

Multiple Agency Fiscal Note Summary

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| Bill Number: 5828 SB | Title: Water rights commissioners |
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Estimated Cash Receipts

NONE

| Agency Name | 2023-25 | | 2025-27 | | 2027-29 | |
|---------------------|---------------------------|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts | Fiscal note not available | | | | | |
| Loc School dist-SPI | | | | | | |
| Local Gov. Other | No fiscal impact | | | | | |
| Local Gov. Total | | | | | | |

Estimated Operating Expenditures

| Agency Name | 2023-25 | | | | 2025-27 | | | | 2027-29 | | | |
|-------------------------------------|---------------------------|----------|-------------|----------|------------|----------|-------------|----------|------------|----------|-------------|----------|
| | FTEs | GF-State | NGF-Outlook | Total | FTEs | GF-State | NGF-Outlook | Total | FTEs | GF-State | NGF-Outlook | Total |
| Administrative Office of the Courts | Fiscal note not available | | | | | | | | | | | |
| Department of Ecology | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Total \$ | 0.0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|---------------------------|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | Fiscal note not available | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | No fiscal impact | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

Estimated Capital Budget Expenditures

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|-------------------------------------|---------------------------|----------|----------|------------|----------|----------|------------|----------|----------|
| | FTEs | Bonds | Total | FTEs | Bonds | Total | FTEs | Bonds | Total |
| Administrative Office of the Courts | Fiscal note not available | | | | | | | | |
| Department of Ecology | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Total \$ | 0.0 | 0 | 0 | 0.0 | 0 | 0 | 0.0 | 0 | 0 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|---------------------------|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | Fiscal note not available | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | No fiscal impact | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

Estimated Capital Budget Breakout

NONE

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|---------------------------------------|---------------------------------|---|
| Prepared by: Gaius Horton, OFM | Phone: (360) 819-3112 | Date Published: Preliminary 1/17/2024 |
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Individual State Agency Fiscal Note

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|-----------------------------|--|--|
| Bill Number: 5828 SB | Title: Water rights commissioners | Agency: 461-Department of Ecology |
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

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|--------------------------------------|-----------------------|------------------|
| Legislative Contact: William Bridges | Phone: 360-786-7367 | Date: 01/15/2024 |
| Agency Preparation: Jim Skalski | Phone: 360-584-3805 | Date: 01/16/2024 |
| Agency Approval: Erik Fairchild | Phone: 360-407-7005 | Date: 01/16/2024 |
| OFM Review: Lisa Borkowski | Phone: (360) 742-2239 | Date: 01/16/2024 |

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Under current law, Ecology is authorized to file and/or participate in a water right adjudication under the laws of Chapter 90.03 RCW. A water right adjudication is the legal process to resolve conflict and competition on a water source. Adjudication is conducted in a county Superior Court and legally determines whether each water right on a source is legal, how much water can be used, and its priority during shortages. A watershed-wide adjudication evaluates each individual water right, including federal, Tribal, and instream flow rights, under Washington water law's first-in-time, first-in-right prior appropriation framework.

Section 1 of this bill would add a new section to chapter 90.03 RCW authorizing county superior courts to appoint attorneys as water commissioners to conduct court business.

Section 2 would add a new section to chapter 90.03 RCW authorizing water commissioners to perform tasks relating to water rights adjudication on behalf of the county superior court.

Section 3 would amend RCW 4.48.020 to authorize referral of trial to a water rights adjudication referee without consent of parties.

Section 4 would amend RCW 90.03.160 to state that consent of parties is not required for a court-appointed referee to hear water rights adjudication matters.

There is no fiscal impact to Ecology under this bill. The bill would create additional tools that a county Superior Court may use to conduct an adjudication proceeding. There is no change to how Ecology would participate in an adjudication proceeding.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5828 SB

Title: Water rights commissioners

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: County superior court judges could appoint a water commissioner.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

| | | |
|---|-----------------------|------------------|
| Fiscal Note Analyst: Jordan Laramie | Phone: 360-725-5044 | Date: 01/15/2024 |
| Leg. Committee Contact: William Bridges | Phone: 360-786-7367 | Date: 01/15/2024 |
| Agency Approval: Allan Johnson | Phone: 360-725-5033 | Date: 01/15/2024 |
| OFM Review: Gaius Horton | Phone: (360) 819-3112 | Date: 01/16/2024 |

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This legislation would amend the state's water code and authorize county superior courts judges to appoint a water commissioner.

The water commissioner's responsibility would be to assist the superior court with their expertise in water rights. The commissioner would have several official capacities including: the ability to hold evidentiary hearings, issue decisions on factual and legal issues, enter default judgements, settlement agreements, and conditional final orders, among other such duties. The water commissioner may also be appointed as a referee in water rights proceedings.

This bill would go into effect 90 days after the adjournment of the session in which it is passed.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This proposed legislation would have no impact on local government expenditures.

Court impacts, including judicial costs, clerk costs, and court fees are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Please see the AOC fiscal note for a discussion for courts impacts.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The proposed legislation would have no impact on local government revenues.

SOURCES:

Administrative Office of the Courts, FN SB 5828 (2024)

Municipal Research and Services Center, Water Rights