

Organizing Water Resources Permitting Work

Water right applications are processed by the Department of Ecology's Water Resources Program regional and field office staff. We evaluate each water right application individually, and for efficiency, several applications for the same water source may be investigated together. Water right decisions are made in the order the applications are filed within a source of water. This focus sheet describes how permitting work within the regions may be further prioritized, and describes two permitting options available to applicants.

We are currently focusing our review of water right applications on processing applications to change or transfer existing water rights. When staff are available, we also process applications for new water rights as described below.

Organization and management of workload

It is not possible for Water Resources permitting staff to work in all of Washington's watersheds (river basins) at the same time. Therefore, we may define and prioritize discrete water sources within regions for assigning staff time. The program selects a water source for investigation based on several factors, including:

- The number and age of pending applications, and the quantities of water requested.
- The availability of data on water supply and future needs, streamflow needs, and the hydrogeology of the watershed.
- The ability of the program to support local land use and water resource plans.
- The projected population and economic growth in the area.
- The status of watershed planning efforts.

MORE INFORMATION

If you have additional questions, please contact the Ecology regional office nearest you.

Northwest Regional Office
3190-160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7000

Central Regional Office
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3452
(509) 575-2490

Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6300

Eastern Regional Office
N. 4601 Monroe
Spokane, WA 99205-1295
(509) 329-3400

Special accommodations:

If you need this publication in an alternative format, call the Water Resources Program at 360-407-6600. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Priority Processing of Water Right Applications

Under certain circumstances, an application may be taken out of order, and processed ahead of others. The following are three circumstances under which an application may receive priority processing

1. The application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. To be considered a failing public water system, the Department of Health determines the system meets one or more of the following conditions:
 - The public water system has failed, or is in danger of failing within one year, to meet state standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs.
 - The current water source has failed or will fail so the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented.
 - A change in source is needed to meet drinking water quality standards and avoid unreasonable treatment costs, or the existing source of supply is unacceptable for human use.

Please note: Inadequate water rights for a public water system to serve existing hookups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency.

2. The application for a new water right is for a non-consumptive use and, if approved, would substantially enhance or protect the quality of the natural environment. "Non-consumptive uses" do not reduce the quantity or quality of the water source.
3. We may process an application for change or transfer of an existing water right before earlier applications provided one or more of the following criteria are satisfied:
 - The change or transfer, if approved, would substantially enhance the quality of the natural environment.
 - The change or transfer, if approved, would result in providing public water supplies to meet general needs of the public for regional areas.
 - The Department of Health determines that an interconnection between water systems is needed to protect public health or safety.

- The change or transfer was filed by water right holders taking part in an adjudication, and a decision is needed quickly to ensure that Orders or Decrees of the Superior Court will reflect current water uses.

In prioritizing applications, the following order applies:

1. Public health and safety emergencies.
2. Preservation of other public health and safety concerns.
3. Transfers or changes to enhance environmental quality.
4. Transfers or changes for public water supplies to meet general needs.
5. Transfers or changes required by orders or decrees of courts.
6. Non-consumptive uses that, if approved, would greatly enhance or protect the quality of the natural environment.

Water right applicants may request priority review of an application by contacting the regional office where the application is filed, or by contacting the Department of Health. Applicants must be able to demonstrate how they meet the criteria for priority processing. Meeting one or more of the criteria does not guarantee an application will receive priority processing. Competing workload priorities, local conditions, and other laws or regulations may affect our ability to process an application. All applications given priority review are still subject to evaluation consistent with state law.

Permitting Options

Cost Reimbursement

Cost Reimbursement refers to a contract between a water-right applicant and Ecology where the applicant agrees to pay the cost of a private consultant to evaluate their water-right application and any previously filed applications for the same source of water.

Under Cost Reimbursement, Ecology retains the authority to make the final decision on the application. The consultant conducts site investigations, performs the environmental and hydrogeologic analyses, identifies whether water is available or if the withdrawal would impair other water users, prepares a report with findings and a recommendation whether to approve the application.

Cost Reimbursement generally results in a quicker decision. The time and cost vary by the complexity of the proposal and the number of prior applications that must be addressed.

Under Cost Reimbursement, applicants must pay the full cost of processing their application and prior applications. In addition to the contracting costs, the applicant is expected to pay the costs of Ecology staff time to review the work of the consultant and manage the contract.

We recommend that any applicant considering the Cost Reimbursement process discuss the option with our regional staff.

Conservancy Boards

Water Conservancy Boards are independent units of local government created by County Commissioners and they exist in many areas of the state. The Legislature authorized Conservancy Boards to assist the Water Resources Program with the backlog of water right change applications. The boards may accept and process applications to change or transfer a water right or, in some instances, a ground water permit. This includes establishing trust water rights.

Ecology has final authority on each decision made by a board, and must assure that decisions comply with applicable water law. Following review, Ecology must issue an Administrative Order to affirm, modify, or reverse the board decision. Ecology's Administrative Order is then appealable to the Pollution Control Hearings Board.

We recommend any applicant considering filing a water right change or transfer application with a conservancy board first consult with our regional staff.