



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Ecology      AO# 09-05

**Subject of possible rule making:** Amend Chapter 173-152 WAC, Water Rights: Through water rights administration, amend criteria to determine the order to process water permit and change applications. Develop information requirements for submitting applications for priority processing. Enhance rule language to include management and organization of the Columbia River Program. Amend language for watershed assessments to complement existing statutes and current needs. Amend the criteria for priority processing to meet current legislative intent and water management.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 43.21A.064(9) and 43.27A.090(11)

**Reasons why rules on this subject may be needed and what they might accomplish:**

The rule amendment will better define Water Resources work organization and management based on current statutes. It will bring the rule into compliance with numerous statutory changes over the past ten years yet maintain the agency compliance with the Washington State Supreme Court decision in Hillis v Dept. of Ecology, 131 Wn.2d 373, 932 P.2d 139.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

No other federal or state agencies regulate the allocation and appropriation of water. The department will be coordinating the development of this rule with the state Department of Health, Fish and Wildlife, and Department of Commerce.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) This is an amendment to Chapter 173-152 WAC, Water Rights. The process includes open house sessions will be held statewide before the rule amendment is filed with the Office of the Code Reviser. After filing, public hearings will be held in the same locations as the open house sessions for continuity of communication efforts on this amendment. Ecology plans to involve local interest groups with one-on-one meetings and use paid advertisements to notify the public. Ecology will use all these public activities to clearly explain the updated rule and amended sections to interested parties. Additionally, the agency's goal is to educate the public on water rights and why the rule needs to be amended. We plan to actively seek public input on the proposed rule amended language.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Contact Janet Rajala, Dept. of Ecology, 4601 N. Monroe Street, Spokane, WA 99205-1295; phone (509) 329-3421; email; [jaca461@ecy.wa.gov](mailto:jaca461@ecy.wa.gov).

**DATE**  
8/5/09

**NAME (TYPE OR PRINT)**  
Kenneth O. Slattery

**SIGNATURE**

**TITLE**  
Program Manager

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FILED

**DATE:** August 05, 2009  
**TIME:** 11:12 AM

**WSR 09-16-139**