

INTERNET POSTING OF REPORTS OF EXAMINATION

rather than to applications for new water right permits. The Legislature requires Ecology to consider other laws like the Growth Management Act and the Watershed Management Act when it acts on water right applications. In some cases, Ecology's decision must be consistent with plans that implement the other statutes. This trend toward consistency across local planning and agency decisions is likely to continue as efforts to obtain maximum benefits associated with the use of water for out-of-stream purposes is balanced with protection of instream aquatic resources.

Mitigation and/or management plans are a relatively common way to respond to water users' attempts to adapt their uses of water to avoid interference with existing water rights and minimum instream flows adopted by rule. Permit conditions to implement these plans often include mandatory monitoring and evaluation protocols. The WRP desires a structured process to obtain and consider comments from affected parties regarding mandatory conditions or limitations before a final decision is made.

Policy:

Draft reports of examination relating to applications for permits to appropriate surface water or ground water, for reservoir permits, or for changes of surface water or ground water rights will be posted to Ecology's internet site. Applications for seasonal changes to water rights and temporary and preliminary permits will generally not be posted for comment prior to a final decision. Final reports of examination will be normally posted on the Program's internet pages within 10 working days of signature by the section manager.

Procedures:

(1) Ecology will post on its internet site a copy of its draft report of examination relating to any application for a permit to appropriate surface water or ground water, for a reservoir permit, or for any change of surface water or ground water right. The draft report is not a final decision and may not be appealed.

(2) Comments may be submitted in writing or by e-mail to Ecology but they must be received by Ecology within 30 days of the internet posting in order to be considered by Ecology.

(3) Ecology will not issue a final decision on the application until after the 30 day comment period has elapsed. Ecology will consider comments it receives and may incorporate them into the final report, but is not obligated to do so. Ecology will not provide a separate written response to comments received on the draft report of examination. If the section manager determines that changes to a draft report of examination in response to comments received are of sufficient scope or significance to warrant it, he or she may choose to re-post the revised draft for comment.

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(4) Ecology will generally within 10 working days of its final decision post a copy of the final decision on its internet site for at least 60 days. Notwithstanding the posting of final decisions on the internet site, appeals of final decisions to the Pollution Control Hearings Board must be filed in accordance with the provisions of RCW 43.21B.



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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.