

**Staff Guidance for Administration of
Chapter 173-153 WAC
Water Conservancy Boards**

October 31, 2006

Table of Contents

Chapter 1 – Definitions..... 4
Chapter 2 – Outline of the Staff Guidance Document..... 6
Chapter 3 – Maintaining a water right transfer application dual-filed with a board..... 6
Chapter 4 – Review of and issuance of administrative orders on records of decision 11
Chapter 5 - Technical Assistance..... 16
Chapter 6 – Training 17
Chapter 7 - Final review and decision on a petition to establish or restructure a board..... 24
Chapter 8 - Communication between the water conservancy board coordinator and regional offices 28
Chapter 9 - Communication between boards and counties with the water conservancy board coordinator..... 29
Chapter 10 - Communication between a board or county and the designated Ecology regional representative..... 32
Chapter 11 - Reporting Requirements 34
Appendices - 35

- | | |
|--|--|
| <u>Additional Information Request Letter</u> | <u>Petition Checklist to Restructure a Board</u> |
| <u>Administrative Order on ROD – Affirm</u> | <u>Petition Checklist to Create a Board</u> |
| <u>Administrative Order on ROD – Modify</u> | <u>Primary Contact Report</u> |
| <u>Administrative Order on ROD – Reverse</u> | <u>Protest Receipt Letter</u> |
| <u>Application Acceptance Memo</u> | <u>Public Notice Template</u> |
| <u>Application Progress Sheet</u> | <u>Record of Decision, Form # 040-105</u> |
| <u>Board Approval Letter - Sample</u> | <u>Record of Decision Receipt Letter</u> |
| <u>Checklist for Ecology Regional Staff</u> | <u>Return Without Action Letter</u> |
| <u>Continuing Education Confirmation Letter</u> | <u>Report of Examination, Form # 040-106</u> |
| <u>Continue Processing Inquiry Letter</u> | <u>Report to Legislature Form</u> |
| <u>Decline to Process Letter</u> | <u>Restructure Approval Letter</u> |
| <u>Flow chart-DOE Review of a Record of Decision</u> | <u>Technical Assistance Case Studies</u> |
| <u>Flow chart - Board Change Application Process</u> | <u>Term Expiration Letter</u> |
| <u>Incomplete Continuing Ed Documentation Letter</u> | <u>Thirty-day Extension Letter</u> |
| <u>Incomplete Petition Package</u> | <u>Training Completion Letter</u> |
| <u>Incomplete Restructure Petition Package</u> | <u>Training Credit Request Form # 040-104</u> |
| <u>Ineligibility Notification</u> | <u>Training Materials Letter</u> |
| <u>Interested Parties Letter</u> | <u>Training Certificate</u> |
| <u>Internet Withdrawal Notice</u> | <u>Training Status Memo</u> |
| <u>Number Assign Memo</u> | <u>Withdrawal of ROD/ROE Form # 040-107</u> |

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

GUI-4100

WATER RESOURCES PROGRAM GUIDANCE

GUIDANCE FOR ASSISTING WATER CONSERVANCY BOARDS AND REVIEWING RECORDS OF DECISION

Resource Contact: Water Conservancy Board Coordinator

Revised: August 1, 2006

References: RCW [90.03.380](#) Chapter [90.80](#) RCW
RCW [90.03.390](#) Chapter [173-153](#) WAC
RCW [90.44.100](#)

Purpose: To provide guidance and ensure statewide consistency and efficiency to the Water Resources Program staff that work directly with water conservancy boards (boards) and review the records of decision made by the boards. Ecology recognizes the expertise of its staff in relation to boards is specific to water law and implementation of that law as it pertains to processing water right transfer applications. Ecology staff does not possess the knowledge of local government operational laws and regulations and cannot provide specific guidance about internal operations of boards.

This document is also intended to provide understanding as to how the boards, counties, and Ecology work together as cooperative agencies as boards process water right change applications. This guidance is based on the water conservancy board statute (Chapter 90.80 RCW) and rule (Chapter 173-153 WAC). It is intended to explain current requirements, and not to set forth additional requirements or interpretation of law beyond what is currently required by the statute or rule.

Application: This guidance is for Water Resources Program staff as they fulfill their authorities related to boards.

This guidance supercedes any previous guidance regarding water conservancy boards with which it conflicts.

This guidance may be supplemented from time to time as the program gains additional experience with water conservancy boards.

Chapter 1 – Definitions

“**Alternate**” means an individual:¹

- a. Who is appointed by the county legislative authority or authorities under RCW 90.80.050(3);
- b. Who serves a six-year term;
- c. Who is trained under the requirements of RCW 90.80.040 and WAC 173-153-050; and
- d. Who, while serving as a replacement for an absent or recused commissioner:
 - i. May serve and vote as a commissioner;
 - ii. Is subject to any requirement applicable to a commissioner; and
 - iii. Counts toward a quorum.

“**Commissioner**” means an individual who is appointed by the county legislative authority or authorities as a member of a water conservancy board under RCW 90.80.050(1) or an alternate appointed under RCW 90.80.050(3) while serving as a replacement for an absent or recused commissioner.²

“**County**” means the county level legislative authority or identified lead legislative authority for communicating with Ecology. Counties are limited in their responsibilities toward boards. They are an important, and sometimes overlooked, partner in Ecology's work with boards. It is important to keep them informed. Counties are responsible for establishing a board, appointing board commissioners, and have the authority to dissolve a board. They must also ensure the appointed board commissioners meet the criteria defined in RCW 90.80.050.

“**Database**” means the water conservancy board database maintained by the water conservancy board coordinator.

“**Record of decision (ROD)**” means the conclusion reached by a water conservancy board regarding a transfer application, with documentation of each board commissioner's vote on the decision. The record of decision must be on a form provided by ecology and identified as a Record of Decision, [form number 040-105](#).³

¹ [RCW 90.80.010\(1\)](#)

² [RCW 90.80.010\(3\)](#)

³ [RCW 90.80.010\(6\)](#); [WAC 173-153-030](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

“Regional representative” means the person or persons in each region designated by the director or his or her designee to respond to requests from boards for technical assistance as provided in RCW 90.80.055(1)(d) and provide final review of RODs issued by a board and to issue an administrative order affirming, modifying, or reversing the record of decision.⁴

"Report of examination (ROE)" means the written explanation, factual findings, and analysis that support a board's record of decision. The report of examination is an integral part of the record of decision. The report of examination must be on a form provided by ecology and identified as Water Conservancy Board Report of Examination, [form number 040-106](#).⁵

“Technical assistance” means guidance provided by Ecology to counties and boards to further a board’s operations and application evaluation.

“Training credit request” means a written request by a board commissioner to receive credit for participating in an educational activity not provided or sponsored by Ecology Water Resources Program, and associated with the work of a board. To ensure credit is given, it is suggested a request form be submitted for any training not arranged by the water conservancy board coordinator. The request for training credit must be on a form provided by ecology and identified as Water Conservancy Board Training Credit Request Form, [form number 040-104](#).⁶

"Water conservancy board coordinator (coordinator)" means the person designated by the director or his or her designee to coordinate statewide water conservancy board activities, communication, and training, and to advocate for consistent statewide implementation of Chapter 90.80 RCW and Chapter 173-153 WAC.⁷ The coordinator must maintain certain information regarding all boards statewide. The coordinator receives requests from various agencies, legislators, attorneys, and other public entities about boards. The coordinator is also responsible for writing annual reports, planning commissioner trainings, providing technical assistance, and communicating updates on court decisions and legislation with boards.

“Withdrawal of a record of decision (withdrawal)” means a written decision reached by a water conservancy board to withdraw from the Department of Ecology, an ROD and ROE including the entire water right file associated with that decision. A board may withdraw the ROD during the period allowed for Ecology’s review. The decision to withdraw an ROD must be made by a majority of a quorum of a board and documented on a form provided by Ecology and identified as a Decision to Withdraw a Record of Decision and Report of Examination, [form number 040-107](#).⁸

⁴ [RCW 90.80.055\(1\)\(d\)](#); [RCW 90.80.080\(4\)](#)

⁵ [RCW 90.80.070\(4\)](#); [WAC 173-153-030](#)

⁶ [WAC 173-153-050\(7\)](#)

⁷ [WAC 173-153-030](#)

⁸ [WAC 173-153-150\(9\)](#)

Chapter 2 – Outline of the Staff Guidance Document

Ecology has five primary responsibilities directly related to water conservancy boards.

- Maintaining a water right transfer application dual-filed with a board;⁹
- Review of and issuance of administrative orders on records of decision.¹⁰
- Technical assistance;¹¹
- Training;¹²
- Final review and approval of a petition to establish or restructure a board.¹³

The five primary responsibilities are discussed in the following chapters. Each chapter is outlined as follows:

- Rule considerations: This section discusses the consideration given as Chapter 173-153 WAC was amended in 2003 and 2006.
- Assigned staff: This section identifies the employees assigned to fulfill responsibilities described within the chapter.
- Responsibilities of the assigned staff: This section describes staff responsibilities and explains related board functions.
- Time requirements: This section identifies any time requirements for fulfilling responsibilities described within the chapter.

Chapter 3 – Maintaining a water right transfer application dual-filed with a board

Rule considerations

In the rule, when discussing Ecology's role as a board processes a water right change application, strong consideration was given to the boards' status as a separate unit of local government in the state¹⁴ and an independently funded entity.¹⁵ Ecology staff understands that boards are tasked with making independent and sometimes difficult decisions regarding water right change proposals. The boards are expected to thoroughly investigate the water right change proposal, make a tentative determination to the extent and validity of the existing right, and make

⁹ [WAC 173-153-070\(14\)](#)

¹⁰ [RCW 90.80.080](#)

¹¹ [RCW 90.80.055\(1\)\(d\)](#)

¹² [RCW 90.80.040](#); [WAC 173-153-050](#)

¹³ [RCW 90.80.030](#)

¹⁴ [RCW 90.80.050\(1\)](#)

¹⁵ [RCW 90.80.060\(2\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

the best possible decisions based on the information gathered by the board. Technical assistance shall be solely in the form of guidance and shall not dictate or otherwise direct any board to reach a specific conclusion regarding any aspect of application processing or of a board's administrative functions.¹⁶

Assigned staff

Designated regional representatives are Ecology's assigned staff for receiving an application, entering into Ecology's database to ensure the application is dual filed, providing technical advice and reviewing board issued decisions.

Responsibilities of the assigned staff

1. The board requires the applicant to ensure that the application is complete when filed.¹⁷ It is suggested the board use a [progress sheet](#).
2. The board reviews the application and requires the applicant to provide any additional necessary information.¹⁸
3. If an application is filed directly with and accepted by a board, the board assigns it an application number and forwards the optional [application acceptance memo](#) and the original application to the designated regional representative *within 5 business days* of accepting the application for processing.¹⁹
4. Upon receipt of the original application forwarded by a board, the regional representative may (although not required to) review the application and comment to the board if it appears that the application form is incomplete. A complete application includes a map.
5. Upon request by the board, the regional representative provides complete copies of any water right files and/or water right change files related to an application being processed by a board.²⁰
 - a. Copies are provided at no charge to the board;²¹
 - b. Requests for files unrelated to applications being processed by a board may be subject to the Public Records Act.
6. Document in WRTS the date Ecology receives the original²² application filed directly with and accepted by a board and the unique number assigned by the board as defined in rule.²³

¹⁶ [WAC 173-153-120\(5\)](#)

¹⁷ [WAC 173-153-070\(6\)](#); [RCW 90.03.470\(1\)](#)

¹⁸ [WAC 173-153-070\(7\)](#)

¹⁹ [WAC 173-153-070\(12\)](#)

²⁰ [WAC 173-153-060\(2\)\(a\)](#)

²¹ [WAC 173-153-060\(2\)\(a\)](#)

²² [WAC 173-153-070\(12\) and \(13\)](#)

²³ [WAC 173-153-070\(8\) through WAC 173-153-070\(11\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- a. Update data as appropriate,
 - b. The complete application is considered dual-filed with the board and Ecology once it is received by the department;²⁴
 - c. Ecology will not take any action on the application while it is being processed by the board.²⁵
7. Promptly comply with a written request from an applicant to convey a copy of a water right change application already on file with Ecology to a board with jurisdiction.²⁶
- a. Copies are provided at no charge to the board;²⁷
 - b. Requests for files unrelated to applications being processed by a board may be subject to the Public Records Act.
8. Establish an application file and appropriately make record of the application.²⁸ The application is considered dual-filed.²⁹
9. Ecology adopts the date accepted by the board as the processing priority date.
10. Reference the board-assigned number on all communication with boards, applicants, and consultants during the time the application is under the jurisdiction of the board.³⁰
11. Assign a state water right change application number within 30 days of receipt of the application and send a [letter](#) informing the board of the Ecology-assigned number.³¹
- a. The Ecology-assigned number is not used by the board in processing the application.³²
 - b. The Ecology-assigned number is used for Ecology's internal administrative purposes only.³³
 - c. The Ecology-assigned number becomes the primary number assigned to the file *after* the board's responsibility for the application is complete.
12. Document in WRTS the Ecology-assigned number.

²⁴ [WAC 173-153-070\(14\)](#)

²⁵ [WAC 173-153-070\(15\)](#)

²⁶ [RCW 90.80.070\(1\)](#); [WAC 173-153-070\(17\)](#)

²⁷ [WAC 173-153-060\(2\)\(a\)](#)

²⁸ [WAC 173-153-070\(14\)](#)

²⁹ [WAC 173-153-070\(15\)](#)

³⁰ [WAC 173-153-070\(10\)](#)

³¹ [WAC 173-153-070\(13\)](#)

³² [WAC 173-153-070\(13\)](#)

³³ [WAC 173-153-070\(13\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

13. File the copy of public notice provided by the board at the time of publication. The copy informs Ecology of publication and that protests may be received.
14. Provide any protests ([letter](#)) received by Ecology to the board within 5 days of receipt of the protest.³⁴
15. Provide [technical assistance](#) when requested.
16. If Ecology is notified by the board that it declined to process the application, send a [letter](#) to the applicant requesting the applicant to indicate in writing whether he/she wants the application to be processed by Ecology.³⁵
17. May send a [letter](#) requesting further written explanation regarding the board's decision not to process the application if the board declines to process an application and the applicant files a written request that Ecology process the application.³⁶
18. If an applicant requests an application be withdrawn from the board, the application is no longer filed with either the board or Ecology. A new application must be filed with either a board or Ecology and the application will receive a new priority processing date.
19. If the application being processed by the board is for transferring water into trust:
 - a. Contact the regional trust water coordinator;
 - b. Keep the regional trust water coordinator informed of application progress;
 - c. Provide technical assistance, as requested by the board.
20. If the board requires an applicant to consult with a licensed independent hydrogeology consultant, strongly suggest to the board that the consultant contact Ecology's hydrogeologist for consultation.
21. No scheduled investigative or evaluative work on the application will be conducted by Ecology on the application but on request by the board, technical assistance may be provided.

Time requirements

1. No time requirement is given in statute or rule for providing a water right file related to a current application to a board. It is generally suggested staff respond to the needs of the

³⁴ [WAC 173-153-090 \(2\)](#)

³⁵ [WAC 173-153-070 \(15\)](#)

³⁶ [WAC 173-153-070 \(21\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

board in a timely manner in order to encourage board efficiency. The response time may vary depending on the specific need and availability of staff.³⁷

2. The statute only states that Ecology will reply *promptly* to a request to convey to a board a water right change application on file with Ecology. It is generally suggested staff respond to the needs of the board and applicant in a timely manner in order to encourage board efficiency.³⁸
3. Thirty (30) days from the date the complete application is received from the board to assign and notify the board of the Ecology-assigned application number.³⁹
4. Five (5) days to provide a copy to the board of any protests received by Ecology.⁴⁰

³⁷ [WAC 173-153-060\(2\)\(a\)](#)

³⁸ [RCW 90.80.070\(1\)](#); [WAC 173-153-070\(17\)](#)

³⁹ [WAC 173-153-070\(13\)](#)

⁴⁰ [WAC 173-153-090\(2\)](#)

Chapter 4 – Review of and issuance of administrative orders on records of decision

Rule considerations

When discussing the review of RODs in the rule, strong consideration was given to the boards' status as a separate unit of local government in the state⁴¹ and an independently funded entity.⁴² The rule considers Ecology's review to be objective and recognizes methods used by a board to reach its conclusion in the ROD may be innovative and resourceful. However, Ecology's review of an ROD is directed by legal guidance as well as agency and program policy as it represents interpretation of water law.

Assigned staff

1. Designated regional representatives are Ecology's assigned staff for reviewing each ROD issued by a board.
2. The program web coordinator is the contact for Internet posting of RODs.

Responsibilities of the assigned staff

1. All records of decision and reports of examination must be reviewed by Ecology.⁴³ (See the [DOE review of a record of decision](#) flow chart)
2. Document the date the ROD/ROE is received from the board.⁴⁴
3. The regional representative may return, without action, the ROD/ROE with a [letter](#) to the board if:
 - a. An ineligible board commissioner⁴⁵ has voted and the vote is critical to the outcome of the decision;
 - b. The record of decision was not adopted by a majority vote of the board.⁴⁶
 - c. The board acted upon an application outside the authority of the board.⁴⁷
 - d. The record of decision is adopted by two alternates without the vote of a regular commissioner.

⁴¹ [RCW 90.80.050\(1\)](#)

⁴² [RCW 90.80.060\(2\)](#)

⁴³ [RCW 90.80.080\(2\)](#); [WAC 173-153-150\(2\)](#)

⁴⁴ [WAC 173-153-150\(1\)](#)

⁴⁵ [RCW 90.80.040](#); [WAC 173-153-150\(5\)\(b\)](#)

⁴⁶ [RCW 90.80.070\(4\) and \(5\)](#); [WAC 173-153-150\(5\)\(b\)](#)

⁴⁷ [WAC 173-153-150\(5\)\(b\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

4. Send [letter](#) to board documenting the date Ecology received the ROD/ROE from the board.⁴⁸
5. Scan, if needed, and email the ROD/ROE to the web coordinator to place on the Internet.⁴⁹
6. Web coordinator posts documents on the Internet and notifies the region and coordinator.⁵⁰
7. If the ROD/ROE is withdrawn by the board, scan, if needed, and email the signed withdrawal form to place on the Internet.
8. Web coordinator removes the ROD/ROE from the Internet and replaces it with a copy of the board's written withdrawal form and a [notice](#) that the decision has been withdrawn.⁵¹
9. Review the ROD for:
 - a. Compliance with applicable law and regulation;⁵²
 - b. The completeness of the record developed by the board;⁵³
 - c. Any other issues related to the application evaluation, for example, whether it is clear within the decision what will be the character of the water right once the change is complete some years in the future;⁵⁴
 - d. Letters of concern, objection, or support from the Internet posting, if received within 30 days of Ecology's receipt of the ROD.⁵⁵
 - e. Conflict of interest of participating commissioners and alternates.⁵⁶
10. Ecology will not evaluate the internal operations of a board as it reviews a board's record of decision except to the extent that such review is necessary to determine whether the board's decision was in compliance with state laws and regulations concerning water right transfers, including possible cases of a conflict of interest as identified in RCW 90.80.120.⁵⁷
11. Review the ROD and respond using one of the following options within 45 days of receipt of the boards decision, unless notice is given to the board that the review period has been [extended an additional 30 days](#) for a total not to exceed 75 days:⁵⁸

⁴⁸ [WAC 173-153-150\(1\)](#)

⁴⁹ [WAC 173-153-150\(1\)](#)

⁵⁰ [RCW 90.80.080\(2\)](#); [WAC 173-153-150\(1\)](#)

⁵¹ [WAC 173-153-150\(9\)](#)

⁵² [RCW 90.80.080\(2\)](#); [WAC 173-153-150\(2\)](#)

⁵³ [WAC 173-153-130](#); [WAC 173-153-150\(2\)](#)

⁵⁴ [WAC 173-153-150\(2\)](#)

⁵⁵ [WAC 173-153-150\(3\)](#); [RCW 90.80.080\(3\)](#)

⁵⁶ [RCW 90.80.120](#)

⁵⁷ [WAC 173-153-150\(4\)](#)

⁵⁸ [RCW 90.80.080\(4\)](#); [WAC 173-153-150\(5\)\(c\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- a. Issue a [final administrative order](#) affirming the ROD if during the review Ecology finds that the board thoroughly documented its investigation and its recommendations in the ROE, and complied with applicable state water law.⁵⁹
- b. Issue a [final administrative order](#) modifying the ROD, specifying the part(s) of the ROD that have been modified.⁶⁰ An administrative order to modify may be issued if the board has fully documented its investigation and its recommendations in the ROE,⁶¹ and has, otherwise, complied with applicable state water law, but the ROE generally requires:
 - i. Additional provisions;
 - ii. Revisions to the substance of the ROE that do not require Ecology staff to substantively investigate or recalculate;
 - iii. Grammatical errors that do not change the final conclusion of the ROD/ROE;
 - iv. Specific information as to which part(s) of the ROD has been modified.⁶²
- c. If during the review period of the ROD/ROE Ecology finds deficiencies in the ROD/ROE, request that the board [withdraw](#) its record of decision⁶³ to make appropriate modifications. Withdrawing an ROD/ROE from Ecology is a decision of the board made at an open public meeting and documented on a [form](#) as required in rule.
- d. Issue a [final administrative order](#) reversing the ROD/ROE if the board declines to withdraw the ROD/ROE or the ROD/ROE contains conclusions that are insufficient or contrary to state water law. When Ecology reverses a board ROD/ROE all procedural and substantive defects must be detailed.⁶⁴
- e. Remand the ROD/ROE back to a board when Ecology determines a conflict of interest has occurred.⁶⁵

It is up to each reviewer, in consultation with the section manager, to determine the extent of modification necessary for each board decision. It is expected that the reviewer will consult with the board regarding the issues identified on review prior to issuing a final order, and make a case-by-case determination as to whether to modify, remand, reverse, or request withdrawal of a decision. Should a board opt not to withdraw an ROD/ROE from Ecology, the reviewer, in consultation with the section manager, must decide whether to modify or reverse the decision.

⁵⁹ [WAC 173-153-150\(6\)](#); [RCW 90.80.080\(4\)](#); [WAC 173-153-130\(5\) and \(6\)](#)

⁶⁰ [WAC 173-153-150\(6\)](#)

⁶¹ [RCW 90.80.080\(4\)](#); [WAC 173-153-130\(6\)](#); [WAC 173-153-140\(3\)](#)

⁶² [WAC 173-153-150\(6\)](#)

⁶³ [WAC 173-153-150\(9\)](#)

⁶⁴ [WAC 173-153-150\(6\)](#)

⁶⁵ [RCW 90.80.120](#); [WAC 173-153-150\(4\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

12. Send copies of the administrative order to all parties by mail on the same day within 5 days of reaching the decision to:⁶⁶
 - a. The board;
 - b. The applicant;
 - c. Any person who protested;
 - d. Persons who requested notice of Ecology's decision;
 - e. The Washington Department of Fish and Wildlife;
 - f. Any affected Indian tribe;
 - g. Any affected agency;
 - h. Water conservancy board coordinator.
13. If Ecology issues its final administrative order to affirm or modify the ROD/ROE, work directly with the applicant on any further issues regarding the water right change.
14. Upon satisfactory evidence to Ecology showing the transfer has been completed in accordance with the final administrative order authorizing the transfer, conduct a proof examination to verify of the extent of development as authorized.⁶⁷
15. Issue a certificate of change, superseding permit, or a superseding certificate to the water right holder(s) to document the portion of the approved transfer that was accomplished.⁶⁸
16. Evaluate and reply to requests from the applicant for extensions on the project's development schedule.⁶⁹
17. Issue a cancellation order of the transfer authorization if the water right holder authorized to transfer a water right fails to accomplish the transfer in accordance with the authorization or any subsequent extensions granted by Ecology, for fails to comply with the requirements of the transfer authorization.⁷⁰
18. Upon cancellation of the transfer authorization, evaluate the water right to make a tentative determination as to the present validity of the water right and the conditions under which the water right can legally be exercised.⁷¹

Time requirements

⁶⁶ [WAC 173-153-150\(10\)](#)

⁶⁷ [WAC 173-153-160\(1\)](#)

⁶⁸ [WAC 173-153-160\(1\)](#)

⁶⁹ [WAC 173-153-160\(3\)](#)

⁷⁰ [WAC 173-153-160\(4\)](#)

⁷¹ [WAC 173-153-160\(4\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

1. Three business days if received electronically or five business days to place ROD/ROE on the Internet.⁷²
2. Post on the Internet for 30 days.⁷³
3. Ecology has 45 day review of ROD.⁷⁴
4. The 45-day review period may be extended for an additional thirty days by Ecology or at the request of the board or the applicant.⁷⁵
5. Send copies of the administrative order to all parties by mail on the same day within 5 days of reaching the decision.⁷⁶
 - a. The board
 - b. The applicant
 - c. Any person who protested
 - d. Persons who requested notice of Ecology's decision
 - e. Washington Department of Fish and Wildlife
 - f. Any affected Indian Tribe
 - g. Any affected agency
 - h. Water conservancy board coordinator

⁷² [RCW 90.80.080\(2\)](#); [WAC 173-153-150\(1\)](#)

⁷³ [RCW 90.80.080\(2\)](#); [WAC 173-153-150\(1\)](#)

⁷⁴ [RCW 90.80.080\(4\)](#); [WAC 173-153-150\(5\)](#)

⁷⁵ [RCW 90.80.080\(4\)](#); [WAC 173-153-150\(5\)](#)

⁷⁶ [WAC 173-153-150\(10\)](#)

Chapter 5 - Technical Assistance⁷⁷

Rule considerations

When discussing technical assistance within the rule, consideration was given to:

1. The independent status of the water conservancy boards;⁷⁸
2. The board's need to request assistance;⁷⁹ and
3. Understanding of legislative intent when the legislature authorized the creation of boards to expedite the administrative process for water right transfers.⁸⁰

Assigned staff

1. Designated regional representatives are Ecology's assigned staff for technical assistance as it relates to an application before a board;
2. The coordinator is Ecology's assigned staff for technical assistance as it relates to statewide policy/legal issues as well as board process and operational questions;
3. The regional representative or the coordinator may provide assistance on all issues, when requested.

Responsibilities of the assigned staff

1. Staff provide technical assistance to a board:⁸¹
 - a. Upon the board's request;
 - b. To the extent that Ecology has the internal ability to respond;
 - c. As a board reviews applications for formal acceptance.
 - d. As the board investigates the application.
 - e. As the board prepares draft records of decision;
 - f. As the board considers other technical or legal factors affecting the board's development of a final record of decision;
 - g. As the board processes transfers related to trust water.⁸²

⁷⁷ [RCW 90.80.055\(1\)\(d\)](#); [WAC 173-153-120](#)

⁷⁸ [RCW 90.80.050\(1\)](#); [RCW 90.80.060\(2\)](#); [WAC 173-153-120\(5\)](#)

⁷⁹ [RCW 90.80.055\(1\)\(d\)](#); [WAC 173-153-120\(2\)](#)

⁸⁰ [RCW 90.80.005\(3\)](#)

⁸¹ [RCW 90.80.055\(1\)\(d\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

2. Refer to the [Technical Assistance Case Studies](#) document in the appendix for specifics on providing assistance to boards.
3. Provide guidance without dictating or directing a board to reach a specific conclusion regarding any aspect of application processing or of a board's administrative function.⁸³
4. Generally, provide technical assistance without subjection to the Open Public Meetings Act.⁸⁴ Staff may attend board meetings and provide assistance, if requested.

Time requirements

No time requirement is provided in statute or rule. It is generally suggested staff respond to the requests of the board in a timely manner in order to encourage board efficiency. The response time may vary depending on the specific need and availability of staff.

Chapter 6 – Training⁸⁵

Rule considerations

Ecology is given authority to adopt rules including minimum requirements for the training and continuing education of commissioners.⁸⁶ When writing the rule, consideration was given to the volunteer status and personal commitments of the commissioners, the limited funds available to Ecology for implementing the statute, and the boards' ability to reimburse the commissioners for travel expenses associated with training.⁸⁷

In order to provide board commissioners the opportunity to gain a clear understanding of the water right change application process and unique water right issues, trainings provided or sponsored by Ecology are not subject to the Open Public Meetings Act⁸⁸ and limited to board commissioners, their administrative support, board alternates, and Ecology trainers.⁸⁹

Assigned staff

The coordinator is responsible for all coordination, tracking, and communication related to training of board commissioners, alternates, and administrative support. The coordinator may serve as primary facilitator or may identify other staff to assist with facilitation.

Whenever possible, regional representatives assigned to work with boards should also assist in facilitating on-going training of board commissioners.

⁸² [RCW 90.80.055\(1\)\(1\)](#); [WAC 173-153-060\(1\)\(b\)](#)

⁸³ [WAC 173-153-120\(5\)](#)

⁸⁴ [WAC 173-153-120\(6\)](#)

⁸⁵ [RCW 90.80.040](#); [WAC 173-153-050](#)

⁸⁶ [RCW 90.80.040](#)

⁸⁷ [RCW 90.80.030\(2\)](#)

⁸⁸ [WAC 173-153-120\(6\)](#)

⁸⁹ [WAC 173-153-050\(2\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Responsibilities of the assigned staff

1. New commissioner training

New commissioner training is held depending on Ecology staff availability and whether there are sufficient numbers of board commissioners needing training.⁹⁰

New commissioners are required to receive a minimum 32 hour instruction from or sponsored by Ecology and must demonstrate an understanding and sufficient mastery of the training curriculum through an examination.⁹¹ This training is limited to newly-appointed commissioners, alternates, administrative support, and trainers.⁹²

- a. Send out [letters](#) annually (generally in January) to notify counties and boards of any pending term expirations, and reminding counties and boards to contact the coordinator of any other vacancies expected or occurring on a board over the next year.
- b. Use information generated from letters to determine the need for training for new board commissioners.⁹³
- c. Request from counties resolutions appointing new commissioners.⁹⁴
- d. If a vacancy is due to a resignation, request a copy of the resignation letter from the board or, if possible, from the resigning board commissioner⁹⁵ if a letter has not been received.
- e. Determine date and location of the training based on the following criteria:
 - i. Availability of staff to provide the training;
 - ii. Availability of meeting room;
 - iii. Confirmations received from attendees;
 - iv. Convenience for the majority of the confirmed attendees;
- f. Work with the lead trainer to prepare materials for training including:
 - i. Update the RCWs/WACs based on recent legislation and rule adoption;
 - ii. Update materials as appropriate;

⁹⁰ [WAC 173-153-050\(2\)](#)

⁹¹ [WAC 173-153-050\(3\)](#)

⁹² [WAC 173-153-050\(2\)](#)

⁹³ [WAC 173-153-050\(2\)](#)

⁹⁴ [RCW 90.80.050\(1\)](#)

⁹⁵ [WAC 173-153-042\(8\) through WAC 173-153-042\(9\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- iii. Update test materials;
 - iv. Update scenarios;
 - v. Update materials list;
 - vi. Create an attendance sign-in sheet;
 - vii. Reproduce enough copies for attendees
- g. Send out [attendance confirmation](#) to confirmed attendees about 10 working days prior to training.
 - h. If the training program is offered and is not completed within one year of appointment to the board, ecology will may inform the county and request the county to seek the commissioner's resignation.⁹⁶
 - i. If a commissioner is unable to attend the entire training, arrangements should be made with the commissioner for making up the missed time.
 - j. At the beginning of the training, remind all attendees that any personal contact information included on the attendance list is considered a public record.
 - k. Lead the training regarding Chapter 90.80 RCW and Chapter 173-153 WAC and assist in other aspects of the training as appropriate.
 - l. Retain all tests for the file in order to document the commissioner's knowledge of course materials and sufficient mastery of the training curriculum.⁹⁷
 - m. When training is complete, immediately prepare a [letter](#) to the county legislative authority certifying the successful completion of the training by each board commissioner and indicating the commissioner's eligibility to participate in water right change decisions.⁹⁸ Send a copy of the letter to the board.⁹⁹
 - n. Document in the water conservancy board database the training received by all attendees, using the sign-in sheet. Enter into the database all demographic information as needed.
 - o. When time allows, prepare and send [certificates of completion](#) to all commissioners who successfully completed the training.

⁹⁶ [WAC 173-153-050\(1\)](#)

⁹⁷ [WAC 173-153-050\(3\)\(b\)](#)

⁹⁸ [WAC 173-153-050\(4\)](#)

⁹⁹ [WAC 173-153-050\(4\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- p. Make copies, if needed, and file all training documentation in the training file under each board represented at the training. Documentation includes sign-in sheets, tests, materials list, letters to the commissioner, and certificates of completion.

2. Continuing education – Tracking eligibility status

After completing one year of service on a board, a commissioner must complete a minimum of 8 hours continuing education before participating in any decision concerning a water right change application.¹⁰⁰ If a board is restructured, additional training of board commissioners may be required if the restructuring modifies the geographic area of jurisdiction.¹⁰¹

The regional representative must contact the water conservancy board coordinator to document training provided directly to boards. This may include board commissioners participating in a field examination or other training offered at the regional office.

- a. Send out [letters](#) annually (generally in January) to update Ecology staff, counties and boards regarding the eligibility status of each board commissioner, and the number of continuing education hours needed to retain or, as appropriate, regain eligibility. The year in which continuing education is due is based on the original appointment date of each commissioner.¹⁰²
- b. File a copy of each letter in the eligibility file for each board.
- c. File a copy of each letter that indicates expiration of eligibility within the year in the appropriate monthly reminder file.
- d. Check the monthly reminder files each month and send out [ineligibility letters](#) to board commissioners, as appropriate.
- e. Send a copy of the ineligibility letter to the regional representative and county.
- f. The regional representative should set up a system for tracking ineligible board commissioners.
- g. File a copy of the ineligibility letter in the eligibility file of the related board.
- h. File a copy of the ineligibility letter in the ineligible reminder file.
- i. Respond to periodic requests from board commissioners for information regarding eligibility status.

¹⁰⁰ [WAC 173-153-050\(6\)](#)

¹⁰¹ [WAC 173-153-050\(4\)](#)

¹⁰² [WAC 173-153-050\(6\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- j. Do not regulate boards for compliance with the training regulations.
3. Continuing education sponsored by Ecology's Water Resources Program for existing commissioners, alternates, and administrative support.

Generally, Ecology holds at least one annual 8-hour training for all board commissioners to provide updated information regarding legislative issues, recent court decisions, changes to policy, and opportunities to share best practices.

- a. Generally, schedule annual "update" training sometime during December through February.
 - b. Assemble topics for the update training agenda:
 - i. From requests solicited directly from the boards;
 - ii. Based on need identified when providing technical assistance to boards;
 - iii. Based on need as identified by regional staff.
 - iv. As dictated by events such as court decisions, AGOs, etc.
 - c. Incorporate in board communications, including the WCB Communicator and emails, information regarding upcoming continuing education opportunities offered by Ecology.
 - d. Decide the format of the training such as number of hours, statewide versus regionally (Eastern, Central, and West side), facilitation requirements, and location.
 - e. Decides date(s) and secure meeting location(s) for each session;
 - f. Send emails to all boards requesting confirmation of attendance to meetings to ensure enough materials for the attendees and size requirement for meeting space.
 - g. Prepare materials for continuing education session, including attendance sign-in sheet;
 - h. Document hours credited for each attendee in the database using the sign-in sheet from the training.
 - i. Document in the database the hours credited for each attendee based on the hours actually attended
 - j. Document on the sign-in sheet the hours credited for each attendee that attends only a portion of the entire session.
4. Continuing education not provided or sponsored by Ecology for existing commissioners, alternates, and administrative support.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Continuing education, other than that provided by or sponsored by Ecology, must be approved by Ecology and reported on the Training Credit Request [Form number 040-104](#).¹⁰³

- a. Respond to information requests regarding training credit, as needed;
- b. Receive training credit request forms from board commissioners¹⁰⁴ and only accepts *after* participation in the activity;
- c. Ensure training credit request forms are complete;
- d. Return incomplete forms and any attachments to the board commissioner¹⁰⁵ with a [letter](#) describing missing information;
- e. Review and process complete forms using the following criteria of acceptable and unacceptable continuing education activities:
 - i. *Acceptable*¹⁰⁶
 - Seminars;
 - Conferences;
 - Classes;
 - Presentations given by others;
 - Readings (this may include books on water resource issues or law, proceedings and papers associated with conferences, etc.);
 - Field experiences;
 - In a forum specifically intended for learning from another person whether it is an author, instructor, speaker, etc.;
 - ii. *Unacceptable*¹⁰⁷
 - Meetings in which the commissioner acts as a member of a committee or integral participant in proceedings, appeals, or litigation;
 - Presentations personally made by, or readings authored by, the commissioner requesting the training. (The research done may be considered. A 2-3 paragraph summary describing the research must be included on the form);

¹⁰³ [WAC 173-153-050 \(11\)](#); [WAC 173-153-050 \(12\)](#)

¹⁰⁴ [WAC 173-153-050 \(12\)](#)

¹⁰⁵ [WAC 173-153-050 \(12\)](#)

¹⁰⁶ [WAC 173-153-050 \(18\)](#)

¹⁰⁷ [WAC 173-153-050 \(19\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- Work done by a commissioner as part of the direct responsibilities on the water conservancy board (e.g., field examines, investigation, discussions on applications, technical assistance received specific to an application, etc.).
 - Topics that do not directly relate to WCB authorities and responsibilities
- f. Document in a [letter](#) to the board commissioner the continuing education hours approved.¹⁰⁸
- g. Send copies of the letter to the related board, Center for Environmental Law and Policy, and the appropriate region.

Time requirements

1. Ecology shall offer training for new commissioners depending on, but not limited to:¹⁰⁹
 - a. Whether Ecology has sufficient staffing resources;
 - b. Whether there are sufficient numbers of board commissioners and alternates requiring training.
2. Continuing education is generally offered at least once per year.
 - a. Ecology may, at its discretion, and in response to requests, provide continuing education periodically.¹¹⁰
 - b. Although nothing is documented in statute or rule, two to three weeks for review of a training credit request appears to be reasonable based on workload and schedule. Ecology will not be expected to respond to requests the same day it is received by the coordinator.
 - c. The credit hours count toward a commissioner's eligibility only upon written confirmation from Ecology.

¹⁰⁸ [WAC 173-153-050 \(13\)](#)

¹⁰⁹ [WAC 173-153-050 \(2\)](#)

¹¹⁰ [WAC 173-153-050 \(10\)](#)

Chapter 7 - Final review and decision on a petition to establish or restructure a board

Rule considerations

Ecology understands the county legislative authority to be responsible for the creation of the board and the appointment of the board commissioners to existing vacancies. As part of that responsibility they must ensure the board consists of qualified board commissioners as it relates to water right holders, non-water right holders, and residence.¹¹¹ Ecology may provide guidance to the counties to assist in consistent application of the law when requested by the county.

Restructuring a board is considered an alteration of the original petition creating the board. Therefore, the rule requires that a similar process to creating a board be followed for restructuring a board.

Boards or county legislative authority or authorities may request to restructure an existing board within its geographic area of jurisdiction.¹¹² Counties and boards are encouraged to work together throughout the restructuring process.¹¹³

Assigned staff

The coordinator is Ecology's assigned staff with counties establishing and restructuring a board.

Responsibilities of the assigned staff

1. Establishing a board
 - a. May make presentations regarding water conservancy boards to counties interested in establishing a board.
 - b. May provide guidance to the county as they prepare the resolution and petition package to submit to Ecology.¹¹⁴
 - c. Receive the petition package through the director¹¹⁵ creating a board submitted by the county legislative authority.
 - d. Using the [Petition Checklist](#) when establishing a board, review the petition package for completeness including:¹¹⁶

¹¹¹ [RCW 90.80.050\(2\)](#)

¹¹² [WAC 173-153-045\(2\)-\(4\)](#)

¹¹³ [WAC 173-153-045\(2\)](#)

¹¹⁴ [WAC 173-153-040](#)

¹¹⁵ [WAC 173-153-040\(1\)\(f\)](#)

¹¹⁶ [RCW 90.80.020](#) through [RCW 90.80.035](#), [WAC 173-153-040\(8\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- i. A copy of the resolution or petition calling for the creation of a board which:
 - Describes the need for the board;
 - Identifies the geographic area in which the board would serve (WRIA, county, multi-county, or multi-WRIA);
 - Describes the proposed method(s) for funding the operation of the board; and
- ii. Summary of public testimony from the public hearing(s);
- iii. A copy of the resolution adopted by the legislative authority(ies) of the count(ies) creating the board, which includes:
 - Includes all items identified in (d)(i) above;
 - Identifies the lead county for boards with jurisdiction in more than one county;
 - Distinguishes establishment of a three or five member board;
 - Identifies any modifications to the initiating petition or resolution; and
 - A finding that the creation of the board is in the public interest.
- iv. Proposed bylaws for the board.
- e. If the petition calling for the creation of a board is submitted by five water right holders and the county requests assistance, work with the region to identify the documentation of the water right for each water right holder listed based on the definition of water right holder provided in RCW 90.80.050(5) and WAC 173-153-030.
- f. If the petition for creating the board is complete, send a [letter](#) to the county legislative authority documenting date petition package was received complete.
- g. If the petition for creating the board is incomplete, send a [letter](#) to the county requesting required information.
- h. Draft a [letter](#) for signature by the director to approve or deny the establishment of the board within 45 days of receiving the county petition.¹¹⁷ When drafting the letter for the director's determination, consideration is made as to:
 - i. Whether the creation of the board would further the purposes of Chapter 90.80 RCW;¹¹⁸
 - ii. Whether the creation of the board is in the public interest,¹¹⁹ including any protest received by the county during the public hearing process;
 - iii. Any training requirements,¹²⁰ including specialized training that may be required due to such items as protests received or geographic jurisdiction of the board.

¹¹⁷ [RCW 90.80.030\(2\)](#)

¹¹⁸ [RCW 90.80.030\(2\)](#)

¹¹⁹ [RCW 90.80.030\(2\)](#)

¹²⁰ [RCW 90.80.030\(2\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

2. Restructuring a board – Number of commissioners
 - a. May provide guidance to the county and/or the board as they prepare the resolution and petition package to submit to Ecology.¹²¹
 - b. Receive the petition package¹²² restructuring a board submitted by the county legislative authority.
 - c. Using the [Restructuring Petition Checklist](#) review the petition package for completeness including:¹²³
 - i. A copy of the resolution or petition calling for the restructure of a board, which:
 - States the manner and the need for restructuring the board;
 - Identifies geographic jurisdictional area within which the board would serve (WRIA, county, multi-county, or multi-WRIA);
 - Distinguishes establishment of three or five member board; and
 - Identifies the lead county for a multi-county or multi-WRIA board.
 - ii. Summary of public testimony from the public hearing(s);
 - d. If the petition to restructure the board is incomplete, sends a [letter](#) to the county requesting required information.
 - e. Draft a [letter](#) for signature by the director to approve or deny the restructuring of the board within 45 days of receiving the petition. When drafting the letter for the director's determination consideration is made as to:
 - i. Whether the restructure of the board would further the purposes of Chapter 90.80 RCW;¹²⁴
 - ii. Whether the creation of the board is in the public interest,¹²⁵ including any protest received by the county during the public hearing process;
3. Restructuring a board – Geographic jurisdiction
 - a. May provide guidance to the county and/or the board as they prepare the resolution and petition package to submit to Ecology.¹²⁶ If the geographic restructuring involves another county or counties, all counties must agree:
 - i. To the number of board commissioners serving on the board;

¹²¹ [WAC 173-153-045 \(3\)](#)

¹²² [WAC 173-153-045 \(6\)](#)

¹²³ [WAC 173-153-045 \(5\)](#)

¹²⁴ [WAC 173-153-045 \(6\)](#)

¹²⁵ [WAC 173-153-045 \(6\)](#)

¹²⁶ [WAC 173-153-045 \(3\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- ii. Whether the commissioners and alternates currently appointed to and serving on the existing board or boards shall continue in that capacity; and
 - iii. That areas within the county may be included within the geographic jurisdiction of the multi-county, WRIA, or multi-WRIA board.
 - iv. If the county legislative authorities included in the restructuring cannot agree to the terms of the restructure using an existing board, the county or counties in which a county legislative authority already has an established board must dissolve the existing board and work cooperatively with the other county legislative authority or county legislative authorities to establish a new board
- b. Receive the petition package¹²⁷ restructuring a board submitted by the county legislative authority.
 - c. Using the [Restructuring Petition Checklist](#) review the petition package for completeness including:¹²⁸
 - i. A copy of the resolution or petition calling for the restructure of a board, which:
 - States the manner and the need for restructuring the board;
 - Identifies geographic jurisdictional area within which the board would serve (WRIA, county, multi-county, or multi-WRIA);
 - Distinguishes establishment of three or five member board; and
 - Identifies the lead county for a multi-county or multi-WRIA board.
 - ii. Summary of public testimony from the public hearing(s);
 - d. If the petition to restructure the board is incomplete, send a [letter](#) to the county requesting required information.
 - e. Draft a [letter](#) for signature by the director to approve or deny the restructuring of the board within 45 days of receiving the petition. When drafting the letter for the director's determination consideration is made as to:
 - i. Whether the restructure of the board would further the purposes of Chapter 90.80 RCW;¹²⁹
 - ii. Whether the creation of the board is in the public interest,¹³⁰ including any protest received by the county during the public hearing process.

¹²⁷ [WAC 173-153-045 \(6\)](#)

¹²⁸ [WAC 173-153-045 \(5\)](#)

¹²⁹ [WAC 173-153-045 \(6\)](#)

¹³⁰ [WAC 173-153-045 \(6\)](#)

- f. Any training requirements, including specialized training that may be required due to such items as a change in geographic jurisdiction of the board.¹³¹

Time requirements

Ecology has 45 days in which to review a county's petition to create or restructure a board.¹³²

Chapter 8 - Communication between the water conservancy board coordinator and regional offices

Communication discussed in this chapter is usually considered informal. Generally, providing a hard copy of your written correspondence or emailing is appropriate for most situations.

1. Regions should communicate with the water conservancy board coordinator:
 - a. When a county indicates the desire to create a board and requests further information.
 - b. When information is received regarding changes to the membership or primary contact on a board.
 - c. When training is provided directly by regional staff to boards. This may include board commissioners participating in a field examination or other training offered at the regional office.
 - d. If specific training needs of boards are identified within your region.
 - e. If a board requests technical assistance regarding board process.
 - f. To provide copies of Ecology's administrative orders related to boards' records of decision.
 - g. If questions arise that may require legal or policy decisions that affect all boards statewide.
2. The water conservancy board coordinator should communicate with the regions:
 - a. When a county indicates the desire to create a board or petitions to create or restructure a board.
 - b. To provide a copy of the [letter](#) approving the creation of a board.
 - c. To provide a copy of the [letter](#) approving the restructuring of a board.

¹³¹ [WAC 173-153-050\(4\)](#)

¹³² [RCW 90.80.030\(2\)](#); [RCW 90.80.050](#); [WAC 173-153-045\(7\)](#)

- d. When corresponding with boards in your region.
- e. When requests for technical assistance regarding a specific applications are received.
- f. Questions or concerns are received regarding specific to regional procedure or policy.
- g. Regarding upcoming board trainings.
- h. When updating board contact information.
- i. When appropriate upon receipt of legislative requests relating to board data and processes.
- j. To provide forms and templates for use by boards and regions.
- k. To inform the region of board commissioner that may have not completed required training prior to making water right change decisions.
- l. To provide a copy of the [letter](#) to county legislative authority indicating successful completion of the minimum 32 hour training.

Chapter 9 - Communication between boards and counties with the water conservancy board coordinator

1. WCB Communicator

This is a communication tool initiated by the coordinator to inform water conservancy boards and counties about current board operations and processes. The coordinator identifies topics to address in the document based on discussions with boards and staff. This document is emailed out periodically (about 2-4 times per year).

2. Counties must communicate with the water conservancy board coordinator:

- a. When submitting the county legislative authority's petition to create a board to Ecology.¹³³
- b. To inform of the appointment of board commissioners including contact information and terms of office.¹³⁴

¹³³ [WAC 173-153-040\(9\)](#)

¹³⁴ [WAC 173-153-042\(1\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- c. To inform of a vacancy on a board and to provide information regarding the reappointment of an incumbent or new appointee, including contact information and term of office.¹³⁵
- d. When submitting the county legislative authority's resolutions to restructure a board.¹³⁶
3. The water conservancy board coordinator must communicate with the counties when:
 - a. Reviewing county legislative authority's petition to create a board for necessary information and completeness and to prepare recommendation to Ecology's director for final decision.¹³⁷
 - b. Reviewing county legislative authority's resolutions to restructure a board for necessary information and completeness and to prepare recommendation to Ecology's director for final decision.¹³⁸
 - c. Responding to questions regarding board vacancies, board commissioner terms, dissolution, or restructuring.
 - d. Periodically to report unfulfilled training requirements.
4. Board commissioners must communicate with the water conservancy board coordinator:
 - a. When changes to board membership occur including resignation.¹³⁹
 - b. When vacancies on a board occur.¹⁴⁰
 - c. Coordinating training for new commissioners.¹⁴¹
 - d. Coordinating and documenting continuing education training opportunities for board commissioners¹⁴²
 - e. [Interlocal Cooperation Agreements](#).¹⁴³
 - f. The [primary contact](#) for a board.¹⁴⁴
 - g. Changes to a board's primary contact information.¹⁴⁵

¹³⁵ [WAC 173-153-042 \(2\)](#) ; [WAC 173-153-042 \(3\)](#)

¹³⁶ [WAC 173-153-045 \(6\)](#)

¹³⁷ [WAC 173-153-040 \(9\)](#)

¹³⁸ [WAC 173-153-045 \(6\)](#)

¹³⁹ [WAC 173-153-042 \(8\)](#)

¹⁴⁰ [WAC 173-153-042 \(9\)](#)

¹⁴¹ [WAC 173-153-050 \(2\)](#)

¹⁴² [WAC 173-153-050 \(10\)](#)

¹⁴³ [RCW 90.80.035 \(2\)](#) ; [WAC 173-153-060 \(9\)](#)

¹⁴⁴ [WAC 173-153-100 \(4\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- h. Request for technical assistance including, but not limited to, board process.¹⁴⁶
 - i. Annual [legislative report](#) on activities of the board.¹⁴⁷
5. Additional support provided by the water conservancy board coordinator:
- a. Requests information from boards in response to specific legislative requests sent through the water conservancy board coordinator.
 - b. Researches and responds to legal or policy questions that may have an affect on boards statewide. Ecology cannot provide direct legal assistance to boards. In instances where a topic may be of general interest to all boards, the coordinator may be able to obtain legal or agency guidance. The coordinator can then share it with all boards and staff statewide.
 - c. Provides, maintains, and updates forms identified in statute and rule to be used by boards and Ecology including:
 - [Record of Decision](#)
 - [Report of Examination](#)
 - [Training Credit Request Form](#)
 - [Withdrawal of Record of Decision from Ecology](#)
 - d. Maintains database on all water conservancy board commissioners, terms, training, and contact information.
 - e. Provides guidance if a board simply isn't sure where to go.
 - f. Provides outreach to counties and public interested in water conservancy boards and their activities including presentations.

¹⁴⁵ [WAC 173-153-100\(4\)](#)

¹⁴⁶ [WAC 173-153-120](#)

¹⁴⁷ [RCW 90.80.150](#); [WAC 173-153-170](#)

Chapter 10 - Communication between a board or county and the designated Ecology regional representative

1. A county must communicate with the Ecology regional representative to provide a copy of the [public notice](#) for the public hearing to create a board at the same time it is submitted for publication.¹⁴⁸
2. A board must communicate and/or provide Ecology regional representatives specific information including:
 - a. To [request](#) a copy of the water right file related to the water right transfer application filed with the board.¹⁴⁹
 - b. To request technical assistance to resolve any problems associated with conflicting applications.¹⁵⁰
 - c. Providing [written documentation](#) of the board's acceptance of an application and the original application to Ecology *within 5 business days* after the board accepts an application for processing including:¹⁵¹
 - i. The original application;
 - ii. The board assigned application number.
 - d. Upon receipt of a written [request](#) by an applicant that an application previously filed with Ecology be conveyed to a board with geographic jurisdiction for processing, provide a copy of the application to the board to review and consider for acceptance. The applicant must also supply a copy of the request to the board. The board can then determine if it wants to consider the application for processing.¹⁵²
 - e. Upon a decision by a board to [decline processing](#) an application, the board must inform the applicant in writing with a copy to Ecology *within 14 business days*.¹⁵³
 - Upon notification by a board to decline processing an application, Ecology may send a [letter](#) to the applicant inquiring of the applicant's desire for Ecology to process the application, which is dual-filed at Ecology. If no response is received, Ecology may cancel the application in accordance with the notice contained in the letter.
 - f. Provide a copy of the [public notice](#) of an application *at the same time* it is submitted for publication.¹⁵⁴

¹⁴⁸ [WAC 173-153-040 \(5\)](#)

¹⁴⁹ [WAC 173-153-060 \(2\) \(a\)](#)

¹⁵⁰ [WAC 173-153-060 \(4\)](#)

¹⁵¹ [WAC 173-153-070 \(12\)](#)

¹⁵² [WAC 173-153-070 \(16\)](#)

¹⁵³ [WAC 173-153-070 \(18\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- g. Provide corrected copies of original application and/or public notices of any amended transfer application.¹⁵⁵
 - h. Forward to Ecology any protests it received including the \$50 protest fee.¹⁵⁶
 - i. To consult with Ecology if your board encounters new, unusual, or controversial issues related to the application.¹⁵⁷
 - j. To consult with Ecology on an application to transfer a water right located in an area subject to an ongoing adjudication prior to taking any action on the application.¹⁵⁸
 - k. To request technical assistance related to a water right transfer application.¹⁵⁹
 - l. Deliver the records of decision and reports of examination to Ecology.¹⁶⁰
 - m. *Within 14 days* after Ecology completes its review of the record of decision, the board must submit any remaining original documents not previously submitted to Ecology.¹⁶¹
 - n. Any comments received by a board *within 30 days after Ecology's final order* regarding the board's record of decision must be forwarded to Ecology *within 5 business days* of the board's receipt of such comments.¹⁶²
 - o. A decision by the board to [withdraw](#) the ROD/ROE from Ecology. All documents submitted with the ROD/ROE are included in the withdrawal.¹⁶³
3. Ecology must communicate with the board:
- a. When Ecology [assigns a state water right change number](#) to an application *within 30 business days* from receipt of the application from the board.¹⁶⁴
 - b. If the applicant requests Ecology process an application declined by a board, Ecology can [request further written explanation](#) from the board regarding the board's reason for declining to process. The board must provide this *within 30 days*.¹⁶⁵
 - c. To provide a [list of parties](#) that have identified themselves to Ecology as interested in the geographic area of the board.¹⁶⁶

¹⁵⁴ [WAC 173-153-080 \(3\)](#)

¹⁵⁵ [WAC 173-153-080 \(5\)](#)

¹⁵⁶ [WAC 173-153-090 \(6\)](#)

¹⁵⁷ [WAC 173-153-110 \(11\)](#)

¹⁵⁸ [WAC 173-153-110 \(12\)](#)

¹⁵⁹ [RCW 90.80.055 \(1\) \(d\)](#) ; [WAC 173-153-120](#)

¹⁶⁰ [WAC 173-153-140 \(1\)](#)

¹⁶¹ [WAC 173-153-140 \(3\)](#)

¹⁶² [WAC 173-153-140 \(4\)](#)

¹⁶³ [WAC 173-153-150 \(9\)](#)

¹⁶⁴ [WAC 173-153-070 \(13\)](#)

¹⁶⁵ [WAC 173-153-070 \(21\)](#)

¹⁶⁶ [WAC 173-153-070 \(23\)](#)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- d. To provide a copy of any [protest received](#) by Ecology to the appropriate board processing the protested application *within five days* of receipt of the protest.¹⁶⁷
- e. Respond to requests by a board for technical assistance.¹⁶⁸
- f. Designate to boards the Ecology regional representative for receipt of each board's records of decision.¹⁶⁹
- g. *Upon receipt* of a record of decision and report of examination, Ecology must acknowledge in writing the [date of receipt](#) to the issuing board.¹⁷⁰
- h. Post a board's record of decision and report of examination on Ecology's Internet site *within five business days*.¹⁷¹
- i. Notify boards if a [30-day extension](#) has been invoked.¹⁷²

Chapter 11 - Reporting Requirements

- 1. [Report to the legislature](#) regarding activities of boards is completed every even-numbered year.¹⁷³
- 2. Boards are required to report activities to the water conservancy board coordinator annually.¹⁷⁴
- 3. Regions are requested to report numbers of RODs processed each month for legislative requests and quarterly reports.

-Ken Slattery-

10/25/06

Ken Slattery, Program Manager

Date

¹⁶⁷ [WAC 173-153-090 \(2\)](#)

¹⁶⁸ [RCW 90.80.055 \(1\) \(d\)](#); [WAC 173-153-120](#)

¹⁶⁹ [WAC 173-153-140 \(1\)](#)

¹⁷⁰ [WAC 173-153-150 \(1\)](#)

¹⁷¹ [WAC 173-153-150 \(3\)](#)

¹⁷² [WAC 173-153-150 \(1\)](#)

¹⁷³ [RCW 90.80.150](#); [WAC 173-153-170](#)

¹⁷⁴ [RCW 90.80.150](#); [WAC 173-153-170](#)

Appendices

Checklist for Water Conservancy Board Petitions

County(ies) _____ Lead County _____

Date Received _____ Complete _____ Decision due _____

A petition to create a board submitted to Ecology must include the following pursuant to WAC 173-153-040(8):

_____ 1. A copy of the resolution or petition proposed by _____ (*check list below) calling for the creation of a board to include the following:

_____ **(If initiated by 5 water right holders must include names and addresses of petitioners)**

- a. States **need** for board;
- b. Identifies geographic area within which the board would serve (WRIA, county, multi-county, or multi-WRIA); and
- c. Describes the proposed method(s) for funding operation of the board.

_____ 2. Summary of public testimony from the public hearing(s).

_____ 3. A copy of the resolution adopted by the legislative authority(ies) of the county(ies) to Ecology must include:

- a. Includes items 1 a, b, c, and d listed above.
- b. Identifies the lead county for boards with jurisdiction in more than one county.
- c. Distinguishes establishment of three or five member board.
- d. Any modifications to information included in the initiating petition or resolution; and
- e. A finding that the creation of the board is in the public interest.

_____ 4. Proposed bylaws for the board.

*Resolutions or petitions calling for a water conservancy board may be initiated by:

- A. The legislative authority or authorities of the county or counties which would be served by the board.
- B. The legislative authority of an irrigation district.
- C. The legislative authority of a public utility district that operates a public water system
- D. The legislative authority of a reclamation district
- E. The legislative authority of a city operating a public water system
- F. The legislative authority of a water-sewer district that operates a public water system
- G. The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts
- H. A petition signed by 5 or more water rights holders, (including names and addresses) who divert water for use in the geographic area which would be served by the board; or
- I. Any combination of the above.

Comments: _____

Send completed petition package to the Water Conservancy Board Coordinator, Dept. of Ecology, Water Resources Program, 4601 N. Monroe Street, Spokane, WA 99205.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Incomplete-Complete Creation Petition Pkg ltr
Updated: June 23, 2006

<Current date>

«FirstName» «LastName»
<County Name>
«Address»
«City», «StateOrProvince» «PostalCode»

Dear «Dear»:

We received your petition to establish the <Board name> on <Date>. We have examined the petition package and find that it is missing some items. RCW 90.80.030 states the director of the Department of Ecology “shall approve or deny the creation of a board within 45 days after the county legislative authority has submitted all information required. . .” In accordance with RCW 90.80.035, your petition package is found to be:

- Complete. The 45-day review period begins on Date petition received complete.
- Incomplete at this time. Once all items have been received and the petition package is complete you will be notified in writing of the 45-day review period. In accordance with WAC 173-153-040(8), please submit to me the following documentation:
 - A copy of the resolution or petition calling for the creation of a board;
 - Names and addresses of the 5 water right holders petitioning to create the board;
 - A copy of the affidavit of publication for the public notice that appeared in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the date of the public hearing on the proposed creation of the board.
 - The number of commissioners to serve on the board;
 - The proposed geographic area of jurisdiction of the board;
 - Identify the lead county;
 - A summary of public testimony presented during the public hearing(s) conducted by the legislative authority in response to the resolution to create a board including the date of the hearing.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

<Name of County> County

Page 2

<Date>

- A copy of the resolution by the county legislative authority approving the creation of a water conservancy board. The resolution must include a method for funding the proposed water conservancy board.

- A copy of the board's proposed bylaws.

If you have any questions, please feel free to contact me at (509) 329-3421 or email jaca461@ecy.wa.gov.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: Board name Water Conservancy Board
Regional Rep, Ecology Regional office

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Approval of Bd Creation Ltr
Revised: June 23, 2006

<Date>

The Honorable <County Commissioner Name>, Chair
<Name of County> Board of Commissioners
<Address>
<City>, WA <Zip>

Dear Commissioner <Commissioner's last name>:

I am pleased to inform you that the <Board Name> Water Conservancy Board is now approved in accordance with the resolution adopted by the <County name> County Commissioners. Members for the new board may now be appointed for staggered terms of two, three, four, five, and six years. Please contact Janet Carlson of our office at (509) 329-3421 to provide names and addresses of the new board commissioners and discuss possible training dates.

<Special conditions or concerns with the petition package e.g. We have noted that your proposed bylaws refer to several items that are in conflict with Chapter 90.80 RCW as amended in the 2001 session. A copy of this statute is enclosed. I understand that your office has had discussions with Ecology staff regarding your draft bylaws. You may want to consider changing these items to reflect the requirements of the revised statute.

You may now begin operation. Please remember however, that water-right decisions can only be made by the board after the board commissioners have been appointed and completed their training.

We look forward to working with you. If you have any questions about this process please call Janet Carlson at (509) 329-3421 or email at jaca461@ecy.wa.gov.

Sincerely,

Jay Manning
Director

Enclosure

cc: Janet Carlson-Ecology
Supervisor, Ecology Regional Office
Center for Environmental Law and Policy

Petition Checklist to Restructure Number of Members on a Water Conservancy Board

County(ies) _____ Date Received _____

Complete _____ Decision due _____

Restructure from: 3 members 5 members Single Co. Multi-County WRIA Multi-WRIA

Restructure to: 3 members 5 members Single Co. Multi-County WRIA Multi-WRIA

Documents for submission to Ecology:

_____ 1. Resolution by county or counties approving the board, including:

_____ a. States the manner and the **need** for restructuring the board;

_____ b. Identifies geographic jurisdictional area within which the board would serve (WRIA, county, multi-county, or multi-WRIA);

_____ c. Distinguishes establishment of three or five member board.

_____ d. Identifies the lead county for a multi-county or multi-WRIA board.

_____ 2. Summary of public testimony from the hearing.

Comments: _____

Send completed petition package to the Water Conservancy Board Coordinator, Dept. of Ecology, Water Resources Program, 4601 N. Monroe, Spokane, WA 99205. For questions, contact Janet Carlson at (509) 329-3421 or email jaca461@ecy.wa.gov.

(06/23/06)

This checklist is provided to assist counties in restructuring water conservancy boards and is used by the department to inventory restructuring petition packages for completeness. Please refer to Chapter 90.80 RCW and Chapter 173-153 WAC for details.

Petition Checklist to Restructure a Water Conservancy Board Jurisdiction

County(ies) _____ Lead County _____

Date Received _____ Complete _____ Decision due _____

Restructure from: 3 members 5 members Single Co. Multi-County WRIA Multi-WRIA

Restructure to: 3 members 5 members Single Co. Multi-County WRIA Multi-WRIA

A petition to create a board submitted to Ecology must include the following pursuant to RCW 90.80 020, 90.80.035 and WAC 173-153-045:

_____ 1. A copy of the resolution or petition proposed by _____ (*check list below) calling for the creation of a board to include the following:

_____ (If initiated by 5 water right holders must include names and addresses of petitioners)

- a. States manner and **need** for board;
- b. Identifies geographic area within which the board would serve (WRIA, county, multi-county, or multi-WRIA); and
- c. Describes the proposed method(s) for funding operation of the board.

_____ 2. Summary of public testimony from the public hearing(s).

_____ 3. A copy of the resolution adopted by the legislative authority(ies) of the county(ies) to Ecology must include:

- a. Includes items 1 a, b, and c listed above.
- b. Identifies the lead county for boards with jurisdiction in more than one county.
- c. Distinguishes establishment of three or five member board.
- d. Any modifications to information included in the initiating petition or resolution; and
- e. A finding that the creation of the board is in the public interest.

_____ 4. Proposed bylaws for the board.

*Resolutions or petitions calling for a water conservancy board may be initiated by:

- A. The legislative authority or authorities of the county or counties which would be served by the board.
- B. The legislative authority of an irrigation district.
- C. The legislative authority of a public utility district that operates a public water system
- D. The legislative authority of a reclamation district
- E. The legislative authority of a city operating a public water system
- F. The legislative authority of a water-sewer district that operates a public water system
- G. The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts
- H. A petition signed by 5 or more water rights holders, (including names and addresses) who divert water for use in the geographic area which would be served by the board; or
- I. Any combination of the above.

Comments: _____

Send completed petition package to the Water Conservancy Board Coordinator, Dept. of Ecology, Water Resources Program, 4601 N. Monroe, Spokane, WA 99205. For questions, contact Janet Carlson at (509) 329-3421 or email jaca461@ecy.wa.gov.

(06/23/06)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Incomplete Restructure Petition Pkg Ltr
Updated: May 17, 2006

<Date>

<Name>

<County Planning or County Commissioners>

<Address>

<City> WA <Zip>

Dear _____ :

County's petition to restructure the water conservancy board from three to five members was received in our office on Date. As stated in WAC 173-153-045 (6), the director will determine whether the restructuring of a board will further the purposes of the law and be in the public interest as described in WAC 173-153-040(9).

The petition package is found to be incomplete at this time. In accordance with WAC 173-153-045 please submit to me the following documentation:

- The manner of restructuring and the need for restructuring the board;
- The number of commissioners to serve on the board;
- The proposed geographic area of jurisdiction of the board;
- Identify the lead county;
- A summary of public testimony presented during the public hearing(s) conducted by the legislative authority in response to the resolution to restructure a board including the date of the hearing.

Upon receipt of all required documentation the director of Ecology will then have a maximum of 45 days to make a final determination. The _____ Water Conservancy Board should continue to operate as a three-member board until final approval from the director is received.

If you have any questions, please feel free to contact me at (360) 407-6274 or email jaca461@ecy.wa.gov.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: _____ Water Conservancy Board
_____, Ecology _____ RO

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Restructure Approval Letter
Updated: May 17, 2006

<Date>

<Co. Commissioner Chair name>
<County Name>County Board of Commissioners
<Address>
<City>, WA <Zip>

Dear Commissioner :

I am pleased to inform you that the <Board Name> County Water Conservancy Board is now approved to expand from a three member board to five member board in accordance with resolution <Resolution #> adopted by the <Name of County>County Commissioners. Commissioners for the new board may now be appointed. Please contact Janet Carlson at Ecology at (509) 329-3421 to provide names and addresses of the new board members and discuss possible training dates.

Please remember that board members can only make water right decisions after they have been appointed and completed their training.

We look forward to working with you. If you have any questions about this process please call Janet Carlson of my staff at (509) 329-3421 or email at jaca461@ecy.wa.gov.

Sincerely,

Jay Manning
Director

cc: Janet Carlson, Ecology
 <Regional Sup>, Ecology
 <Name of Board> Water Conservancy Board
 Center for Environmental Law and Policy

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Term expiration letters
Updated: May 17, 2006

<Date>

County Board of Commissioners

Dear Honorable Commissioners:

Our records indicate that the term of _____, a commissioner on the _____ County Water Conservancy Board, will expire on _____. Please send me written documentation by the county either reappointing _____ to another term or appointing a new commissioner to the vacant position.

When considering the appointment of a board commissioner, please keep in mind:

- RCW 90.80.050 specifies that a county legislative authority must ensure that a water conservancy board has at least one member who is a water right holder and one who is not a water right holder.
- Board commissioners and alternate are each (re)appointed for six-year terms.

New board commissioners must attend at least 32 hours of training provided by Ecology prior to acting on any water right change application. A person the county anticipates appointing to a board may receive the required training prior to formal appointment. New commissioner training sessions generally occur each spring and fall.

Plan ahead! We are currently planning the next session for _____. The spring training sessions tend to be less full than those held in fall. By keeping us informed of your schedule for filling board vacancies we can anticipate training requirements and prevent potential disruption to the work of the board. If you have any questions contact me at (509) 329-3421, email at jaca461@ecy.wa.gov, or by mail at the address above.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: _____ County Water Conservancy Board
_____, Ecology
Center for Environmental Law and Policy

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Training Materials Ltr
Updated: June 23, 2006

March 29, 2004

Dear Water Conservancy Board Commissioner:

Congratulations on your recent appointment to the Water Conservancy Board.

The statute authorizing water conservancy boards, Chapter 90.80 RCW, Water Conservancy Boards, requires that you receive training from the Department of Ecology prior to your taking action on any proposed water right transfer application.

You are scheduled to attend the following training for new board commissioners. We encourage you to attend this training session. If you plan to attend but will miss any part of this scheduled training, please contact me to make arrangements for making up that time.

April 13-16, 2004: The training is to be held from 8 a.m. to 5 p.m. each day at the Ecology Eastern Regional Office, 4601 N. Monroe St. in Spokane. The training will cover general state water law, rules, policies, procedures, generally applicable guidance and issues related to the county boards in attendance. Hydrology and special water resource rules or problems related to specific counties will also be covered. Staff from Ecology regional offices will be in attendance and may make presentations of recent decisions.

Please contact me, phone (509) 329-3421 or email jaca461@ecy.wa.gov if you have any questions. If you can not attend this session, be assured that there will be additional training sessions in the future, possibly other regional offices.

Enclosed are a packet of information for prior reading and driving directions to the training location. Please bring this packet to the training.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: Keith Stoffel, ERO
Bob Barwin, CRO
Dan Swenson, NWRO
Tom Loranger, SWRO

Enclosures

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Training Completion Letter
Updated: May 17, 2006

<Date>

County Board of Commissioners
<Address>
<City>, WA <zip>

SUBJECT: Certification of Completion of Water Conservancy Board Training

Honorable Commissioners:

The Department of Ecology is required by WAC 173-153-050(5) to certify to the Board of County Commissioners that appointees to a water conservancy board have successfully completed the mandatory training provided by Ecology. Over the past six years, 21 boards have been established and over 125 board commissioners and their staff have been successfully trained by Ecology.

Participants in the training have included some county staff members, staff that will be directly assisting water conservancy boards, as well the board commissioners themselves.

Training for the newly appointed <Board Name>Water Conservancy Board commissioners was held at the <Location> in <City> during the week of <Dates>. The following board members successfully completed the required training and examination:

- 1.
- 2.

RCW 90.80.030 and WAC 173-153-050 mandate that each water conservancy board commissioner complete at least 32 hours of instruction prior to taking action on any proposed water right transfer or change. It requires Department of Ecology staff to provide instruction including hydrology, state water law, state water policy, local tribal issues, administrative and judicial case law developments, field practices, evaluation of existing water rights, and applied practical experience working with applications for transfer of water rights. In addition, the board commissioners must demonstrate sufficient mastery of the training curriculum by passing an examination upon completion of the training.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

<County Name> County Board of Commissioners

<Date>

Page 2

The board commissioners listed above are qualified to process water right change applications as outlined in the board's petition approval letter from the Director. If you have any questions regarding this training contact me at jaca461@ecy.wa.gov or (509) 329-3421.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: , CRO
 <Board name> Water Conservancy Board
 Center for Environmental Law and Policy

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Water Conservancy Board Primary Contact Report Updated: April 17, 2006

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Adams Co.	c/o Adams Co. Conservation District 402 E. Main Ritzville, WA 99169	(509) 659-1553 adamcd@ritzcom.net	Gary DeVore/Joyce McNeil	\$500 per application
Benton Co.	3030 W. Clearwater, Suite 205-A Kennewick WA 99336	(509) 783-1623 dolsenecon@aol.com	Dr. Darryll Olsen	\$250 per application
Chelan Co.	316 Washington Street, Suite 401 Wenatchee, WA 98801 Attn: Lisa de Vera	(509) 888-0461 donphelps@aol.com	Don Phelps	\$1000 fee plus 25%, unused balance refunded
Douglas Co.	P.O. Box 608 Waterville WA 98858	Phone: (509) 745-9160 Fax: (509) 745-8121 ccowling@crcwnet.com	Carol Cowling	*\$300, plus public notice costs; additional fees may be charged
Ferry Co.	639 Kettle River Road Curlew, WA 99118	Phone: (509) 779-4434 Fax: (509) 779-4278 usnwe@televar.com	Patrick Hamilton	\$50 non refundable appl fee; additional \$200 plus public notice costs
Franklin Co.	1620 Road 44 N. Pasco, WA 99301	Phone: (509) 545-8546 x 3 (Nielson) Phone: (509) 547-9751 (Johnson) Fax: (509) 545-5859 Cell: (509) 735-1473 (Nielson) henrycja@aol.com (Johnson)	Henry Johnson Mark Nielson	\$650 per applic with up to two permits; \$650 per permit thereafter
Grant Co.	3953 Airway Drive NE Moses Lake, WA 98837	Phone: (509) 765-8864 or (509) 766-7277 Cell: (509) 750-7589 rsrolfne@atnet.net	Robert Rolfness	\$500; \$100 filing fee + \$400 processing fee
Island Co.	P.O. Box 5000 Coupeville, WA 98239	(360) 678-6268 or wisewater@earthlink.net (Attwater) (360) 387-0680 or res0t6c3@verizon.net (Bach)	Bill Attwater Larry Bach	\$750; \$100 up front, non-refundable
Kittitas Co.	411 North Ruby, Suite 5 Ellensburg, WA 98926	(509) 899-4836 cheryvarnum@yahoo.com	Chery Varnum	\$100 non-refundable for submittal; \$500 acceptance fee
Klickitat Co.	Klickitat Co. Planning Dept. 228 West Main St., MS-CH-17 Goldendale, WA 98620	Phone: (509) 894-4656 Fax: (509) 894-4965 cbeightol@bentonrea.com	Richard Beightol	\$500
Lewis Co.	P.O. Box 1345 Chehalis WA 9853	(360) 978-4358or chrischeney@earthlink.net	Chris Cheney	\$500

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Lincoln Co.	P.O. Box 368 Davenport, WA 99122	Phone: (509) 257-2800 Cell: (509) 995-5242 waterboard@co.lincoln.wa.us	Rex Harder	\$500 per application
Mason Co.	1125 N 13th Street, Apt. D13 Shelton, WA 98584	(360) 432-7832 or george@dentaldiscounts.com	George Campbell	\$100 application plus \$800 processing fee
Okanogan Co.	PO Box 1695 Omak, WA 98841	(509) 429-2841 or ocwcb@hotmail.com	Mary Anderson	\$100 application plus \$500 processing fee
Spokane Co.	P.O. Box 13496 Spokane, WA 99213-3496	(509) 922-5127 or djriders@concentric.net	Doug Rider	\$100 application fee; \$400 processing fee
Stevens Co.	PO Box 731 Kettle Falls, WA 99141	(509) 258-4041 or wpmccart@juno.com (Wes McCart)	Wes McCart	\$500 base fee, plus costs
Thurston Co.	P.O. Box 1037 Olympia, WA 98507-1037	(360) 352-5090 or Jerry.Louthain@hdrinc.com	Jerry Louthain	\$1450 per application; \$300 filing fee + \$1150 processing fee
Walla Walla Co.	P.O. Box 1506 Walla Walla WA 99362	Phone: (509) 547-9312 (509) 544-6537 Cell: (509) 531-1813 Fax: (509) 565-9964 alankottwitz@bc.com	Alan Kottwitz	\$500
Whatcom Co.	600 Lakeway Drive Bellingham, WA 98225	Phone: (360) 676-6749 Fax: (360) 738-2451 atkinpj@dshs.gov	Pat Atkinson	\$150 application fee; \$600 processing fee plus any additional costs
Whitman Co.	2892 Belsby Road Cheney, WA 99004	Phone: (509) 235-8581 whitmanwb@earthlink.net	Nancy Belsby	\$300 application fee; \$300 for processing
Yakima Co.	2301 Fruitvale Boulevard Yakima WA 98901	Phone: (509) 574-2650 Fax: (509) 574-2651 sylvia.cervantes@co.yakima.wa.us	Sylvia Cervantes	\$100 non-refundable application fee; \$500 acceptance fee



Washington State
Department of
Ecology

Water Conservancy Board Training

This is to certify that

Jim Throckmorton

In accordance with RCW 90.80.030 and WAC 173-153-050, has completed 32 hours of training from the State Department of Ecology staff and shown sufficient mastery of the training curriculum through examination.

Dates of training: *April 13-16, 2004*

Location of training: *Spokane, Washington*

Fred Rajala, Environmental Specialist

Janet Carlson, Environmental Specialist

Dated

Dated

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Training Status Memo
Updated: May 17, 2006

January 6, 2006

Water Conservancy Board
Bd Address
City, ST, Zip

RE: Training Status of Water Conservancy Board Commissioners

Dear Water Conservancy Board Commissioners:

Pursuant to WAC 173-153-050(6), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the appointment date of each commissioner. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application* being considered by a board." [Emphasis added]

It is therefore essential that commissioners keep their continuing education current, in order to fully participate in water right change decisions made by the board. Ecology's records indicate the status of continuing education for current board commissioner(s) is as follows:

<u>Commissioner name</u>	<u>Appointment date</u>	<u>Next training due by</u>	<u>Hours Needed</u>
--------------------------	-------------------------	-----------------------------	---------------------

Therefore, as of date of letter, Ecology's records indicate **of board commissioners and alternates are currently eligible** to participate in water right transfer decisions.

It is the responsibility of each board commissioner to ensure his/her own eligibility and remain current on continuing education. Ecology will not regulate boards for compliance with the training regulations. However, eligibility of a board commissioner could become a basis for reversal of a record of decision or an appealable action by a third party of Ecology's final administrative order.

Water Conservancy Board

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Training Status

Date

Page 2

Remember that to receive credit for continuing education through any source other than Ecology, board commissioners must complete a Training Credit Request Form (Ecology form #040-104 – can be found on line at <http://www.ecy.wa.gov/biblio/ecy040104.html>) and comply with the procedures described in WAC 173-153-050. The form must be submitted to me with all requested information, including:

- Documentation of training attended such as course agenda or certificate of attendance.
- Short summary of information obtained (in the case of readings or general presentations).
- Description of how the training directly relates to the commissioner's work on the water conservancy board.

If you have any questions, or feel the status of your continuing education information is in error, please contact me at (509) 329-3421 or jaca461@ecy.wa.gov as soon as possible.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: Ecology Regional Office
 County Board of Commissioners
 Center for Environmental Law and Policy

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Ineligibility Notification
Updated: May 17, 2006

MEMORANDUM

<Date>

TO: <Regional Rep Name>, <Regional Office>

FROM: Janet L. Carlson, Water Conservancy Board Coordinator

SUBJECT: Ineligibility status on the Board name Water Conservancy Board

Ecology's records indicate that as of <Date> <Name of WCB Commissioner> is ineligible to participate in water right change decisions on the Board name Water Conservancy Board. Pursuant to WAC 173-153-050(6), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the commissioner's appointment date to the board. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application* being considered by a board." [Emphasis added] It is therefore essential that commissioners keep their continuing education current, in order to fully participate in all board activities.

Ecology's records indicate <Name of WCB Commissioner> appointment date as <date>. <Name of WCB Commissioner> required _____ hours continuing education for the year following _____ to remain eligible to participate in water right change decisions. <Name of WCB Commissioner> will also need an additional _____ hours in the year after _____ to remain eligible.

To receive training credit board commissioners must submit a complete training credit request form (found on line at <http://www.ecy.wa.gov/biblio/ecy040104.html>) and follow the procedure described in WAC 173-153-050(11) through (20).

It is the responsibility of each board commissioner to ensure his/her own eligibility and remain current on continuing education. Ecology will not regulate boards for compliance with the training regulations. However, eligibility of a board commissioner could become a basis for reversal of a record of decision or an appealable action by a third party of Ecology's final administrative order.

If the region or the board feels this documentation is in error or have questions about eligibility, please contact me at (509) 329-3421 or jaca461@ecy.wa.gov.

cc: Water Conservancy Board
<Individual commissioner or alternates name/address>
County Board of Commissioners
Center for Environmental Law and Policy

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Incomplete CE Documentation Letter
Updated: May 16, 2006

<Current date>

<Name>

<Address>

<City, State, Zip>

Dear <Name>:

I am returning your request for training credit, which I received by mail, fax, email, etc. on date. You are requesting training credit for activity. In accordance with WAC 173-153-050(7), the request must be reported on Ecology's Training Credit Request Form and approved by Ecology. However, your request cannot be processed at this time. In order for your request to be processed, please provide the following:

- A written summary of the reading, presentation, etc. accomplished must be included with the training credit request form.
- Certification of your attendance with a copy of the brochure, receipt or other documentation.
- Credit for training cannot be documented prior to your participation in the activity. Please resubmit the completed training credit request form with verification of your attendance.
- The request must be submitted with a Training Credit Request Form, form number 040-104.

The purpose of the training credit request form is to document training received. Please resubmit the completed training credit request form with the requested information. Your request will be considered at that time and you will be notified by letter of the hours documented in your file.

If you have questions, please feel free to contact me at either (509) 329-3421 or jaca461@ecy.wa.gov.

Sincerely,

Janet L. Carlson
Water Resources

cc: Water Conservancy Board
, Ecology RO

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Continuing Education Confirmation Letter
Updated: May 16, 2006

<Date>

<Name>

<Address>

<City, State, Zip>

Dear <Name>:

Your training credit request form has been received. You have requested continuing education credit for No. of hours hours acquired on Date(s) of training for (identify activity). In accordance with WAC 173-153-050, "After completing one year of service on a water conservancy board, each following year prior to the anniversary of their appointment to the board, commissioners must complete an additional eight hours of continuing education provided or approved by ecology. Each commissioner shall complete the minimum continuing education requirement before participating in any decision concerning a water right transfer application being considered by a board."

The Department of Ecology will track the eight hours required annually for each board commissioner. Any additional continuing education hours reported within the year will be documented and kept on file at the Department of Ecology. A training credit request form must be completed in order to receive credit for training offered by entities other than Ecology.

You have been credited hours toward the annual eight-hour continuing education requirement for the current appointment year. You will need an additional hours to fulfill this requirement.

According to our records eight hours continuing education needs to be completed within the 12 months prior to date.

If you have any questions about training contact me at (509) 329-3421 or jaca461@ecy.wa.gov.

Sincerely,

Janet L. Carlson
Water Resources Program

cc: Water Conservancy Board
 Ecology Regional Office
 County Board of Commissioners
 Center for Environmental Law and Policy

2006 Report to Legislature
Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name		Date board established	
Board address/ phone/email	(Name of Location) (Address) (City), (ST) (Zip) (Phone) and/or (email)		
Board commissioners	, Chair , Member , Member , Member , Member , Alternate Alternate	Term Expiration Date	
Primary board contact	(Name), (Title)		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule			
Regular meeting location			
Current fee for processing			Has this changed from last year? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

¹ For water right transfers between counties

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	
	Total applications accepted 11/01/05 to 10/31/06	
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	
	Board declined to process	
Applications for	Ground water transfers	
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties ¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
Records of Decisions by the Board		
Approved		
Denied		
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

¹ For water right transfers between counties

(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
Received: <i>Date Stamp</i>
Reviewed by: _____ Date Reviewed: _____

Applicant: (applicant's name)

Application Number: (application number)

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Water Conservancy Board held on (date meeting was held).

Approval:

The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial:

The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

	Date: _____	Approve <input type="checkbox"/>
(Name), Chair (Board Name) Water Conservancy Board		Deny <input type="checkbox"/>
	Date: _____	Abstain <input type="checkbox"/>
(Name), (Title) (Board Name) Water Conservancy Board		Recuse <input type="checkbox"/>
	Date: _____	Approve <input type="checkbox"/>
(Name), (Title) (Board Name) Water Conservancy Board		Deny <input type="checkbox"/>
	Date: _____	Abstain <input type="checkbox"/>
(Name), (Title) (Board Name) Water Conservancy Board		Recuse <input type="checkbox"/>
	Date: _____	Approve <input type="checkbox"/>
(Name), (Title) (Board Name) Water Conservancy Board		Deny <input type="checkbox"/>
	Date: _____	Abstain <input type="checkbox"/>
(Name), (Title) (Board Name) Water Conservancy Board		Recuse <input type="checkbox"/>

Mailed to the Department of Ecology (regional office name) Regional Office of Ecology, via certified mail, and other interested parties on (date mailed).

(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
 OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
 THE STATE OF WASHINGTON

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. [Use the F11 key to move through the form.](#)

Surface Water Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
---------------------------	--	---------------------------	--

NAME _____

ADDRESS (STREET) _____ (CITY) _____ (STATE) _____ (ZIP CODE) _____

Changes Proposed: Change purpose Add purpose Add irrigated acres Change point of diversion/withdrawal
 Add point of diversion/withdrawal Change place of use Other (Temporary, Trust, Interties, etc.) _____

SEPA
 The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE <Describe the type(s) and period(s) of use>				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED <Type detailed legal description of the place of use>							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE <Describe the type(s) and period(s) of use>				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED <Type detailed legal description of the project area as proposed by the applicant>							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE <Describe the type(s) and period(s) of use>				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD <Type detailed legal description as approved by the board>							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Continued

DESCRIPTION OF PROPOSED WORKS

<Description of water diversion/withdrawal, conveyance, and distribution system>

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: <At least 75 days after Board's ROD issuance>	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
--	--------------------------------	---

REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

BACKGROUND [See WAC 173-153-130(6)(a)]

On <Month, day, year> <name of applicant> of <city>, <state> filed an application for change <to do what e.g., POU, POD, POW, etc> under <Water right number, e.g., certificate, permit, claim , superseding document #, cert of change #>. The application was accepted at an open public meeting on <Month, day, year>, and the board assigned application number <XXXX-YR-##>.

Attributes of the water right as currently documented

Name on certificate, claim, permit:

Water right document number: <e.g., cert #, claim #, permit #, superseding document #>

As modified by certificate of change number:

Priority date, first use: <Date of priority or claimed date water was originally first put to beneficial use>

Water quantities: Qi: <Instant. qty> Qa: <Annual qty> acre ft./ year

Source: <well, river, etc.>

Point of diversion/withdrawal:<Distance from ¼¼, Section, Township, Range EWM>

Purpose of use: <Use and number of acres if irrigation>

Period of use:

Place of use:

Existing provisions: <family farm act, interruptable, etc.>

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

<Describe the historical water use information that was considered by the board>

Previous changes

<Describe any previous change decisions associated with the water right>

SEPA

The board has reviewed the proposed project in its entirety. <Provide a detailed explanation of how the board complied with the State Environmental Policy Act>

Other

<Provide any other pertinent information relative to the background of this water right>

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the <name of publication(s)> on <Dates published>. Protest period ended on <end date of protest period>.

There were < # or no> protests received during the 30 day protest period. In addition, <no or #> oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Continued

Date: <Date protest/comment received>

This was recognized by the board as a Protest Comment

Name/address of protestor/commenter: <name/address of protestor/commenter>

Issue: <describe issues raised>

Board's analysis: <board's response to the protest/comment>

NOTE to author: Repeat this table as necessary to describe each protest or comment

Other

<Provide any other pertinent information relative to the comments and protests received>

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by <person(s)> on <date of field exam>, technical reports, research of department records, <list other references, if any> and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

<Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc.>, Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law>

Other water rights appurtenant to the property (if applicable)

<Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred>

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. <Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively>

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings: <Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination>

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

<Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions>

Other

<Provide any other pertinent information relative to the investigation of this application>

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

<Describe whether, and to what extent, a valid water right exists>

Relinquishment or abandonment concerns

<Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report>

Continued

Hydraulic analysis

<Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer>

Consideration of comments and protests

<Discuss the board's conclusions of issues raised by any comments and protests received>

Impairment

<Describe how or if the transfer proposal will impair existing rights of others>

Public Interest

<If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively>

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. <Provide any other pertinent information relative to the board's conclusions>

DECISION [See WAC 173-153-130(6)(e)]

<Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal>

<Provide any other pertinent information relative to the board's decision>

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

<Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations>

Mitigation (if applicable)

<Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision>

Construction Schedule

<Provide a schedule for development and completion of the water right transfer, if approved in part or in whole, that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use>

Other

<Provide any other pertinent information relative to provisions>

Signed at City, Washington
This Date day of Month, Year

Board Representative's Name, Board Representative
Board Name Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer

WATER CONSERVANCY BOARD TRAINING CREDIT REQUEST FORM

This information will be used to approve and document other than Ecology sponsored training.

Board Member Information			
Name	Appointment date	Board name	Phone
Training Activity Information			
Title of training activity		Location: City State	
Training activity date(s)		Total hours	
Content/Description: (Attach course documentation if available or summary of activity)			
How does this training relate to your work on the water conservancy board?			
Sponsor of activity: <input type="checkbox"/> Other State Agency (Please list agency): _____ <input type="checkbox"/> Federal Government (Please list agency): _____ <input type="checkbox"/> Educational Institute (Please list agency): _____ <input type="checkbox"/> Other: _____			
Instructor type: <input type="checkbox"/> Contractor Instructor <input type="checkbox"/> Ecology Employee <input type="checkbox"/> Federal Employee <input type="checkbox"/> Other/Unknown <input type="checkbox"/> Author of Reading Material <input type="checkbox"/> State Employee <input type="checkbox"/> College Instructor			
Instructor's or Author's Name (if known):			
Signatures			
Board Member signature			Date
For Ecology Use			
Ecology Approval (approved if signed)		Number of training hours credited	Date

**Send completed form to
Dept. of Ecology, Water Resources Program
Water Conservancy Board Coordinator
4601 N. Monroe St., Spokane, WA 99205**

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Date

To: Department of Ecology

From: (Board Name) Water Conservancy Board

Re: Withdrawal of Record of Decision and Report of Examination

A meeting of the (Board Name Water Conservancy Board) was conducted in compliance with Chapter 42.30 RCW at (location of meeting) on (date).

The board had previously issued a Record of Decision and Report of Examination on (date decision issued) in the matter of Application for Change/Transfer No. (application number) filed by (applicant name). At the meeting mentioned above and by a majority vote, the board withdrew the referenced issued Record of Decision and Report of Examination for the following reason(s):

(Reasons for withdrawing)

The withdrawal of the referenced Record of Decision and Report of Examination is effective as of the adjournment of the meeting of the board during which it was adopted. Upon Ecology concurrence to this withdrawal, the Ecology review period provided by RCW 90.80.080 is terminated without prejudice for the referenced application for change/transfer.

The applicant (did or did not) participate in the meeting and (concur or does not concur) with the withdrawal of the board's previous decision.

The board adopts the following plan for action on the application (*check one*):

- The board intends to revise and resubmit for Ecology review the record of decision and report of examination for the subject application.
- The board will take no further action on the subject application and has informed the applicant that the application may be filed with Ecology for processing.

Information relevant to the board's withdrawal action and a record of the Board's vote in this matter are attached.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC



(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
Decision to Withdraw a Record of Decision
and Report of Examination

For Ecology Use Only

Received: _____

Date Stamp

Reviewed by: _____

Date Reviewed: _____

Applicant: (applicant's name)

Application Number: (application number)

The (Board name) Water Conservancy Board hereby **withdraws** the Record of Decision and the Report of Examination for the entitled water right transfer issued on (date Record of Decision was signed) in accordance with the accompanying resolution of the board and submits this resolution to the Department of Ecology.

It is understood that with the concurrence of Ecology to this withdrawal, that the decision review period provided by RCW 90.80.080 for Ecology review of the previous decision of the board is terminated without prejudice. No board decision regarding the titled application for change/transfer is before Ecology for review.

Signed:

_____ (Name), Chair (Board Name) Water Conservancy Board	Date: _____	Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other <input type="checkbox"/>
_____ (Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other <input type="checkbox"/>
_____ (Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other <input type="checkbox"/>
_____ (Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other <input type="checkbox"/>
_____ (Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other <input type="checkbox"/>

Mailed to the Department of Ecology (regional office name) Regional Office of Ecology, via certified mail, and other interested parties on (date mailed).

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Application Acceptance Memo
Updated May 16, 2006

MEMORANDUM

November 30, 2006

TO: Dept. of Ecology (Regional Office) Regional Office

FROM: (Board Name) Water Conservancy Board

RE: New Change/Transfer Application for (Name of Applicant),
Application number (board assigned application number per WAC 173-153-070(11))

In accordance with WAC 173-153-070, the above-referenced application for change has been accepted for processing by the Board.

1. We are forwarding the following documents:
 - The referenced application for change including all maps and related documentation accepted for processing by our board on (date of acceptance). (Forward to Ecology within 5 working days of the board's acceptance.)
2. Regarding the enclosed application, we would like to request from Ecology the following information:
 - A copy of the water right file related to the water right transfer application identified above as stated in WAC 173-153-060(2).
 - Assignment of a state water right change application number as stated in 173-153-070 (13).
 - All pertinent information regarding this application.
3. Duplicate applications have been filed with the water conservancy board or through the Dept. of Ecology. The applications are:
 - a. Name: (name of applicant) Accept
Application Date: _____ Application No.: (if any) Reject
Application related to: Permit No.: _____ Cert No.: _____ Claim No.: _____
 - b. Name: (name of applicant) Accept
Application Date: _____ Application No.: (if any) Reject
Application related to: Permit No.: _____ Cert No.: _____ Claim No.: _____

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Number assign ltr
Updated: May 30, 2006

November 30, 2006

Board Contact Name
(County Name) Water Conservancy Board
Address
City, ST Zip

RE: Receipt of Water Right Change Application and Assignment of State Water Right
Change Application Number

Dear _____ :

In accordance with WAC 173-153-070(12), our office received the following application for change on (date of receipt).

Applicant Name: _____

This application relates to: Permit _____ Cert _____ Claim No.: _____

The following action has been taken:

- Ecology has opened a file for the above-referenced application. The application will not be considered as part of Ecology's active workload while the application is being processed by the board. The agency has assigned this application the following state water right change application number (WR change app number). Be sure this number is documented within the file for reference.
- As a courtesy, Ecology has noticed the following omissions from the application. This information will be necessary for Ecology's ultimate review upon receipt of the board's record of decision.
 - Maps
 - Related documents (list needed documents)
 - Complete sections _____ of application form.
- The application is being returned to the board for the following reason.

Contact _____ at _____ or email _____ if you have any questions.

Sincerely,

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Decline to Process Ltr
Updated: May 16, 2006

(Board Name) Water Conservancy Board
(Board Address)
(City, ST, Zip)

(Date)

(Name of Applicant)
(Applicant's Address)
(City, ST, Zip)

Subject: Application Number (App Number)

Dear (Name of Applicant):

In accordance with RCW 90.80.070(18) and (19), the (Board Name) voted to decline to process your water right transfer application at an open public meeting of the board held on (date of meeting). We are returning all application documents to you. The reason for declining is:

Should you choose to pursue your water right transfer proposal, you must make a written request to the Department of Ecology at the following regional office:

Central Regional Office
Water Resources Program
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902-3401

Eastern Regional Office
Water Resources Program
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295

Northwest Regional Office
Water Resources Program
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

Southwest Regional Office
Water Resources Program
P.O. Box 47775
Olympia, WA 98504-7775

Sincerely,

(Name)
(Board Name) Water Conservancy Board

cc: Ecology Regional Office

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Continue Processing Inquiry Letter
Updated: May 16, 2006

November 30, 2006

(Applicant Name)
(Address)
(City, ST Zip)

RE: Request for Confirmation to Continue Processing
Application (application # assigned by board)

Dear _____ :

On (date notice received from board) our office received notification that the (Board Name) Water Conservancy Board has declined to process the following water right transfer application:

Applicant name:
Board application number:
Ecology assigned control number:

Upon declining to process an application pursuant to RCW 90.80.070(1), a board must return an application to the applicant and inform the applicant that the application may be filed with Ecology. In accordance with WAC 173-153-070(21), the applicant is required to file a written request that Ecology process the application.

Please inform this office in writing *within 30 days* of the date of this letter if you would like Ecology to continue processing the application identified above. An application filed with a board is also filed with Ecology and considered "dual-filed" pursuant to WAC 173-153-070(18). If Ecology does not receive a written response to this letter at the address above within 30 days, the application on file with Ecology will be rejected.

If you have any questions please contact (Staff name) at (phone and email address).

Sincerely,

Water Resources Program

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Additional Information Request Ltr
Updated: May 16, 2006

November 30, 2006

(County Name) Water Conservancy Board
(Address)
City, ST Zip

RE: Additional information relating to water right change application
(Application Number), (Applicant Name)

Dear _____ :

Our office has received a request from the applicant indicated above to process the referenced application. Our records indicate that your water conservancy board declined to process this application and returned the application to the applicant.

In an effort to better serve the applicant, and in accordance with WAC 173-153-070(21), we request further written clarification regarding the basis of the board's decision not to process or finish processing the application. Please provide the clarification to this office no later than (within 30 days of this request).

Sincerely,

Water Resources Program

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Return w/o action ltr
Updated: June 1, 2006

<Date>

<Bd Name> Water Conservancy Board
<address>
<City, ST, Zip>

RE: Return without action
Change/Transfer Application for (Name of Applicant),
Application number (board assigned application number per WAC 173-153-070(11))

Dear Commissioners:

The above-referenced record of decision issued by the <bd name> Water Conservancy Board on (date issued) and received in this office on (date received) is being returned to you without action as provided in WAC 173-153-150(5)(b). Ecology is returning this record of decision until such time that the board can provide a majority vote of the members of the board. The majority vote of a board must consist of a minimum of 3 of 5 eligible and qualified commissioners of a five-member board, or 2 of 3 eligible and qualified commissioners of a three-member board.

For purposes of this explanatory letter, the term “eligible” refers to commissioners who have fulfilled all training and continuing education requirements and maintained the requirements in good standing. The term “qualified” refers to eligible commissioners whereby conflict of interest issues, as defined in RCW 90.80.120, have not been triggered requiring recusal from decision making.

The referenced record of decision is being returned for the following reason:

- In accordance with RCW 90.80.040 and WAC 173-153-050 (1) and (5), a water conservancy board commissioner must complete all training requirements before participating in any decision concerning a water right transfer application being considered by a board. According to our records (name of commissioner) is ineligible to participate in this record of decision as of (date of ineligibility)
- In accordance with RCW 90.80.070 (4) and (5) and WAC 173-153-130 a record of decision must be adopted by a majority vote of the board as stated above. The (Name of Board) Water Conservancy Board is currently identified by the (County Name) County Commissioners as a (3 or 5)-member board requiring a minimum vote by at least (2 or 3) eligible and qualified commissioners. The enclosed record of decision was submitted with only (# of votes) of the required (2 or 3) votes.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Water Conservancy Board

<Date>

Page 2

- In accordance with RCW 90.80.070(6) when alternates are serving as commissioners on a board, a majority vote of the board must include at least one commissioner appointed under the provisions of RCW 90.80.050(1). A majority vote of the board is required per RCW 90.80.070 when adopting a record of decision. The record of decision on the application identified above was adopted without the participation of a board commissioner.

The record of decision may be resubmitted by the board to Ecology once an eligible and qualified majority of the board is available to participate in the decision.

Sincerely,

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Protest Receipt Ltr
Updated: May 30, 2006

November 30, 2006

(County Name) Water Conservancy Board
(Address)
(City, ST Zip

RE: Protest received regarding (Application Number), (Applicant Name)

Our office received a protest of the application referenced above on (date protest received). In accordance with WAC 173-153-090 (2) our office is forwarding this protest within five days of receipt for the board's consideration. We have determined that:

- This protest is valid in accordance with WAC 173-153-090(7) and was received with the statutory protest fee within the prescribed 30-day protest filing period pursuant to WAC 508-12-170.
- This protest is not considered a valid protest pursuant to WAC 173-153-090(7), because it was received without the statutory protest fee pursuant to RCW 90.03.470(11) or it was not received within the prescribed 30-day protest filing period pursuant to WAC 508-12-170.

Sincerely,

(Name)
Water Resources Program

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

ROD Receipt Ltr.
Update: May 16, 2006

November 30, 2006

(County Name) Water Conservancy Board
(Address)
(City, ST Zip)

RE: Receipt of Record of Decision for
(Application Number), (Applicant Name)

Dear :

In accordance with RCW 90.80.080 and WAC 173-153-150, our office received the record of decision referenced above on (date of receipt). The department will review the record of decision and affirm, reverse, modify, or remand the action of the board by (45 days from receipt of record of decision).

However, the director may invoke, or the board or applicant may request, a 30-day extension beyond the date listed above as allowed under RCW 90.80.080(4). The department will notify all necessary parties should an extension be required.

If Ecology does not act by the date listed above, the water conservancy board must notify Ecology, the applicant, and any parties that have expressed interest about the application of Ecology's failure to act [WAC 173-153-150(11)]. With concurrence from Ecology, the board's decision becomes final.

Sincerely,

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Administrative Order on ROD - Affirm
Revised: May 16, 2006

(Date)

(Applicant Name)
(Address)
(City, ST Zip)

Dear (Applicant Name):

In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the (Board Name) Water Conservancy Board for the above referenced application for change.

The Department of Ecology **AFFIRMS** the decision of the board.

You have the right to appeal this *decision* to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this action or decision, your notice of appeal must contain a copy of the Ecology order, action or decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Department of Ecology
, Section Manager
<Address>
<City, State, Zip>

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

DATED this day of ____20 at .

Section Manager
Water Resources Program
Regional Office

cc: Janet Carlson, Ecology ERO
Water Conservancy Board
(Other tribes, interested parties)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Modify - Administrative Order on ROD
 Revised: October 13, 2006

(Date)

(Applicant Name)
 (Address)
 (City, ST Zip)

Dear (Applicant Name):

In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the (Board Name) Water Conservancy Board for the above referenced application for change.

The Department of Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's final order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE <Describe the type(s) and period(s) of use>				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
<Type detailed legal description as approved by the board>							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE.		

[Modification should be justified by the board record, subsequent docs received from the board, or data agreed upon by all parties. State which parts of the board's decision was modified. Refer to WAC 173-153-150(6).]

You have the right to appeal this *decision* to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

To appeal this action or decision, your notice of appeal must contain a copy of the Ecology order, action or decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Department of Ecology
, Section Manager
<Address>
<City, State, Zip>

DATED this day of ____20 at .

Section Manager
Water Resources Program
Regional Office

cc: Janet Carlson, Ecology ERO
Water Conservancy Board
(Other tribes, interested parties)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Reverse - Administrative Order on ROD
Revised: May 30, 2006

(Date)

(Applicant Name)

(Address)

(City, ST Zip)

Dear (Applicant Name):

In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the (Board Name) Water Conservancy Board for the above referenced application for change.

The Department of Ecology **REVERSES** the decision of the board as follows:

[State detailed reason the board's decision was reversed. Refer to WAC 173-153-150(6).]

You have the right to appeal this *decision* to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this action or decision, your notice of appeal must contain a copy of the Ecology order, action or decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Department of Ecology
, Section Manager
<Address>
<City, State, Zip>

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

DATED this day of ____20 at .

Section Manager
Water Resources Program
Regional Office

cc: Janet Carlson, Ecology ERO
Water Conservancy Board
(Other tribes, interested parties)

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Sample Public Notice
Updated: 7/25/05

Note to preparer: This example of a public notice is provided to assist the board. Responsibility for the accuracy of the public notice rests solely with the board and the applicant. The "F11" key may be used to move from field to field for information entry.

**BEFORE THE (BOARD NAME)
WATER CONSERVANCY BOARD
(CITY LOCATION, WRIA, OR COUNTY), WASHINGTON**

Notice of Application to Change *(identify the transfers proposed)* under *(identify the right being transferred)*

TAKE NOTICE: That on *(date application was filed)*, *(applicant's name)* of *(city and state)* filed application number *(enter board assigned application number)* with the *(name of board)* Water Conservancy Board to change the *(describe proposed transfers)* under *(identify right being transferred)*.

That said right, under priority date of *(date of priority)*, authorizes the withdrawal or diversion of *(enter instantaneous and annual quantities)* per year from a *(name water source)* located within *(identify point of diversion/withdrawal)*. That said right authorizes water to be used for *(identify purposes of use)* from *(identify period(s) of use)* within *(identify the place of use)*.

That the applicant proposes to *(describe the transfers proposed, including any place, point, purpose, number of water uses, and associated water quantities)*

Any protests or objections to the approval of this application may be filed with the Department of Ecology and must include a detailed statement of the basis for objections; protests must be accompanied by a fifty dollar (\$50) recording fee and filed with the Department of Ecology, *(address of appropriate Region Office)* within thirty (30) days from *(last date of publication)*.

Any interested party may submit comments, objections, and other information to the board regarding this application. The comments and information may be submitted in writing or verbally at any public meeting of the board held to discuss or decide on the application. This application will be on the board agenda during its regular meetings to be held on *(indicate any scheduled meetings to discuss the application. NOTE: this notice does not constitute notice of a meeting for the purposes of the Open Public Meetings Act, RCW 42.30.)*. Additionally, the Water Conservancy Board, may receive written comments or information through *(date)* at its offices located at *(identify contact information, office location, mailing address, etc.)*.

Note to publisher: Publish 2 times, once each week, for two weeks.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Interested Parties Letter
Updated: May 16, 2006

November 30, 2006

(County Name) Water Conservancy Board
(Address)
City, ST Zip

RE: Interested Parties List

Dear :

In accordance with WAC 173-153-070(23) water conservancy boards must ensure that copies of the applications accepted by them for processing are provided to interested parties in compliance with existing laws. Ecology is required to provide your board with a list of parties which have identified themselves as interested in the geographic area of the board.

Copies of applications should also be provided to additional parties that indicate an interest in receiving copies of applications from your board.

Sincerely,

Water Resources Program

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

30-day Ext. Ltr.
Updated: May 30, 2006

November 30, 2006

(Applicant Name)
(Address)
(City, ST Zip)

RE: Thirty-day Extension Confirmation
(Application Number), (Applicant Name)

Dear _____ :

In accordance with RCW 90.80.080(4), a 30-day extension for review of the record of decision referenced above has been invoked by the director of Ecology. The extension was

- Extended by the director of Ecology;
- Requested by the applicant;
- Requested by the (Board name) Water Conservancy Board.

This memo confirms that the final review period is extended to (date of final review). This requires the department to review the record of decision and affirm, reverse, modify, or remand the action of the board by this date.

Pursuant to WAC 173-153-150(11), if Ecology fails to act by the date listed above, and the water conservancy board concludes that the time allowed for Ecology to issue its order has lapsed, it is the responsibility of the board to notify Ecology, the applicant, and any parties that have expressed interest to the board that the time has lapsed.

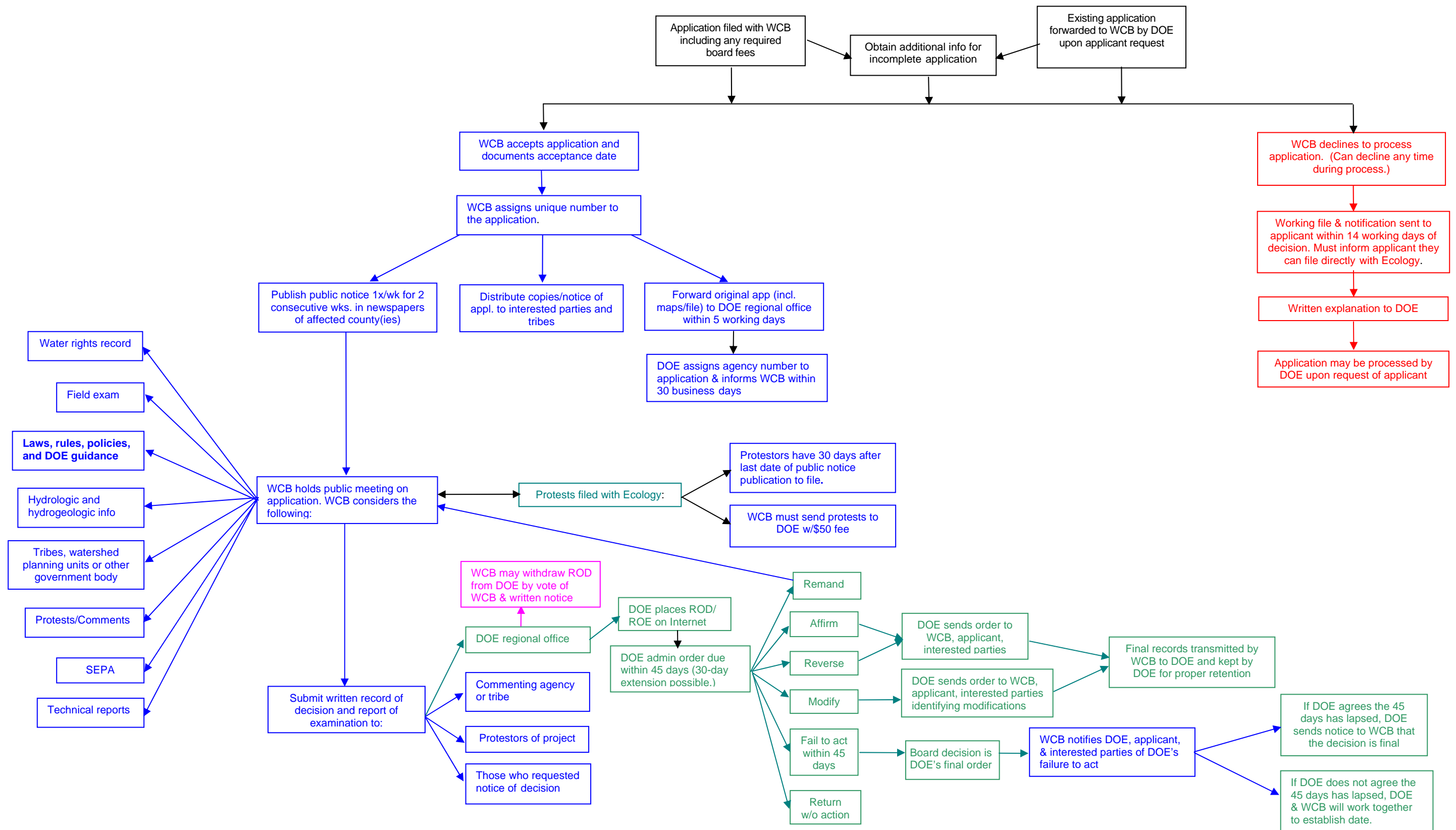
If Ecology agrees that the review period has lapsed, the board's decision becomes final and Ecology will issue an order stating that the record of decision is final. If Ecology disagrees with the board's conclusion that the time has lapsed, Ecology and the board will work together to establish the beginning date of the review period.

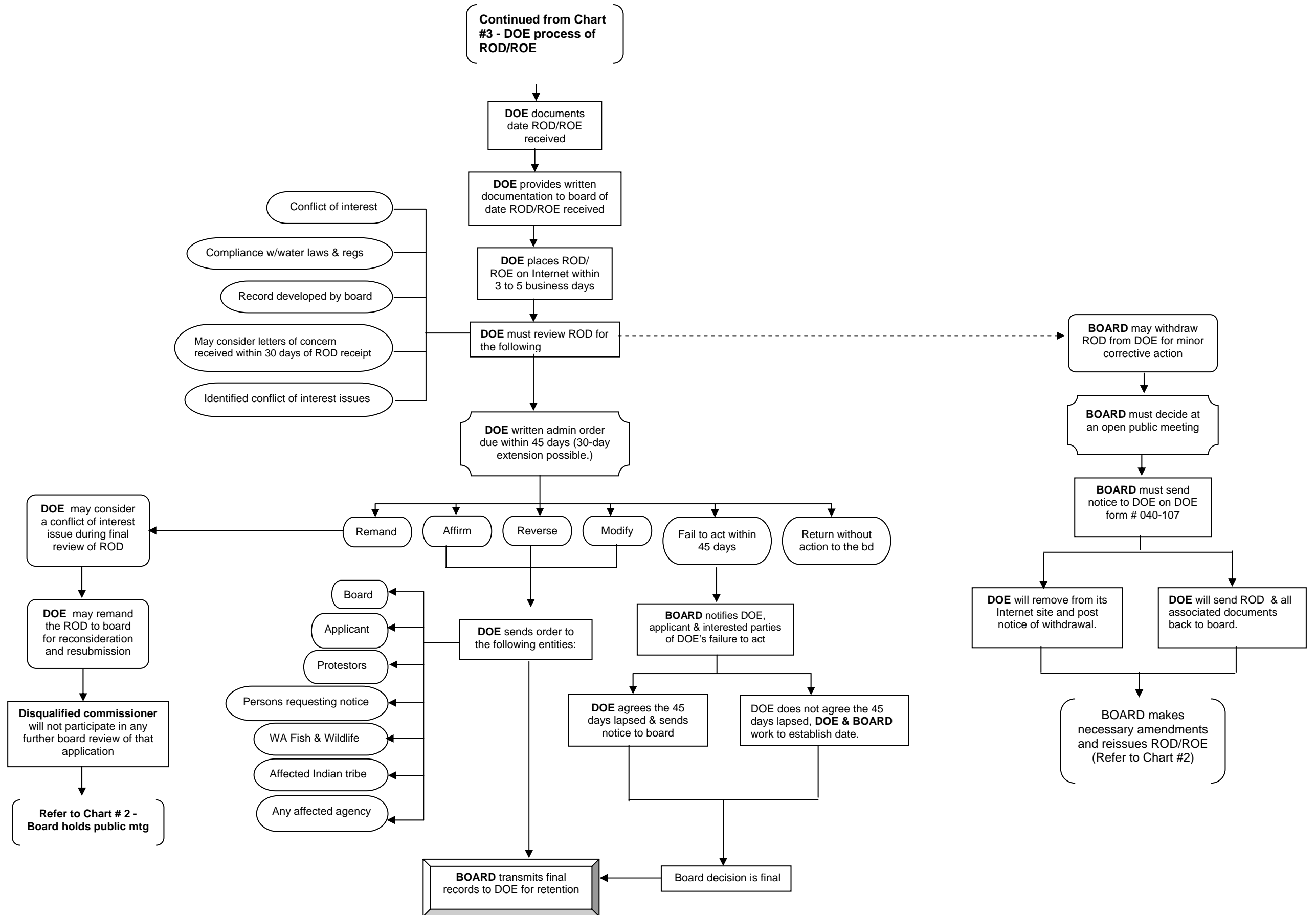
Sincerely,

Water Resources Program

Water Conservancy Board Change Application Flow Chart

Updated: September 18, 2006





(BOARD NAME)
Water Conservancy Board
APPLICATION PROGRESS SHEET

APPLICANT NAME	PHONE
ADDRESS (STREET)	(CITY) (STATE) (ZIP CODE)

Application Status

DATE APPLICATION RECEIVED Date App Received	BOARD'S CHANGE APPL NO.	WATER RIGHT DOCUMENT NUMBER	CROSSES COUNTY LINE	WRIA
--	-------------------------	-----------------------------	---------------------	------

- Application forwarded to Ecology: (Date forwarded) _____
- Board fees paid (Amount and date fees paid) _____
- Application returned to applicant for completion: (Reason and date application was returned)
Date returned to board complete: _____
- Date application accepted by board: _____
- Original water right file requested from Ecology (Date requested) _____
- Application declined: (Reason application was declined)
Date letters sent to applicant and Dept. of Ecology: _____
 Applicant informed that application may be filed with Ecology.
- Ecology letter received (within 30 working days) with state water right change application number: (date received) _____
- Copies of applications sent to interested parties (attach list of recipients): (date letters sent) _____
- A notice of accepted application sent to tribes with reservation/trust lands within jurisdiction.

Publication for Application (Send copy of publication notice to Ecology same time it is submitted to media)

Date published	Name of publication	Affidavit rec'd	Date published	Name of publication	Affidavit rec'd

Protests and Comments/Concerns on Publication

Protest/Comments (received by Ecology and forwarded to board)			Comments/Concerns Received by Board		
*Date Received	Protested by	Date forwarded by Ecology	*Date Received	Commentor's Name	Issue (e.g., impairment, right exists, public interest)

*Any protest received 30 days after the last date of publication of the public notice or without required fee will be filed as a letter of concern.

<input type="checkbox"/> Public meetings on application held: (Date) _____ <input type="checkbox"/> Meeting publication: (Dates/Publication Names) _____	<input type="checkbox"/> Public hearing in other county held: (Date) _____ <input type="checkbox"/> Hearing publication: (Dates/Publication Names) _____
---	---

Examination

- Technical report received: _____
- Field examination: (Date of field examination) _____ Conducted by: (Examination made by) _____

Comments Received at Public Meeting

Received from	Representing	Affiliation (i.e., Tribe, Watershed Planning Unit, governmental body, other)
		<input type="checkbox"/> Tribe <input type="checkbox"/> Watershed Planning Unit <input type="checkbox"/> Government Body <input type="checkbox"/> Other
		<input type="checkbox"/> Tribe <input type="checkbox"/> Watershed Planning Unit <input type="checkbox"/> Government Body <input type="checkbox"/> Other
		<input type="checkbox"/> Tribe <input type="checkbox"/> Watershed Planning Unit <input type="checkbox"/> Government Body <input type="checkbox"/> Other

- Evaluation of the application, including the entire water rights record, has been completed: (Evaluation made by and date of eval) _____
- SEPA-The board ensures that the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, Chapter 197-11 WAC have been met.

Decision and Ecology Review

- Record of decision and report of examination complete: (Date of decision and date parties notified) _____
- Documentation of 45-day review letter received from Ecology: (Date letter received) _____
- 30-day review period extended by director, applicant, board is due (date final review is due) _____
- Ecology's administrative order received (date administrative order received) _____ Appeal period ends (date appeal period ends) _____

TECHNICAL ASSISTANCE

Case Studies

As a Water Conservancy Board becomes established and begins its work reviewing water right change applications, it is common for many questions to arise. Additionally, each application before a board may present very unique situations in which the boards may find the need for additional help. Upon request by a board, Ecology staff is available to assist all water conservancy boards as they process applications.

What is Technical Assistance?

WAC 173-153-120(5) states, “Ecology recognizes that boards are independent entities with the legal right to make records of decision on water right transfer applications without seeking assistance from ecology. However, should a board desire assistance from ecology in processing an application or regarding its administrative functions, ecology will provide technical assistance upon request of the board. This technical assistance may address issues involved in application processing, including procedural requirements and administrative functions, and can include specific information regarding approaches to resolving particular issues. However, in deference to the independent status of conservancy boards, such technical assistance shall be solely in the form of guidance and shall not dictate or otherwise direct any board to take a specific conclusion regarding any aspect of application processing or of a board’s administrative functions.”

Case Studies

The following are hypothetical examples of the types of assistance Ecology staff may offer upon the boards request.

- Situation:** A board receives a water right transfer application to change the place of use and point of withdrawal for an irrigation right. Upon first glance, it appears fairly straight forward. However, after further investigation, additional questions come up regarding the historic use of the right. The board isn’t sure where they might be able to seek out information to satisfy their questions.

Available assistance: Ecology will suggest additional sources of historical records.

Assistance limitation: Boards are encouraged to work with the applicant to obtain additional information if needed. A board may request the applicant obtain necessary records.
- Situation:** The newly formed board has just received the required training from Ecology and is now authorized to make decisions on water right transfer applications. They realize there are some operational decisions to make before they actually begin processing applications and are unsure how to begin their organization.

Available assistance: Ecology will advise the board regarding operational procedures to meet requirements of law and examples of how existing boards operate. Ecology staff is available by email, telephone, or mail. If requested and depending on availability, staff may attend meetings to answer procedural questions.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Assistance limitations: Boards are responsible for making the operational decisions such as writing their bylaws, meeting times, meeting locations, etc. Ecology will not provide specific direction for board operations.

3. Situation: A board receives five applications from one applicant and the board is unable to make an initial determination as to the complexity of the applications.
Available assistance: Ecology will help identify potential issues related to the application or geographic area.
Assistance limitations: Ecology will not provide direction as to whether the board should accept the application.
4. Situation: A board has accepted their first application, forwarded it to Ecology, and published the public notice. They begin their investigation of the proposal and are unsure of what to look for on a field exam.
Available assistance: Ecology will provide guidance and training on what to look for, how to take measurements, and sample forms for use in the field.
Assistance limitation: Ecology will not conduct and will not typically participate in the field examination.
5. Situation: An application is submitted to a board requesting a change in the point of withdrawal to a point of diversion from a local stream. There is some question as to whether this stream is part of the same body of water as the ground water currently being withdrawn.
Available assistance: Ecology can assist in helping boards understand the hydrology of the area and the relationship of water bodies.
Assistance limitation: Ecology will not provide in depth analysis of the hydrogeology of a particular area or in relation to a particular application. Boards may request the applicant obtain a report from an independent qualified hydrogeologist. If a report is obtained, Ecology may review the report in order to address specific questions asked by the board. If it appears to Ecology there were potential issues or sources of information not considered Ecology may mention these omissions.
6. Situation: An application to change a place of use and increase acres irrigated is being processed by a board. The board seeks assistance in calculating the water available for additional acreage.
Available assistance: Ecology will advise the boards of requirements of law and how the law is applied to a specific water use.
Assistance limitation: It will be up to the board to apply this guidance to the specifics of the application.
7. Situation: Ecology is requested to attend a county commissioners meeting to speak on formation, operations of boards, etc.
Available assistance: Upon invitation by a particular entity, Ecology staff may be available to make presentations and provide education on a variety of topics related to water conservancy boards. Such topics may include creation of boards, past legislative reports, restructuring a board, or board operations.

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Assistance limitation: Ecology will not make a recommendation concerning whether to form a board, regarding the geographic jurisdictional area, or participate in commissioner appointment.

8. Situation: A water conservancy board has a vacancy. They have a need to fill the position quickly due to quorum issues the board has faced. However training is four months away.
Available assistance: Upon request, Ecology will coordinate training with boards and counties as they attempt to fill the vacancy quickly. In addition to the new member trainings scheduled twice yearly, Ecology is willing to work toward scheduling new member training sessions based on demand and availability of the trainers.
Assistance limitation: Ecology will not make a recommendation concerning or participate in commissioner appointments. Ecology may limit the number of attendees to a training session to allow the best training available.
9. Situation: A county is exploring the restructuring of an existing board.
Available assistance: Ecology will provide advice on the restructure process. Ecology will also discuss the potential advantages and disadvantages of restructuring as well as the variety of ways of restructuring.
Assistance limitation: Ecology will not suggest whether a county should or should not restructure a board.
10. Situation: The board has investigated an application proposal and is having difficulty agreeing on conclusions for a record of decision. The board requests Ecology assistance.
Available assistance: Ecology will help the board understand the legal requirements for evaluating a change application including public interest, tentative determination of an existing right, and issues of impairment of existing rights. The board may reevaluate the application.
Assistance limitation: The board is a separate unit of local government and it is the responsibility of the board to draw its own conclusion. Ecology will not direct the decisions of the board.
11. Situation: The board requests Ecology to draft a public notice for a proposed transfer application.
Available assistance: If requested, Ecology will review a public notice drafted by a board but only to determine whether the public notice meets requirements of rule.
Assistance limitation: Ecology will not provide advice as to the accuracy of the public notice. The board should work with the applicant to ensure the accuracy of the information included in the public notice. Upon review of the record of decision, Ecology will refer to the public notice to ensure adequate and accurate notice is given regarding a proposed transfer application.
12. Situation: A board receives a technical report from an applicant addressing issues of a complex application. The board requests Ecology's review of the report.
Available assistance: Ecology will review the report in order to address specific questions of the board. If it appears to Ecology there were potential issues or sources of information not considered Ecology may mention these omissions.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Assistance limitation: Ecology will not provide in depth interpretation of a report. The board should request clarification directly from the applicant. If the board receives a report directly from a consultant hired by the board for a third-party determination, the board should request clarification of the report from the consultant.

13. Situation: A board has requested review on a draft record of decision.

Available assistance: Ecology will review:

- a. Issues investigated and information collected by the board;
- b. Whether or not the information is adequately described;
- c. The report of examination for completeness with regard to WAC 173-153-130;
- d. The methodology used to reach the conclusions;
- e. Whether the conclusions are supported by the information reported; and
- f. Whether the recommendations are supported by the conclusions.

Assistance limitation: Ecology will not agree or disagree on the conclusions or recommendations contained within a draft document.

14. Situation: An applicant's attorney provides a board with a legal opinion regarding interpretation of water law. The board asks for Ecology's review of that opinion.

Available assistance: Ecology will review the opinions and determine its need to evaluate and respond to the board. If Ecology does provide an evaluation then staff will use its internal resources to provide comment to the board for its consideration.

Assistance limitation: Ecology staff are not attorneys and cannot provide boards with legal advice. The Attorney General's Office represents Ecology for legal matters. The Attorney General's Office cannot represent nor provide legal advice to boards. As independent governmental entities it is suggested boards obtain independent counsel if necessary.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Internet withdrawal notice

The Board name Water Conservancy Board had previously issued a Record of Decision and Report of Examination on Date in the matter of Application for change/transfer No. Board assigned number filed by the Applicant name. On date of withdrawal the board withdrew the referenced Record of Decision and Report of Examination. The Ecology review period provided by RCW 90.80.080 is terminated without prejudice for the referenced application for change/transfer.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Checklist for Ecology Regional Office Staff Water Conservancy Board Process

Updated: 05/30/06

The purpose of this form is to provide a means to document steps required of Ecology within the water conservancy board process pursuant to Chapter 90.80 RCW and Chapter 173-153 WAC. The regions are free to adapt the form to their situation as needed. See the staff guidance document for specific response time requirements.

Board Name: _____ Applicant name _____ Bd Assigned App No. _____

State Assigned App No. _____ Parent document number _____

Application

1. Did the applicant submit a written request to both Ecology and the board to convey to the board an application currently on file with Ecology?
 - Yes, convey the application directly to the board for its determination to accept or decline processing at no charge to the board.
 - No, continue processing applications in line.

2. Did the applicant submit an application directly to the board?
 - Yes, <Date> application was received by Ecology from board.
 - No, sit back and relax. Nothing to do.

3. Was the application form, received by Ecology from the board, formally accepted by the board and a board number assigned to it?
 - Yes,
 - <Date> [number assignment memo](#) letter sent to board indicating state assigned number
 - Enter into WRTS. Application is in our line but considered a part of our workload.
 - No, <Date> [number assignment memo](#) letter sent to board indicating application process is incomplete

4. The board or a commissioner requested copies of water right files. Are the files related to an application before the board?
 - Yes, provide all related files, studies, etc. to the board, including previous change decisions, at no charge to the board.
 - No, if the records are not related to an application before the board, the board must submit a formal records request.

Board declines to process the application

5. Did Ecology receive written notification addressed to the applicant from the board that the board declined to continue processing an application (must be a vote of the board) and that the applicant may take the application to Ecology for processing?
 - Yes, the application remains in line at Ecology.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- <Date> the notification was received by Ecology.
- <Date> Ecology sends a [letter](#) to applicant asking whether applicant wants Ecology to process application.
- No, do nothing (yippee!)

6. Did the applicant request Ecology to process the application?

- Yes, Ecology may send [letter](#) requesting additional explanation from the board about why the board declined.
- No, Ecology may inform the reject and remove that application from the line.

7. Did the board notify Ecology an applicant independently withdrew an application from the board (no vote required by the board)?

- Yes, if the board did not vote to decline processing then the application is also withdrawn from Ecology's line.
- No, do nothing (yippee)

Process

8. Does the change application involve transferring water into trust?

- Yes, contact the regional trust coordinator. Boards have limited authority to transfer trust water. They can only transfer water as it relates to RCW 90.03.380, 90.03.390, and 90.44.100.
- No, it's a no brainer . . . sit back and relax.

9. Did the region receive a copy of the public notice from the board at the same time the board sent it in to the newspaper for publishing? (This is not the affidavit)

- Yes, file it so the region knows what to do if it receives a protest.
- No, notify the board as soon as you realize it has not been received.

10. Did the region receive a valid protest with a \$50 fee or a comment? [See valid protest requirements in WAC 173-153-090(7) or described in attached letter; if not valid, it is considered a comment]

- Yes, protest or comment was received on <Date>
 - Copy of protest and [letter](#) sent to board on <Date>
 - Comment received on <Date> comment and [letter](#) sent to board
- No response to public notice received

11. Did the region receive a request for technical assistance, either written or orally?

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- Yes, respond timely to technical assistance requested by the board, whether orally or written. Ecology's assistance should be solely in the form of guidance and not dictate or otherwise direct any board to reach a specific conclusion regarding any aspect of application processing or of a board's administrative functions.
- No, Ecology should not provide advice or assistance unless requested.

12. Is Ecology staff required to attend board meetings or hearings?

- Yes, ARE YOU KIDDING ME? Have you nothing else to do?
- No, staff is encouraged to attend when requested but are not required to do so. Technical assistance is generally suggested to be provided outside of board meetings or hearings and is not subject to the Open Public Meetings Act.

Record of Decision

13. Did the board request technical assistance for Ecology to review a draft report of examination for the board?

- Yes, Ecology is obligated to respond and review the report of examination. This is a critical time to provide any feedback regarding potential "fatal" flaws in the report.
- No, the board must request technical assistance. You may suggest it but if the board declines the help we have no obligation.

14. Did Ecology receive a final record of decision/report of exam from a board?

- Yes, send [letter](#) to board documenting date ROD/ROE was received by Ecology and the start of the 45 day clock
- No, do nothing (yippee!)

15. After receiving the record of decision, has Ecology determined that a board commissioner violated the conflict of interest statute (RCW 90.80.120)?

- Yes, return the record of decision, report of examination, all related records, and the [without action letter](#) back to the board
- No, do nothing (wow, this is easy!)

16. Did a commissioner refuse to recuse or did the basis for disqualification become apparent after the board issued a record of decision but within the 30-day time period for filing objections with the department?

- Yes, if Ecology determines the commissioner should be disqualified, the department must remand the record of decision to the board for reconsideration and resubmission. The disqualified commissioner cannot participate in any further board review of the application.
- No, but a conflict of interest has been determined by the department. Then see number 14 above.

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- No, there are no conflicts of interest. The board should continue processing normally.
17. Are all board commissioners who participated in the decision eligible? (check with coordinator if unsure)
- Yes, process decision as required
- No, then ask the following:
- Is the participation of the ineligible person critical to the decision?
- Yes, return the record of decision, report of examination, all related records, and the [without action letter](#) back to the board
- No, continue processing decision
- Unsure, check with the water conservancy board coordinator
18. Was the record of decision adopted by a majority of the board? (check with coordinator if unsure)
- Yes, process decision as required
- No, return the record of decision, report of examination, all related records, and the [without action letter](#) back to the board.
19. Does Ecology require more than the 45 days to process the record of decision?
- Yes, send the [30-extension letter](#) to the board
- No, make the final decision and issue administrative order
20. Did the board vote to withdraw the record of decision from Ecology?
- Yes, the formal withdrawal form must be signed and received by Ecology to confirm the vote. Then send the record of decision and all related documents are returned to the board for follow up.
- No, continue processing. If the ROD does not comply with water law, Ecology may be required to reverse the board's decision.
21. Did the board follow Washington water law when processing the application?
- Yes, the ROD may be affirmed or modified as needed and Ecology sends [affirmation](#) or [modification](#) order.
- No, the ROD may be [reversed](#) through an order.
22. Do you know where to send the Administrative Order related to the record of decision/report of examination?
- Yes, then Git R Done!
- No, send copies to the following entities:
- Applicant,
- Board,

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

- Protestors,
- Persons requesting notice,
- WA Fish and Wildlife,
- Affected Indian tribe,
- Any affected agency, and
- Water conservancy board coordinator

23. Does Ecology continue to work with the board after its final administrative order on the record of decision?

- Yes, be prepared to discuss the results with the board and other interested parties. There is potential that the board may be involved in an appeal of Ecology's order. **AND**
- No, Ecology works with the applicant regarding the beginning and completion of construction and issuing new water right documents related to the water right.

Other

24. Unsure what to do?

- Yes, contact the water conservancy board coordinator (509) 329-3421, jaca461@ecy.wa.gov.
- No, I'm right on target and doing a great job!!! Then pat yourself on the back and say I love this stuff!!!

Index

Administrative order

- Affirm 13
- Modify 13
- Reverse 13

Alternates 4, 56

Application number

- board-assigned 8
- Ecology-assigned 8, 66, 67, 86

Board-assigned number 8

Cancellation 15

Continuing education

- Acceptable/Unacceptable 22
- Ecology sponsored 21
- Eligibility 20
- Training credit 1, 21, 55

Coordinator, water conservancy board 5

Creation (of a board) 6, 24, 37

Decline to process 9

Definitions 4

Dual-filing of application 6, 8, 32, 69

Ecology’s primary responsibilities 6

Eligibility 1, 51, 53

Fees 7

Forms

- Additional information request letter 70
- Administrative order - affirm 75
- Administrative order - modify 77
- Administrative order - reverse 79
- Application acceptance memo 66
- Approval of board creation 39
- Continue processing inquiry letter 1, 69
- Continuing education confirmation letter 1, 55
- Decision to withdraw a record of decision and report of examination 5, 65
- Decline to process letter 68
- DOE review of ROD flow chart 11, 85
- Incomplete continuing education letter 54
- Incomplete petition package 1
- Incomplete restructure petition package 1
- Ineligibility notification 1, 53

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Interested parties letter	1, 82
Internet withdrawal notice	91
Number assignment letter	67
Petition checklist	36
Petition checklist to restructure	1, 40, 41
Primary contact report	1, 48
Progress sheet	86
Protest receipt letter	73
Public notice template	81
Record of decision receipt letter	74
Report to the legislature	1, 56, 57
Return without action letter	71
Term expiration letter	44
Thirty-day extension letter	83
Training certificate	1, 50
Training completion letter	1, 46
Training credit request	63
Training Credit Request	1, 5, 22, 31, 52, 54
Training materials letter	45
Training status memo	51
Withdrawal	5
Withdrawal of record of decision and report of examination	64
Maintenance of water right file	6
Open Public Meetings Act	17, 81
Primary contacts	1, 48
Protests	9, 10, 33
Public notice	33
Record of Decision (ROD)	1, 4, 5, 31, 58, 64, 65, 74, 75, 79, 91
Ecology review	11, 85
Internet posting	12
Withdrawal	5
Report of Examination (ROE)	1, 5, 31, 59, 64, 65, 75, 79, 91
Reports	
Boards	1, 56, 57
Restructuring (a board)	26
Technical assistance	16, 17, 87
Training	
Continuing education Ecology sponsored	21
Continuing education other	21
Continuing education tracking	20
New commissioners	18
Trust water	9, 16

GUI 4100 Staff Guidance for Administration of Chapter 173-153 WAC

Water conservancy board coordinator 5
Withdrawal..... 64
Withdrawal (of ROD) 5, 12, 13
WRTS 7, 9