



# **WATER RIGHTS 101**

**Eric Weber LHG, CWRE**

2ND ANNUAL WATER LAW IN EASTERN WASHINGTON CONFERENCE

# // Getting Water for Your Land

## New

Application
Public Notice
Affidavit of Publication
Field Inspection
Report of Examination (ROE)
Permit
Develop Your Water Right
Proof of Appropriation
Final Document Certificate

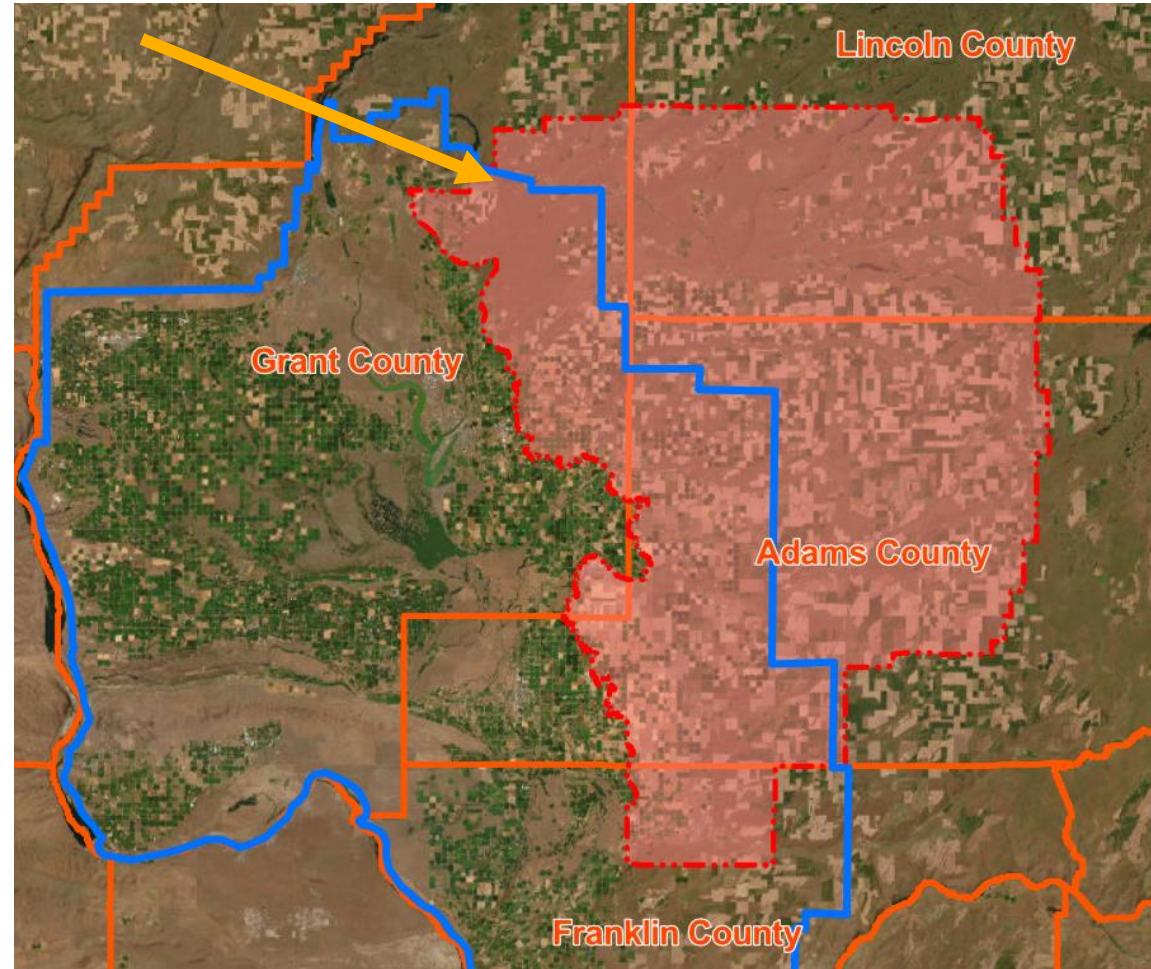
## Change/Transfer

Application
Public Notice
Affidavit of Publication
Field Inspection
Report of Examination (ROE)
Change ROE
Implement Your Change
Proof of Appropriation
Final Document Superseding Certificate



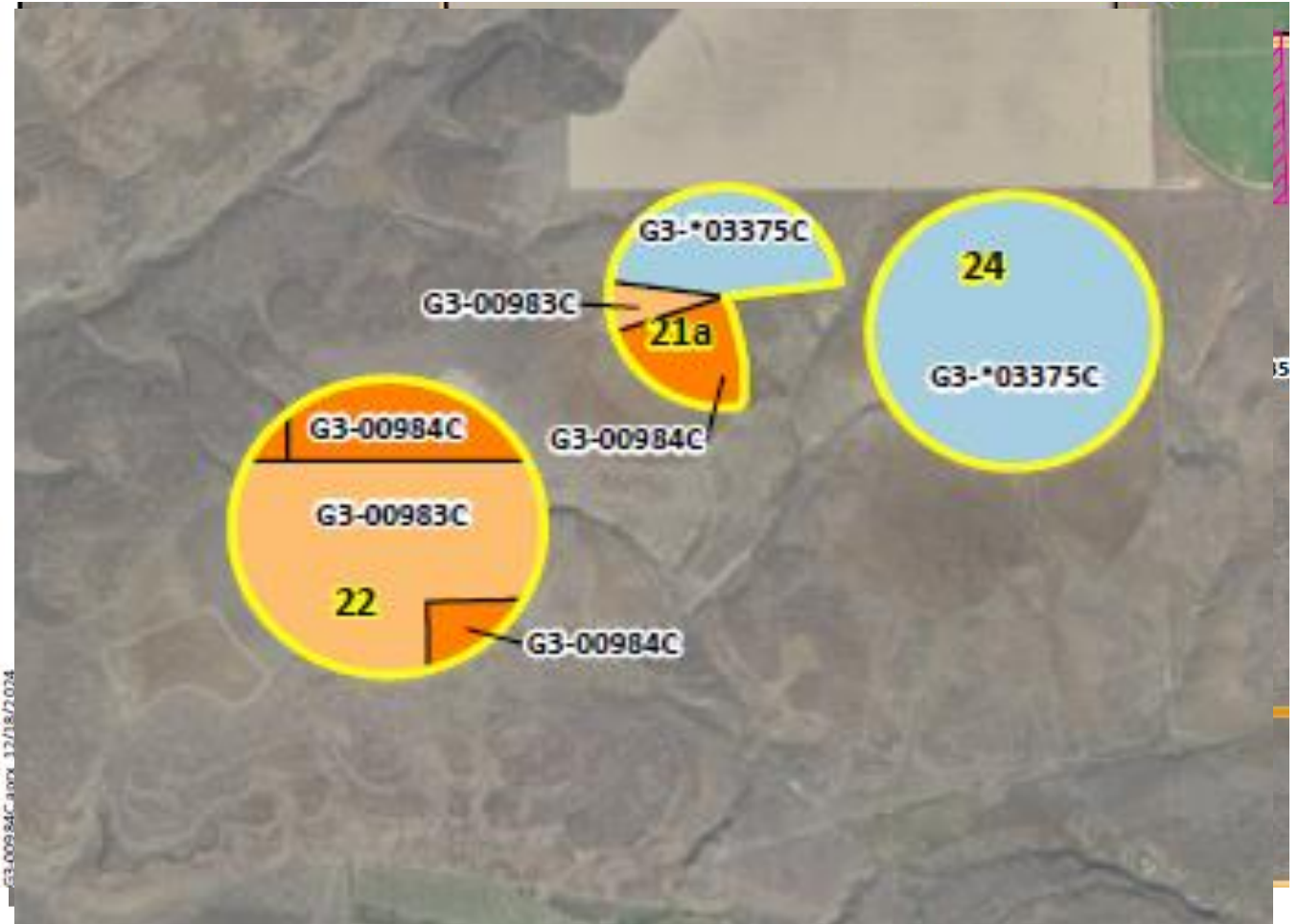


## // Example: *Water Right G3-00984C*



# // Example: *Water Right G3-00984C*

- ▲ Priority Date:
  - Oct 7, 1970
- ▲ Quantities
  - Qa – 150 acre-ft
  - Qi – 600 gpm
  - 60 acres
- ▲ Changing the following attributes:
  - Place of Use
  - Point of Withdrawal



# // Tools of the Trade

- ▲ ***Ecology WRTS Database***
- ▲ Statutes: Revised Code of Washington (RCW)
- ▲ Rules: Washington Administrative Code (WAC)
- ▲ ***Polices, Procedures and Guidance***
- ▲ Forms and Templates
- ▲ Case Law
- ▲ Orders and Directives
- ▲ Unwritten Ecology Policy

# // Available Tools: WRTS Database

## General Search Result

12 Water Right Records were found that matched your search criteria. If you didn't get the results you were looking for, please review your search criteria.

	Record/Document Number	WR Doc ID	Person or Organization	Phase	Stage	Status	Priority Date Claim First Use	Purpose	Image	POD/W or POU	Qi	Unit	Qa
<a href="#">View</a>	CG3-00984C	6806469	Stevens, William	Change-ROE	BC	Active	10/28/2024	Irrigation	<a href="#">View</a>	<a href="#">View POU Boundary</a>	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC 18)	6801120	Stevens, David L	Change-ROE	Expired	Inactive	02/01/2018	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC16)	6798981	Stevens, Rose M	Change-ROE	Expired	Inactive	02/04/2016	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC17)	6800082	Stevens, Rose M	Change-ROE	Expired	Inactive	10/31/2016	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC19)	6802014	Stevens, David L	Change-ROE	Expired	Inactive	01/31/2019	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC20)	6802827	Stevens, David L	Change-ROE	Expired	Inactive	02/06/2020	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC21)	6803913	Stevens, David L	Change-ROE	Expired	Inactive	02/04/2021	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC22)	6804507	Stevens, David L	Change-ROE	Expired	Inactive	02/04/2022	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC23)	6805409	Stevens, David L	Change-ROE	Expired	Inactive	02/07/2023	Irrigation	None	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC24)	6805714	Stevens, Rose M	Change-ROE	Expired	Inactive	12/26/2023	Irrigation	<a href="#">View</a>	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	CG3-00984C(SC25)	6806621	Stevens, David L	Change-ROE	ROE-ROD	Active	01/03/2025	Irrigation	<a href="#">View</a>	Not on Map	600.0000	GPM	150.0000
<a href="#">View</a>	G3-00984C	2139565	Stevens, David L	Certificate	Final	ChangeInProgress	10/07/1970	Irrigation	<a href="#">View</a>	<a href="#">View POD/W Point</a>	600.0000	GPM	150.0000

Note: In the dropdown lists, to add or subtract more than one criteria at a time, hold down the shift or ctrl keys while clicking.

[General Search](#)[Clear General Search](#)



# // Available Tools: *Policies, Procedures, and Guidance*

## Water rights and dam safety policies, procedures & guidance

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These policies and procedures are used to guide and ensure consistency in the administration of laws and regulations. They 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 our practices and interpretations of laws and regulations at the time they are adopted.

<https://ecology.wa.gov/regulations-permits/plans-policies/water-rights-dam-safety-policies-procedures-guidan>

# // Available Tools: *Policies, Procedures, and Guidance*

## Water Resource policies

Administration of water rights (#1000-1120)	+
Changes to water rights (#1200-1280)	+
Streamflow restoration	+
Other topics (#2000-2050)	+

## Water Resource procedures

Administration of water rights (# 1000-1210)	+
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## Water Resource guidance

Water Resource guidance	+
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# // Available Tools: *Policies, Procedures, and Guidance*

Administration of water rights (#1000-1120)	
Policy #	Policy Title
<a href="#">POL 1000</a> ↗	Water Right Administration Policy
<a href="#">POL 1010</a> ↗	Administration of the Trust Water Rights Program
<a href="#">POL 1015</a> ↗	Diversion or Withdrawal of Saltwater
<a href="#">POL 1017</a> ↗	Policy/Interpretive Statement regarding Collection of Rainwater for Beneficial Use
<a href="#">POL 1020</a> ↗	Consumptive and Non-consumptive Water Use
<a href="#">POL 1021</a> ↗	Priority Processing - Water Budget Neutral Projects
<a href="#">POL 1025</a> ↗	Conveying Stockwater Away from Streams
<a href="#">POL 1030</a> ↗	Preliminary Permits
<a href="#">POL 1035</a> ↗	Temporary and Emergency Drought Permits
<a href="#">POL 1037</a> ↗	Permits for Short-Term Water Use
<a href="#">POL 1045</a> ↗	Emergency Water Source Authorization
<a href="#">POL 1050</a> ↗	Extension of Time on Water Right Permits Revised
<a href="#">POL 1060</a> ↗	The Relinquishment, Rescission, and Abandonment of Water Rights
<a href="#">POL 1070</a> ↗	Administrative Confirmation of the Division of Water Rights Among Multiple Owners Revised
<a href="#">POL 1120</a> ↗	Conducting Tentative Determinations of Water Rights

# // Available Tools: *Policies, Procedures, and Guidance*

POL-1000

DEPARTMENT OF ECOLOGY WATER RESOURCES PROGRAM  
POLICY AND INTERPRETIVE STATEMENT

**WATER RIGHTS PROCESSING POLICY**

Effective Date: 10/23/1990

Revised Date: 03/30/2015

Contact: Program Development and Operations Support

References: *Statute:* Chapters 43.21, 90.03, 90.14, 90.16, 90.42, 90.44, 90.54, 90.66,  
90.90 RCW

*Administrative Rule:* WAC 173-152, 173-165, 173-173, 197-11, 508-12

Purpose: To ensure statewide consistency, conformity with state law, and equality  
of service to the public in the administration of water rights.

Application: This policy applies to  
applications for chan  
and 90.44 RCW.

**This policy supersedes any pre**

**Administration of applications will be**

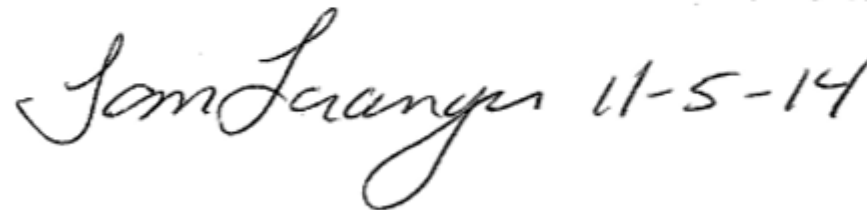
To ensure conformity with state law, equ  
regional offices all applications to approp  
will be processed in accordance with the

**Processing applications is region specific**

Procedural differences exist among the re  
water and applications for change of a wa  
historical work patterns and expertise of  
authorized, as long as regional procedure  
this policy.

**Processing applications is region specific.**

Procedural differences exist among the regions in the processing of applications to appropriate water and applications for change of a water right. These differences exist because of historical work patterns and expertise of the personnel. Procedural differences are hereby authorized, as long as regional procedures are in agreement with and further the purposes of this policy.



Tom Loranger 11-5-14

Tom Loranger  
Program Manager  
Water Resources Program

## // Step 1: *The Application*

<b>Application</b>
<b>Public Notice</b>
<b>Affidavit of Publication</b>
<b>Field Inspection</b>
<b>Report of Examination (ROE)</b>
<b>Change ROE</b>
<b>Implement Your Change</b>
<b>Proof of Appropriation</b>
<b>Final Document Superseding Certificate</b>



# // The Application: *What Information is Needed?*

## ▲ Tentative Determination Analysis

- Historical aerial imagery
- Metering data

## ▲ Same Body of Groundwater / Impairment Analysis /Water Availability

- Water-level data (EIM database)
- Surficial geology map
- Cross –sections
- Hydrogeologic conceptual model

## ▲ Supporting Figures and Maps

- Vicinity maps
- Nearby water rights
- Existing and proposed place of use
- Existing and proposed points of withdrawal

## ▲ Processing Pathway

- Cost reimbursement
- Conservancy board
- Standard

### Application for Change/Transfer of a Water Right Form No. ECY 040-1-97 (Rev 01/2023)



- We strongly encourage applicants to seek pre-application consultation prior to applying.
- Refer to accompanying guidance to complete this form.
- Incomplete applications will be returned.
- All fees are non-refundable (RCW 90.03.470(13)).

#### Processing option you are choosing:

##### ☐ Standard Processing

(Department of Ecology)  
A minimum \$50 fee is required to apply. Additional fees may apply. Drought applications are exempt.

##### ☐ Cost Reimbursement

Processing (Ecology Contractor)  
Contact Department of Ecology to obtain information on fees for this option.

##### ☐ County Water Conservancy

Board Processing  
(not available in all counties)  
Fees charged by boards vary. Consult with the appropriate board to determine the fee.

#### Where to mail your application:

Submit all applications for Department of Ecology and Cost Reimbursement processing to the Ecology's Cashiering Section address below. County Water Conservancy Board applications should be submitted directly to the appropriate board, if one exists.

DEPARTMENT OF ECOLOGY  
CASHIERING SECTION  
PO BOX 47611  
OLYMPIA, WA 98504-7611

Check the box for the region where your project is located.

- ☐ Central Region
- ☐ Eastern Region
- ☐ Northwest Region
- ☐ Office of Columbia River (OCR)\*
- ☐ Southwest Region



\* OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.



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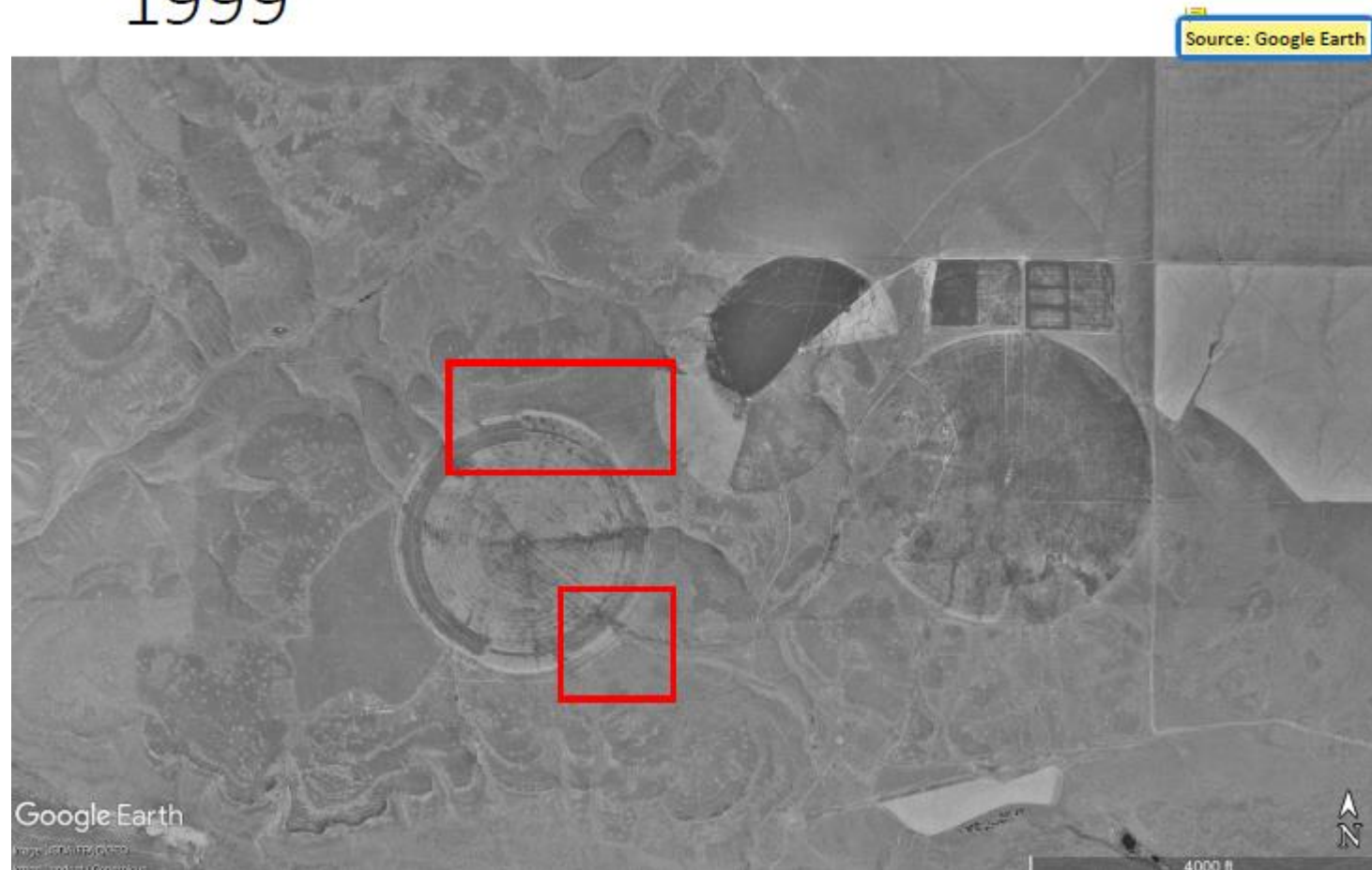


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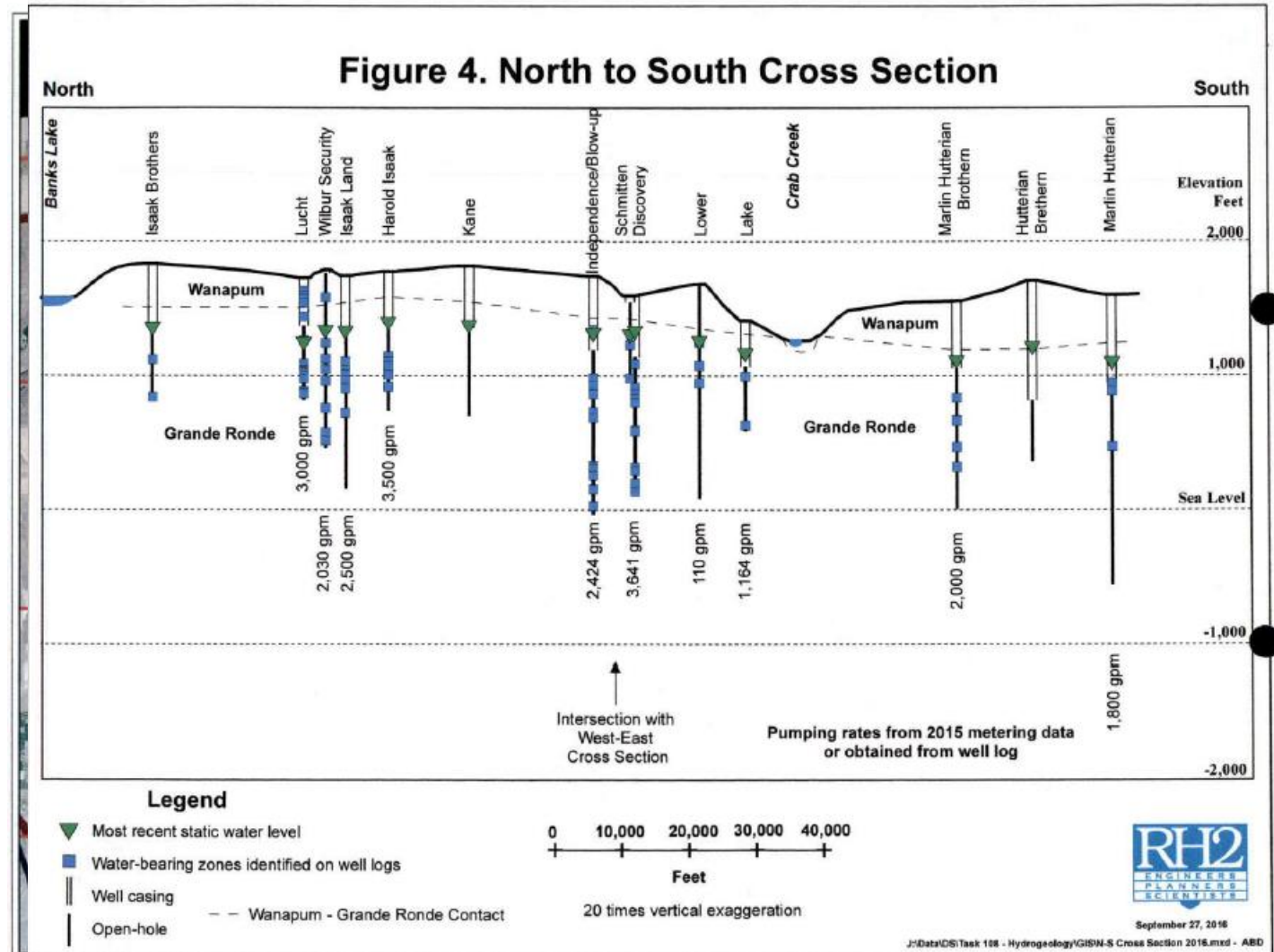
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# // The Application: *Historical Aerial Imagery*

1999



# // The Application: *Hydrogeology*



# // The Application: *Choosing the Processing Pathway*

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RCW 90.03.380: Priority of Water Right Applications  
RCW 90.44.540 Expedited Processing of Applications

- [RCW 90.03.265 – Appropriation procedure—Cost-reimbursement agreement](#)
- [RCW 43.21A.690 – Cost-reimbursement agreements](#)
- Ecology Website: [Cost reimbursement - Washington State Department of Ecology](#)<sup>2</sup>

- [Chapter 173-153 WAC](#)
- [Chapter 90.80 RCW](#)





# // A Note on Water Conservancy Boards

- ▲ Grant County Water Conservancy Board – Represents County
- ▲ 3 to 5 Members with Alternates
- ▲ Appointed by County Governing Body
- ▲ Typically, local citizens
- ▲ Each County Board operates a little bit differently
  - Fees are different
  - Applications are presented in person for Grant County
- ▲ Continuing Education Requirements
- ▲ WAC 173-153-120 *“Ecology recognizes that boards are independent entities with the legal right to make records of decision on water rights without seeking assistance from Ecology”*
- ▲ Conservancy Board findings documented in a **Record of Decision** or ROD
- ▲ Ecology has 45 (+30) days to review, approve, reject, or modify a ROD.

## // Step 2: Public Notice & Affidavit

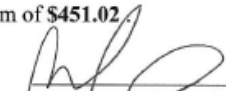
Application
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### AFFIDAVIT OF PUBLICATION

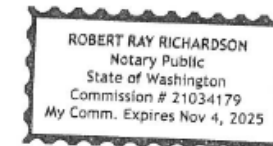
#### STATE OF WASHINGTON COUNTY OF GRANT

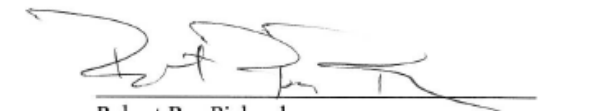
I, Blaze Griffith-Steele, do solemnly swear that I am the Principle Agent of the Columbia Basin Herald, a newspaper established and regularly published five days a week in the English language, in and of general circulation continuously for more than six (6) months prior the 31st day of March, 1944; that said newspaper is printed in an office maintained at its place of publication in the City of Moses Lake, Washington; that said newspaper was approved and designated as a legal newspaper by the order of the Superior Court of the State of Washington for Grant County on the 31st day of March, 1944; and that said order has not been revoked and is in full force and effect.

That the annexed is a true copy of Legal Notice # 12036/30532 G3-00984C SLH Public Notice as it was published in regular issues (and not in supplement form) of said newspaper once each WEEK for a period of 2 consecutive WEEKS commencing on the 4TH of DECEMBER 2024 and ending on the 11TH of DECEMBER 2024 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period, that the full amount of fee charged for the foregoing publication is the sum of \$451.02.

  
Blaze Griffith-Steele

Subscribed and sworn to before me this 11<sup>TH</sup> DAY OF DECEMBER 2024,



  
Robert Ray Richardson  
Notary Public in and for the State of Washington  
Residing in Moses Lake, Washington

## // Step 3: *Field Inspection*

Application
Public Notice
Affidavit of Publication
<b>Field Inspection</b>
Report of Examination (ROE)
Change ROE
Implement Your Change
Proof of Appropriation
Final Document Superseding Certificate



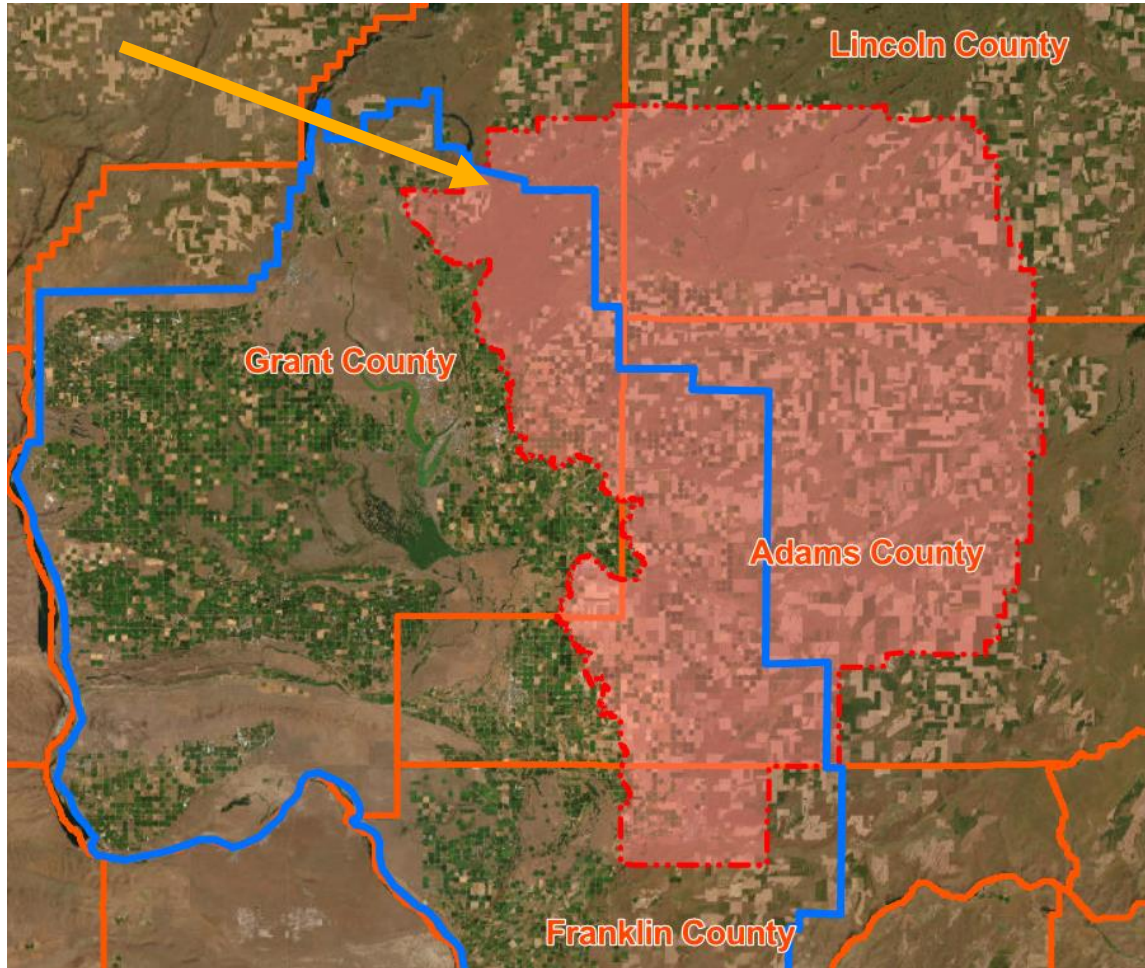
## // Step 4: *Report of Examination*

<b>Application</b>
<b>Public Notice</b>
<b>Affidavit of Publication</b>
<b>Field Inspection</b>
<b>Report of Examination (ROE)</b>
<b>Change ROE</b>
<b>Implement Your Change</b>
<b>Proof of Appropriation</b>
<b>Final Document Superseding Certificate</b>

- ▲ ROE supports ROD decision
  - Completed by Consultant
  - Reviewed and Approved by the Board
- ▲ ROD documents Board decision
- ▲ ROE contains:
  - Tentative determination of extent and validity
  - Water Availability assessment
  - Impairment assessment
  - Public Interest statement
  - Provisions



## // Step 4: Report of Examination



**RCW 90.44.510 Superseding water right permit or certificate—Water delivered from federal Columbia Basin project.** The department shall issue a superseding water right permit or certificate for a groundwater right where the source of water is an aquifer for which the department adopts rules establishing a groundwater management subarea and water from the federal Columbia Basin project is delivered for use by a person who holds such a groundwater right. The superseding water right permit or certificate shall designate that portion of the groundwater right that is replaced by water from the federal Columbia Basin project as a standby or reserve right that may be used when water delivered by the federal project is curtailed or otherwise not available. The period of curtailment or unavailability shall be deemed a low flow period under RCW 90.14.140(2)(b). The total number of acres irrigated by the person under the groundwater right and through the use of water delivered from the federal project must

**RCW 90.44.550 Odessa groundwater subarea—Nonuse of a water right—Notice to the department—Conditions.** (1) In order to encourage more efficient use of water, where the source of water is an aquifer within the Odessa groundwater subarea as defined in chapter 173-128A WAC:

(a) Any period of nonuse of a right to withdraw groundwater from the aquifer is deemed to be involuntary due to a drought or low flow period under RCW 90.14.140(2)(b); and

(b) Such unused water is deemed a standby or reserve water supply that may again be used after the period of nonuse, as long as: (i) Reductions in water use are a result of conservation practices, irrigation or water use efficiencies, long or short-term changes in the types or rotations of crops grown, economic hardship, pumping or system infrastructure costs, unavailability or unsuitability of water, or willing and documented participation in cooperative efforts to

# // Step 4: Record of Decision

Application
Public Notice
Affidavit of Publication
Field Inspection
Report of Examination (ROE)/ <b>Record of Decision</b>
Change ROE
Implement Your Change
Proof of Appropriation
Final Document Superseding Certificate



March 19, 2024

On February 3, 2025, our office received from the Grant County Water Conservancy Board the Record of Decision and Report of Examination for the above referenced application for change/transfer. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protest, objections, and other relevant information.

The Department has **modified** the decision of the Board, and the proposed change/transfer is **approved** under the following conditions.

#### Summary of Ecology's Final Order G3-00984

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	600	150	600 gallons per minute, 150 acre-feet per year for seasonal irrigation of 60 acres from March 1 to November 1, each year				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Two (2) Wells							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
1.) Lake Well	NW¼	NW¼	3	22 N.	29 E.	All in WRIA 43	Grant County
2.) New Well	NE¼	NE¼	33	23 N.	29 E.		
PN #180623000 or	Or						
PN #180624000 or	NW¼	NW¼	34	23 N.	29 E.		
PN #180627000	Or						
	NW¼	NW¼	35	23 N.	29 E.		




## // Step 5: *Change ROE & Implement Change*

<b>Application</b>
<b>Public Notice</b>
<b>Affidavit of Publication</b>
<b>Field Inspection</b>
<b>Report of Examination (ROE)/ROD</b>
<b>Change ROE</b>
<b>Implement Your Change</b>
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# // Step 6: Proof of Appropriation

Application
Public Notice
Affidavit of Publication
Field Inspection
Report of Examination (ROE)
Change ROE
Implement Your Change
<b>Proof of Appropriation</b> <b>Proof Report of Examination</b>
Final Document Superseding Certificate

		<b>Water Resources Program</b> <b>PROOF OF APPROPRIATION OF WATER</b>		For Ecology Use (Date Stamp)
Reviewed by:				
<p><i>Please be advised: Failure to collect and provide all required records and information as provisioned in your permit and underlying documents may result in delayed issuance of your certificate. Contact Ecology prior to submittal of this form if you have not complied with all provisions of your permit.</i></p>				
Name:		Water Right File Number:		
Mailing Address:		City:	State:	Zip Code:
<b>WATER USE AND MEASUREMENT</b>				
<p><i>Please be advised: Ecology will issue a certificate for (up to) the quantities put to beneficial use as authorized by your permit. Please provide any required metering records not previously submitted to Ecology.</i></p>				
Is an approved measuring device installed?		Date measuring device installed:		
<input type="checkbox"/> Yes <input type="checkbox"/> No				
If no measuring device installed, describe Ecology approved alternative measuring method:				
Current Meter Reading: (Specify units i.e. gallons, cubic-feet or acre-feet)				Recording Date:
<b>MAXIMUM RATE OF DIVERSION/WITHDRAWAL</b>				
Maximum Instantaneous Rate:				
		Cubic feet per second	Or	Gallons per minute
<b>MAXIMUM ANNUAL QUANTITY DIVERTED/WITHDRAWN</b>				
Annual Quantity of Diversion/Withdrawal:				
		Cubic-Foot	Or	Gallons Or Acre-feet
(1 cubic foot = 7.48 gallons) (1 acre-foot = 325,851 gallons)				
<b>DESCRIPTION OF PLACE OF USE</b>				
Legal description of specific area on which water is beneficially used:				

# Superseding Certificate

Thank You

[eweber@landauinc.com](mailto:eweber@landauinc.com)

206-940-2406

