ten dollars, or the actual cost.

17       ~~((10))~~ (5) For recording an assignment either of a permit to  
18 appropriate water or of an application for such a permit, a fee of  
19 ~~((five))~~ fifty dollars.

20       ~~((11))~~ (6) For preparing and issuing all water right  
21 certificates, ~~((five))~~ a fee of fifty dollars.

22       ~~((12))~~ (7) For filing and recording a formal protest against  
23 granting any application, ~~((two))~~ a fee of fifty dollars. No fee is  
24 required to submit a comment, by mail or otherwise, regarding an  
25 application.

26       ~~((13))~~ (8) For filing an application to amend a water right claim  
27 filed under chapter 90.14 RCW, a fee of fifty dollars.

28       (9) An application or request for an action as provided for under  
29 this section is incomplete unless accompanied by the fee or the minimum  
30 fee. If no fee accompanies an application or other request for an  
31 action as provided under this section, the department shall return the  
32 application to the applicant with advice as to the fee that must be  
33 remitted with the application or request for it to be accepted for  
34 processing. If additional fees are due, the department shall provide  
35 timely notification by certified mail with return receipt requested to  
36 ~~((applicants that fees are due))~~ the applicant. No action may be taken  
37 by the department until the fee is paid in full. Failure to remit fees  
38 within sixty days of the department's notification ~~((shall be))~~ is

1 grounds for rejecting the application or canceling the permit. Cash  
2 shall not be accepted. Fees must be paid by check or money order and  
3 are nonrefundable.

4 ~~((14))~~ (10) For purposes of calculating fees for ground water  
5 filings, one cubic foot per second shall be regarded as equivalent to  
6 four hundred fifty gallons per minute.

7 ~~((15) For the period beginning July 1, 1993, and ending June 30,~~  
8 ~~1994, there is imposed and the department shall collect a one hundred~~  
9 ~~dollar surcharge on all water rights applications or changes filed~~  
10 ~~under this section, and upon all water rights applications or changes~~  
11 ~~pending as of July 1, 1993. This charge shall be in addition to any~~  
12 ~~other fees imposed under this section.))~~ (11) Fees collected by the  
13 department under this section shall be deposited to the state general  
14 fund.

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