

CALCULATING AND APPLYING THE ANNUAL CONSUMPTIVE QUANTITY (ACQ)

Resource Contact: Policy and Planning Section

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References: Chapter 90.03.380(1) RCW; Chapter 90.44.100 RCW; GUID-1210

Purpose: In accordance with RCW 90.03.380(1), the Water Resources Program is required to determine that the annual consumptive quantity under a water right proposed for a change to add acreage to an irrigation right or to add purposes of use is no greater after the change.

Definition: Annual Consumptive Quantity means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right.

1. **Data Sources:** Calculation of the ACQ can be made through analysis of one of more of the following: (1) flow meter, (2) power meter, (3) crop production or sales, (4) aerial photography or maps combined with Washington Irrigation Guide (WIG)/consumptive use estimates (i.e. Pen-Monteith calculation, Public Agricultural Weather System (PAWS), etc.), or (5) affidavits demonstrating water use. The most accurate data sources should be used based upon the best professional judgment of the permit writer. Accordingly, water use estimates should be compared across a variety of multiple data sources to obtain the most accurate assessment of water use. For example, the use of aerial photography and crop irrigation requirement (CIR) data generally would be less preferable than flow meter or power meter data, unless the power or flow meter data was deemed to be flawed or unreliable. However, flow meter or power meter data could be corroborated by aerial photos or crop data.
2. **“Continuous Beneficial Use:** Five years of continuous use are required by RCW 90.03.380 (1), although use during some or all of the five years may be only a small fraction of the claim or right. Complete nonuse of a water right in a year or season, even if excused due to a qualifying sufficient cause for relinquishment, does not constitute continuous use, but rather is a discontinuous use. Because a five-year period of continuous use of the water is required, applications for change where there is no five-year period of continuous beneficial use cannot be approved.
3. **Period of Evaluation:** Evaluation of the “most recent five-year period of continuous beneficial use” is required by RCW 90.03.380(1). Where more than one five-year period of continuous beneficial use of the water right has historically occurred, the most recent period shall be used in this calculation. The first period to consider is the five years immediately preceding the decision date of the application for change or from the date of a Water

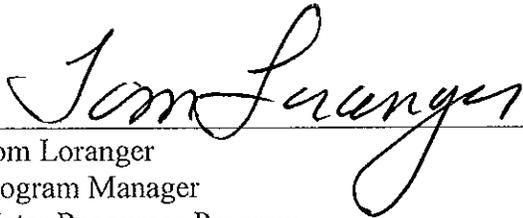
Conservancy Board Record of Decision. The first year to be included in the period of evaluation will generally be the full season or year immediately preceding the decision date of the application for change. Depending on the method of calculation and the availability of metering or power consumption data, it may not be possible to use the most recent season or year because the data is not reasonably available. The permit writer may exercise judgment when determining the availability of data to support the ACQ calculation. However, the principle to be adhered to is, if the data is or should be reasonably available at the time the decision is made, the most recent year should be used. If discontinuous use occurred in the five years immediately preceding the decision date of the application for change, then the permit writer may investigate historic water use to find the “most recent” period of use that is 5 years in length, and is continuous.

If a water right was unused for a continuous five-year period, but that nonuse was excused from relinquishment under RCW 90.14.140 or RCW 90.44.520, the annual consumptive quantity shall be calculated based on the most recent five-year period of continuous beneficial use of the right. The most recent five-year period of beneficial use shall be determined without regard to any period during which the right was in a bank established under RCW 90.92. Therefore, the five-year period of continuous beneficial use may be comprised of years immediately preceding and following a period the right is banked if the beneficial use is otherwise continuous.

4. “Estimated” or “actual” consumptive use. For all practical purposes, every calculated ACQ is an estimate. Always be aware of the limitations in the data and the resulting error in the analysis. Ecology’s water measurement rule (Chapter 173-173 WAC) provides for certain flow meter errors up to ten percent. If questions involving measurement error arise, permit writers are encouraged to seek technical assistance from qualified technical staff.
5. Return flow calculation. Use the WIG, PAWS, or other crop consumptive use estimates to determine evapotranspiration (ET) rates for crops. Use Department of Health, water system planning, or other data and literature to estimate consumptive use for other “units” (i.e. people, cows, etc.). Compare total use to consumptive use estimates. If the total use is less than or equal to the consumptive use, then it may be reasonable to assume nearly all applied water was consumptively used (i.e. deficit irrigation). Use the site inspection to gather information on application methods and system infrastructure to determine the extent of conveyance losses or application inefficiencies. All systems leak. Subsurface leaks are generally considered nonconsumptive because they occur below the root zone. If the total use is far in excess of the consumptive use, then an adjustment may be made for application efficiency that is consumed (i.e. some water from sprinklers evaporates). GUID-1210, manufacturer’s data and research literature can provide specific estimates of efficiencies that can aid in the return flow calculation.
6. Averaging the two years of greatest use. Once the “most recent,” “five-year period” of “continuous beneficial use” of the water right has been selected, the return flow from each year is subtracted from the estimated annual quantity diverted or withdrawn, and the two years of greatest consumptive use are averaged. The statute is protective of the environment in that, unless the consumptive use has not varied, then the consumptive use after the change

will be less than the historic peak consumptive use by virtue of a simple mathematical two-year average. This averaging, and indeed the quantification of the consumptive portion of the right, does not alter or diminish the total water right, but rather restricts the consumptive nature of the right after the change. The permit writer has discretion to add a reasonable return flow for the new use, provided that the quantity does not exceed the authorized amount of the water right.

7. Identifying the Annual Consumptive Quantity on Water Rights. The calculated ACQ of the water right should be identified on the face of any superseding documents issued for the water right. The ACQ should also be identified as a condition of approval in the report of examination and the permit (e.g. Consumptive use shall not exceed X acre-feet). If a consumptive use limit only applies to certain lands authorized by the water right (e.g. in the case of spreading of a partially-perfected groundwater permit), then the lands to which the consumptive use limit applies should be clearly identified on the permit, and the permit shall include a provision requiring the permittee to demonstrate compliance with the consumptive use limit as a part of annual metering submittals.



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Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.