

Technical Overview: HB 3342 -1

House Committee on Agriculture, Land Use, Natural Resources &
Water

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Default to electronic documents

- **Current:** printed copy of most documents must be mailed to applicant.
- **-1 Amendment:** default to electronic copy, unless otherwise requested by applicant.
 - Does not apply to final certificates.

Streamline public notice

- **Current:** newspaper notice for two weeks for all transfers, hydroelectric, and some certificates.
- **-1 Amendment:** require electronic notice OWRD's weekly public notice for transfers, hydroelectric and some certificates.

Pass on credit/debit card fees

- **Current:** cannot pass along credit/debit card fees for applicants who choose that method of payment.
- **-1 Amendment:** allow OWRD to pass along fees for those who choose that method of payment.

Fix “withdrawal of waters” process

- **Current:** withdrawal of waters from appropriation must be done by order. At the time, orders included rules; APA has separated the two.
- **-1 Amendment:** changes the withdrawal process to occur via rule.

Return new water right applications in closed areas

- **Current:** required to process new water right applications for areas where the use is not allowed.
- **-1 Amendment:** may return application if proposed use is in critical groundwater area (CGWA), restrictively classified groundwater area, or withdrawn area.
 - Only applies to new water right applications.

Amending review to changes into and within closed groundwater areas

- **Current:** POA transfers reviewed for injury and enlargement.
- **-1 Amendment:** OWRD to deny POA transfers into a CGWA, restricted or withdrawn groundwater area; may deny into a groundwater management area (water quality).
 - Change may be denied within area due to injury if a CGWA is in the process of being assessed or declared.
 - Applies to changes to groundwater rights only.

Assessing new water right applications in Groundwater Management Areas

- **-1 Amendment:** OWRD may deny a new water right application in a groundwater management area (water quality)
 - Drafting error in -1 amendments

Streamline non-municipal extensions

- **Current:** 5-year development period for non-municipal permits; extensions of time based on certain criteria.
- **-1 Amendment:** 7-year development period for non-municipal permits; max. 2-year extension if:
 - Fish conditions satisfied
 - Some water developed
 - Water use is not in prohibited area
 - Drafting error in -1 amendments

Phased application processing

- **Current:** all fees due upon application, assumption that applicant wants to proceed with processing.
- **-1 Amendment:** applicant must confirm desire to continue processing and pay all fees (new water rights only) within 30 days of initial review.
 - If no confirmation or fees paid (only new water rights), OWRD will close file and take no further action.

Retroactive application of provisions

- **Current:** applications evaluated based on the statutes and rules in place at the time it is received.
- **-1 Amendment:** applies process improvements to applications received prior to effective date that have not received a proposed final order.