

Water Resources Common Terms and Definitions

Abandonment

The intentional relinquishment of a water right. Intent is determined with reference to the conduct of the parties. The burden of proof of abandonment is on the party alleging abandonment. Nonuse is not necessary abandonment. The general rule of Western water law is that nonuse is evidence of intent to abandon, and long periods of nonuse raise a rebuttable presumption of intent to abandon, thus shifting the burden of proof to the holder of the water right to explain reasons for the nonuse. [AAG summary, *Okanogan Wilderness v. Town of Twisp*, 133 Wn.2d 769, 947 P.2d 732 (1997)]

Additive

A water right for either annual or instantaneous quantities of water that are added to an existing water right.

*For example: A well (Water Right G2-11111) is reconstructed and a larger pump installed to allow a water system to meet fire flow needs and accommodate additional homes. A second water right (G2-22222) is issued for additional Qa and Qi from the well, which is **additive** to G2-11111.*

Adjudicated Certificate

A paper issued by the state based on the superior court findings. It documents a water right that defines instantaneous quantity, annual quantity, purpose, place of use, and season of use as perfected at a specific point in time. The adjudicated certificate documents a final determination of the water right attributes based on the beneficial use.

Adjudication

Legal process carried out in superior court to identify the extent, validity, and priority of water rights within a basin or basins.

Alternate

A water right that can be used either instead of, or simultaneously with, another water right. Alternate rights authorize a substitute point of diversion or withdrawal under a second water right to meet or augment an existing water right. The water user is allowed to determine which right to use. An alternate water right generally does not have an annual quantity that is additive to other water rights, and can have an instantaneous quantity that is either additive or non-additive depending on the needs of the project. Alternate water rights are typically associated with municipal water supply purpose of use.

*For example: A municipality has Water Right G2- 33333 for Well 1. During the summer, the well does not produce enough instantaneous flow to meet the peak demands of the system. Water Right G2-44444 is issued for additive instantaneous quantity from Well 2, which is a deeper, better producing well. Well 2 can be used simultaneously or **alternately** with Well 1, but the sum of water from the two sources cannot exceed the total annual quantity originally issued under Well 1.*

Beneficial use

A reasonable use of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public water of the state, are declared to be beneficial. (RCW 90.54.020; Grimes)

Certificate

A state issued paper documenting a water right that defines instantaneous quantity, annual quantity, purpose, place of use, and season of use as perfected at a specific point in time. The document reflects the investigation and tentative determination for extent and validity conducted by Ecology or a predecessor agency.

Claim

It is just a person's claim to water use with no verification. A form filed during one of four claim filing periods by a person using or claiming the right to withdraw or divert water and make beneficial use of public surface or ground waters of the state prior to the water code (1917 - surface; 1945 - ground). (RCW 90.14.041) The document reflects only what a person claims to be using at the time of filing the claim form. **No** adjudication or verification of water use has been determined. Ecology has no enforcement authority over a claim until adjudication has been completed.

Extent and validity

Investigation of a water right that reveals 1) whether (validity) and 2) how much (extent) a water right has historically been put to beneficial use. The tentative determination is made based on this investigation.

Ground water

All water that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other surface water body in which such water stands or flows, percolates or otherwise moves. (RCW 90.44.035)

Hydraulic continuity

The interchange of surface and ground water.

Impact

Influence or effect. With water use, there may be an effect on the water source but other water rights are not impaired from being exercised.

Impairment

Diminish in ability, value, etc., weaken or damage. With water rights, a person's water right can no longer be exercised as a result of other water uses.

Inchoate

Permitted water that has not been put to beneficial use.

Natural ground water

Water that exists in underground storage owing wholly to natural processes. (RCW 90.44.035)

Non-additive

A water right for either annual or instantaneous quantities of water that does not increase the water available in existing water rights.

For example: In the “alternate” example above, Water Right G2-44444 was issued for additive instantaneous quantity, and non-additive annual quantity.

Perfection

A water right is perfected when it has been put to beneficial use.

Permit

A state issued paper documenting the construction schedule to develop a water right project and identifying the approved limits of water use. Once the permitted project is fully constructed a certificate may be issued based on the extent to which the water right is beneficially used

Permit exempt

Any withdrawal of public ground waters for stock-watering, up to ½ acre of lawn or noncommercial garden, single or group domestic not exceeding 5,000 gallons per day, or for an industrial purpose not exceeding 5,000 gallons per day used beneficially used regularly. (RCW 90.44.050)

Primary water right

A water right that must be used to the fullest extent possible before a standby/reserve water right can be exercised.

*For example: Water Right S2-55555 was issued for irrigation of an orchard from Rushing Stream. However, in late summer, the stream dries up and water is unavailable. Water Right G2-66666 is issued to authorize a well to supply irrigation needs only when the **primary** right (S2-55555) can't be used. Water Right S2-55555 must be used to the extent water is available from Rushing Stream before G2-66666 can be used to augment the supply.*

Prior Appropriation Doctrine

Based upon actual water use; not tied to land/water relationship; senior rights satisfied first; State water code relies upon the principles of this doctrine.

Reclaimed water

Reclaimed water is derived from domestic wastewater and small amounts of industrial process water or stormwater. The process of reclaiming water, sometimes called water recycling or water

reuse, involves a highly engineered, multi-step treatment process that speeds up nature's restoration of water quality. The process provides a high-level of disinfection and reliability to assure that only water meeting stringent requirements leaves the treatment facility.

Relinquishment

Any person or entity entitled to divert or withdraw state that abandons or voluntarily fails without sufficient cause, to beneficially use all or any part of the right for any period of five successive years after July 1, 1967. (RCW 90.14.160; 90.14.170; 90.14.180)

Riparian Doctrine

A right to use water that abuts or is contained with land ownership. The water is shared equally with other riparians. The Riparian Doctrine expired in Washington in 1932.

Source

A point of diversion or withdrawal authorized by a water right, not to be confused with a "same body of groundwater" under RCW 90.44.100, "same source of supply" under RCW 90.03.265 or other such references.

Standby/Reserve

A water right that can only be used when the primary water right goes unfilled or cannot satisfy an authorized use during times of drought or other low flow periods. A primary right must be used to the extent available before a standby/reserve right is used.

For example: As referenced in the definition of "primary" above, the well that was constructed under Water Right G2-66666 is issued as Standby/Reserve, to be used when the primary right cannot be exercised (in whole or in part). ("Standby" and "Reserve" are addressed in RCW 90.14.140(2)(b) under relinquishment exemptions.)

Surface water

Water that appears above ground or flowing on the ground including springs, lakes, and rivers, and creeks.

Tentative determination

Ecology makes a tentative determine about the validity and extent of existing rights for the purpose of issuing new water right permits. [Rettkowski vs. Dept. of Ecology, 219 122 Wn.2d 219, 858 P.2d 232 (1993)] The Twisp case [Okanogan Wilderness vs. Town of Twisp, 133 Wn.2d 769, 947 P.2d 732(197)] and Sullivan Creek [Pend Oreille PUD #1 vs. Ecology] extends tentative determination authority to water right changes.

Trust water right

Any water right acquired by the state under RCW 90.42 for management in the state's trust water rights program. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses. There are various

methods for putting water into trust either permanently or temporarily.(RCW 90.42.020; 90.42.040}

Usufructuary right

Right that allows the use of property that belongs to another. Water is considered to be held by the public with other property owners holding rights to its use it. Restrictions vary under various state water law.

Water resource inventory area (WRIA)

Water Resource Inventory Areas (WRIA) were formalized under Washington Administrative Code (WAC) 173-500-040 and authorized under the Water Resources Act of 1971, Revised Code of Washington (RCW) 90.54. Ecology was given responsibility for the development and management of these administrative and planning boundaries. These boundaries represent the administrative under pinning of this agency’s business activities. The original WRIA boundary agreements and judgments were reached jointly by Washington’s natural resource agencies Ecology, Department of Natural Resources, and Washington Department of Fish and Wildlife in 1970 and were updated in 1998 and 2000.

Water right

A right to the beneficial use of a reasonable quantity of public water for a beneficial purpose during a certain period of time that occurs at a certain place. A water right holder uses water to the exclusion of others. (Water Conservancy Board Training materials)

Water right transfer

A transfer, change, amendment, or other alteration of a part of or all of a water right. (RCW 90.80.010}

Water Resources Common Acronyms

ACQ.....	Annual consumptive quantity	PMT	Program management team
ASR.....	Artificial Storage and Recovery	Qa	Annual quantity
CELP	Center for Environmental Law and Policy	Qi	Instantaneous quantity
CREP.....	Conservation Resource Enhancement Program (USDA program to replace riparian vegetation)	RCW.....	Revised Code of Washington
CRWRP..	Columbia River Water Resources Program	ROD	Record of decision
CRP.....	Conservation Reserve Program (USDA program to halt irrigation for a period of time)	ROE.....	Report of examination
DFD	Determined future development	SAR	Shallow aquifer recharge
EIS	Environmental impact statement	TRS.....	Township, range, and section
ESA.....	Environmental Species Act	WAC.....	Washington Administrative Code
ERTS.....	Environmental report tracking system	WCB.....	Water conservancy board
CFS	Cubic feet per second	WIG	Washington Irrigation Guide
GMAP....	Government management accountability and performance	WRAC	Water Resources Advisory Committee
GPM.....	Gallons per minute	WRIA	Water resource inventory area
GWIS	Geographic water right information system	WRTS.....	Water right tracking system
IPT	Internal Policy Team		
IRPP.....	Instream resource protection plan		
ISF	Instream flows		
MWL	Municipal Water Law		
OCPI	Overriding consideration of the public interest		
PCHB	Pollution Control Hearings Board		
PLT	Program leadership team		