



Frequently Asked Questions about the Proposed Rule Amendments for the Quincy Basin Ground Water Subarea

from Ecology's Water Resources Program

Artificially stored ground waters (for purposes of this document) are waters under the ground in the designated Quincy Ground Water Subarea, which are under the management of the U.S. Bureau of Reclamation and the Washington State Department of Ecology.

Persons interested in using artificially stored ground water from the Quincy Basin subarea are required to get a **water right permit** from Ecology, and a license through the Bureau.

A three-year **permit development schedule** specifies the dates by which you must begin and complete construction of your Quincy Basin water project, and put the water to its full beneficial use.

"Beneficial use" is a reasonable quantity of water applied to a non-wasteful use, such as domestic water supply, irrigation, industry, power generation, and fish and wildlife maintenance, to name a few.

The Department of Ecology received a formal petition to amend the Quincy Ground Water Subarea Management Policy (Chapter 173-143A WAC) in January 2006. The petitioner requested three primary amendments to the rule. With the petitioner's agreement, Ecology is initiating rule making on one of the three petitioned amendments.

Proposed changes are limited to section 080: "Regulation of waters of the shallow management unit—Permit requirements," and are almost exclusively applicable to permits for artificially stored ground water.

The rule as a whole establishes how Ecology administers, regulates and manages all ground waters within the Quincy Basin ground water subarea.

Q: What will be the effect of the proposed changes?

A: Overall management of the Quincy Basin Ground Water Subarea by Ecology and the U.S. Bureau of Reclamation will remain essentially the same.

There will be two minor changes to the permitting process for artificially stored ground water:

- 1) The proposed changes would allow for the possibility of extensions to permit development schedules. The current rule limits the development schedule to three years.
- 2) Ecology will now require permittees to submit a Proof of Appropriation form to verify the project status and the extent of beneficial use of water. The completed form must be submitted on or before the three-year anniversary of the date the permit was issued.

Q: How would I get an extension to my permit development schedule?

A: Requests must be made in writing, to the Department of Ecology. Requests would be considered on a case-by-case basis. Permittees must show good cause for needing the extension, and demonstrate they have made good faith efforts to comply with the existing development schedule. Extensions would be issued in one- to three-year increments.

Financial hardship and sale of the authorized place of use will not be considered "good cause" for a permit extension.

Q: What is a Proof of Appropriation form?

A: A Proof of Appropriation form is a standard Ecology one-page form which must be completed, notarized and returned to Ecology when your water project is finished and the



water put to full beneficial use. It includes questions such as how much water you are using, the purpose for the water use and where the water is being used. Under the proposed amendment, the completed form must be submitted on or before the three-year anniversary of the date the permit was issued.

Q: *Will the rule changes apply to all Quincy Basin ground water permits?*

A: Yes. The feedback from stakeholders in 2006 made it clear that in order for the rule making to be fair, all permittees (regardless of the type of use) should have the same opportunities. But note that this rule will only affect permits issued on or after the effective date of the rule – **the rule amendments do not affect existing permits.**

Q: *I applied for a Quincy Basin artificially stored ground water right permit five years ago. Will the proposed rule amendment affect my ability to get a permit?*

A: No, not significantly. Applications are still being processed in order of priority, based on the date received by Ecology. You still have a three-year timeframe for constructing your water system and putting the water to use. And now there would be the possibility of a one-to-three year extension.

There is one potential minor impact: if those who are developing permits ahead of you get extensions, this will mean there is less water available for new uses at any given point in time. The rule limits the total quantity of withdrawals authorized by permit to a maximum cumulative total of 177,000 acre-feet per calendar year.

Q: *If I don't complete the terms of my permit within three years and don't get an extension, what happens?*

A: If you have not met the terms of your permit within the three-year timeframe and do not get an extension, your permit will be cancelled. The unused or “unperfected” water becomes available for the next permit application in line.

Q: *I have an undeveloped Quincy Basin permit. I have not entered into a license agreement contract with the U.S. Bureau of Reclamation. Will the proposed amendments allow me to extend my development schedule?*

A: No. The license agreement is a requirement of the permit. As stated in the permit, not complying with the terms of a valid agreement with the Bureau is grounds for suspending or terminating the permit.

Q: *How can I get more information and participate in the rule-making process?*

A: As an interested party, you are encouraged to get involved in the rule-making process. Check Ecology's web site for updated information on the rule development process and for both formal and informal opportunities to comment on the proposed amendments:
<http://www.ecy.wa.gov/programs/wr/rules/quincy.html>.

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