

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5828 SB	<b>Title:</b> 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	No fiscal impact					
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Final 1/23/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5828 SB	<b>Title:</b> Water rights commissioners	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: William Bridges	Phone: 360-786-7367	Date: 01/15/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/23/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/23/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/23/2024

191,491.00

Request # 095-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The bill would add a section to the water code (Chapter 90.03 RCW) allowing the superior court to assign one or more attorney to act as a water commissioner. Process and duties of the water commissioner are highlighted within the legislation which include the ability to hold evidentiary hearings and contested and issue decisions on fact and legal issues.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

The bill would have no fiscal impact to the Administrative Office of the Courts. It is permissive allowing the superior court in each county to appoint water commissioners. It only has impact on superior courts if a county appoints a commissioner.

As this bill relates to the current water adjudication in Whatcom County, there is no fiscal impact. The Administrative Office of the Courts was appropriated funding in the 2023-25 biennial budget to pass through to Whatcom County to fund a water commissioner.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

NONE

191,491.00

Form FN (Rev 1/00)

None

191,491.00

Form FN (Rev 1/00)

3

Request # 095-1

Bill # 5828 SB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5828 SB	<b>Title:</b> Water rights commissioners	<b>Agency:</b> 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.

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