

CHAPTER 57.

[H. B. 98.]

CONSERVATION AND DEVELOPMENT—WATER RIGHTS.

AN ACT relating to conservation and development and water rights, and amending sections 43.21.010, 43.21.120, 43.21.130, 43.21.140 and 90.04.040, R.C.W.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 43.21.010, R.C.W., as derived from section 61, chapter 7, Laws of 1921, is amended to read as follows: Amendment.

The department of conservation and development shall be organized into seven divisions, to be known as, (1) the division of forestry, (2) the division of geology, (3) the division of mines, (4) the division of reclamation, (5) the division of water resources, (6) the division of flood control, and (7) the division of progress and industry development. Dept. of conservation and development; organization of.

The director of conservation and development may appoint such clerical and other assistants as may be necessary for the general administration of the department. Assistants.

[Am. R.R.S. § 10819.]

SEC. 2. Section 43.21.120, R.C.W., as derived from section 66, chapter 7, Laws of 1921, is amended to read as follows: Amendment.

The director of conservation and development shall appoint and depute an assistant director, to be known as the supervisor of water resources, who shall have charge and supervision of the division of water resources. Supervisor of water resources.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division. Engineers and other help.

[Am. R.R.S. § 10824.]

Amendment. SEC. 3. Section 43.21.130, R.C.W., as derived from section 72, chapter 7, Laws of 1921, is amended to read as follows:

Powers and duties of director. The director of conservation and development, through the division of water resources, shall have the following powers and duties:

Supervision of public waters. (1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

Inspection of water works. (2) In so far as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

Control of diversion. (3) He shall regulate and control the diversion of water in accordance with the rights thereto;

Determine discharge and capacities. (4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

Records. (5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

Official seal.
Evidence.
Submit written report. (6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed state-

ment of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths.

[R.C.W. 43.21.130 is derived from R.R.S. §§ 10830 and 7358, excepting (7) of the latter, which is probably 43.17.060.]

SEC. 4. Section 43.21.140, R.C.W., as derived from section 1, chapter 30, Laws of 1943, is amended to read as follows: Amendment.

The director of conservation and development, through the division of water resources, may create within his department a trust fund to be known as the "stream gaging fund." "Stream gaging fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state. Deposits.
Expended on matching basis.

Disbursements from the stream gaging fund shall be on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey. Disbursements.

[Am. Rem. Supp. 1943, § 5505-1.]

SEC. 5. Section 90.04.040, R.C.W., as derived from section 8, chapter 122, Laws of 1929, is amended to read as follows: Amendment.

The following fees shall be collected by the supervisor in advance: Advance fees.

(1) For the examination of an application for permit to appropriate water, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty Application for permit to appropriate water.

cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Application fee credit on diversion or storage fee.

Within five days from receipt of an application the supervisor shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the supervisor within thirty days from the date of filing the application, or the application shall be rejected.

Additional fees.

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

Appropriation for irrigation purposes, recording fee.

Minimum fee.

Appropriation for other purposes.

(3) For filing and recording any other water right instrument, two dollars for the first hundred

Filing other instruments.

words and twenty cents for each additional hundred words or fraction thereof.

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

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

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of his office, at actual cost of the work. Blueprints.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, two dollars. Extension of time.

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

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

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of four dollars. Recording assignments.

(11) For issuing a certificate for change of point of diversion, place or purpose of use, ten dollars. Certificates.

(12) For filing and recording a protest against granting an application for a permit to appropriate water for any purpose, two dollars. Filing protests.

[Am. R.R.S. § 7399.]

Passed the House February 5, 1951.

Passed the Senate March 3, 1951.

Approved by the Governor March 13, 1951.