

E2SSB 6267 – Water Rights Processing Improvements

PLEASE DO NOT CONCUR IN HOUSE AMENDMENTS

E2SSB 6267 is Ecology's request bill primed by Senator Rockefeller. It adds two new water rights processing options--group cost reimbursement and expedited batch processing where each applicant who wants to participate will pay the full cost of processing his/her water rights The underlying bill WILL ensure that water rights get processed faster and will provide NEW money to the agency. The bill passed the Senate 46 to 2.

The House passed the SB 6267 **BUT added an amendment that dramatically increases and changes the statutorily set fees for processing water rights. This amendment is HB 2591, a bill to increase water right fees.** The amended version of SB 6267 passed the House 51-47.

We have concerns with this amendment because:

- This is an entirely new topic that has NEVER had any discussion or debate in the Senate this session.
- The fee for a new water right application AND a transfer or change of an existing water right increase dramatically. The minimum fee would now be \$1,000. The maximum fee will be \$35,000.
- For the first time since 1917 the fees for new permits and changes/transfers would be the same. Changes/transfers have always been half the amount, reflecting the fact that less work is involved.
- There is NO GUARANTEE that the work will get done any faster than today with increased fees. The House amendment front loads the money so you pay when you apply and then provides guaranteed no timetable for getting the permit processed. If Ecology ends up with more money, it is unclear how they will use it. Currently only about 1/4 to 1/3 of the Water Resources staff actually work on processing permit applications. Wait times range from 20 plus years to at best two or three years.
- The 7,000 plus applicants who have been waiting for a long time and have already paid a permit fee will have to pay the increased fee when the agency says they are ready to start processing their applications. If they can't raise the money in 60 days from when they get notice, their application will be cancelled. The fee increases should be prospective only.
- The amendment sets new statutory fees and then tells the agency to do rule making to change them. This sets a bad precedent and, the Legislature should be the ones to adjust the fees—not the agencies.
- The amendment requires yet another "stay in line" fee that many applicants have already paid in the early '90s. Then it was \$100. Now it would be an additional \$300.
- The amendment imposes a new arbitrary fee of 1/5 the initial permit cost when an applicant chooses to have his/her transfer or change handled by one of 20 conservancy board in the state.
- The amendment allows those few applicants who currently have a cost reimbursement agreement with Ecology to not pay any of the increased fees. While this is fair, it should apply to all future cost reimbursement agreements AND to those using the new expedited process in the underlying bill.
- The amendment imposes a NEW fee on emergency wells during a declared drought.