

STATE AND TRIBAL COMMENTS ON WATER RIGHT APPLICATIONS, DISPUTE RESOLUTION

Resource Contact: Coordination and Technical Services Section

Effective Date: 2-11-90

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References: POL- 1105
MOU Among Ecology/WDW/WDF

Purpose: To outline a resolution process for disagreements between Ecology and the Washington State Department of Fish and Wildlife or an Indian Tribe, when they have commented on a proposed appropriation and there is a dispute.

Application: This policy applies only to comments received on water right applications filed pursuant to chapters 90.03 and 90.44 RCW.

1. The permit writer will ensure comments are understood

If clarification of comments is required, the commenting official will be contacted by the permit writer assigned to the application in question. The permit writer and the commenting official will attempt to resolve any differences related to the factual situation of the application. Joint field reviews will be conducted, if necessary. The permit writer will use all available resources, including staff from other programs within Ecology, to develop information necessary for the commentor to properly evaluate the application.

2. The permit writer is the first level of dispute resolution

If differences of opinion exist as to the effects of the proposed appropriation, the permit writer will attempt to work those differences out with the commenting official. If differences cannot be resolved, the permit writer will seek guidance from the section supervisor and again attempt to resolve any differences with the commenting official.

3. The section supervisor is the second level of dispute resolution

When the permit writer is unsuccessful at resolving the dispute, the section supervisor will attempt dispute resolution with the commenting official. If differences of opinion cannot be worked out between the regional office and the commenting official, the section supervisor will seek guidance from the program manager.

4. The program manager is the final level of dispute resolution

Because of different statutory mandates or interests, all disputes may not be resolved. A report of examination, which significantly deviates from the substantive comments provided by the Department of Fish and Wildlife or an Indian Tribe, may be issued only upon approval of the program manager.

Hedia Adelsman
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Water Resources Program

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