LANDAU ASSOCIATES

Water Rights 101

Kaila Anderson, PE, CWRE

WATER LAW IN EASTERN WASHINGTON CONFERENCE

MAY 27, 2026

// Water Rights 101 - Topics

TOPICS OUTLINE

- Regulatory framework
- What is a Water Right?
- New and Change/Transfer Applications
- Diminishment

// Water Rights 101 - Topics

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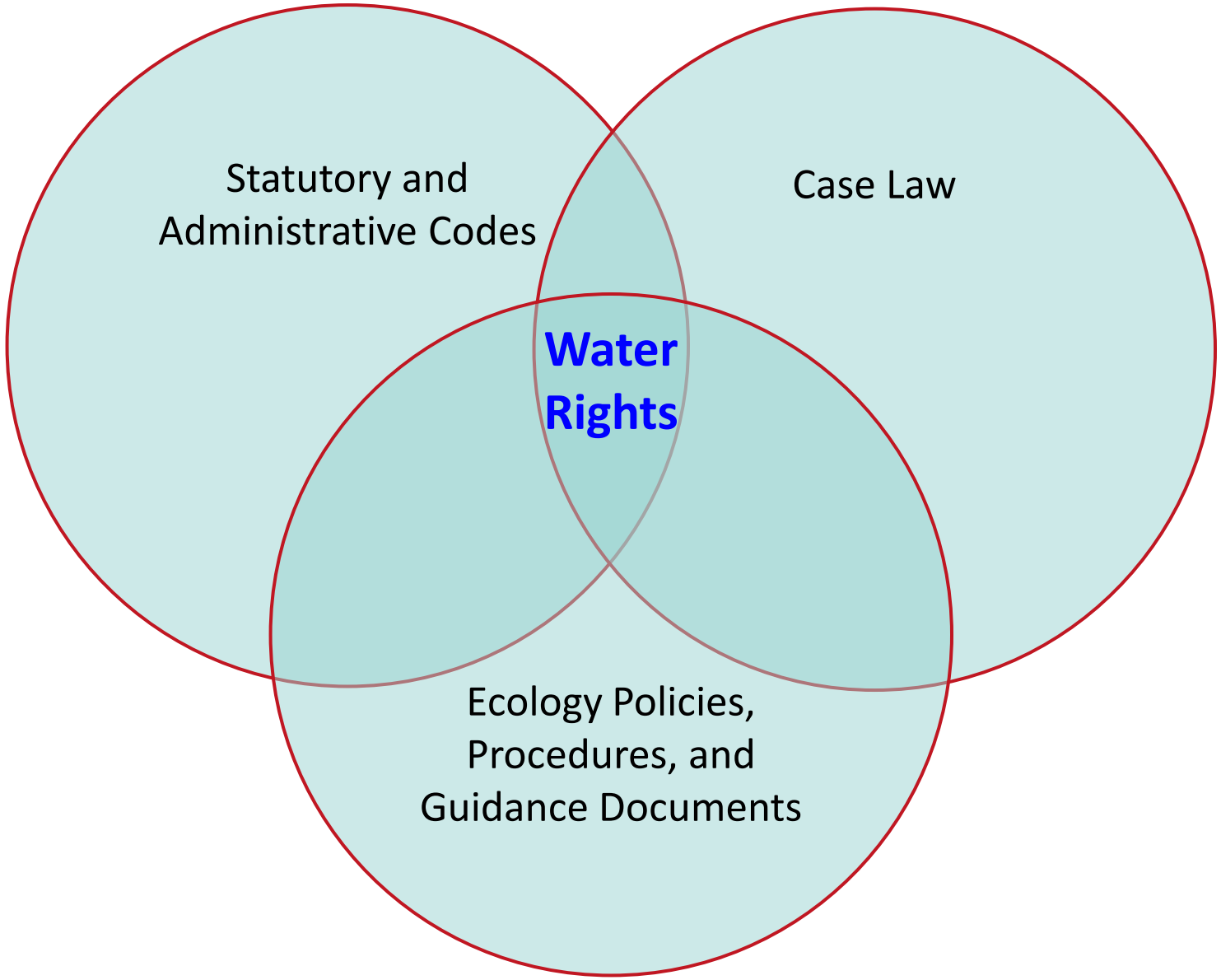
- **Regulatory framework**
- What is a Water Right?
- New and Change/Transfer Applications
- Diminishment

// The Framework



// Statutory and Administrative Code References

REVISED CODE OF WASHINGTON – TITLE 90

- RCW 90.03 (1917): Surface Water
- RCW 90.14 (1967): Water Rights Administration and Relinquishment
- RCW 90.44 (1945): Groundwater
- RCW 90.54 (1971): Water Resources Act
- Many Others

WASHINGTON ADMINISTRATIVE CODE

- WAC 173-152: Procedures and Priority Processing
- WAC 173-100: Groundwater Management Areas
- WAC 173-5XX: Instream Resource Protection
- Many Others

// Statutory and Administrative Code References

REVISED CODE OF WASHINGTON – TITLE 90

- EXAMPLE: **RCW 90.44.050 Permit to withdraw.**
- After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any **withdrawal of public groundwaters** for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, **or for single or group domestic uses in an amount not exceeding five thousand gallons a day**, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, **is and shall be exempt from the provisions of this section**, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter….

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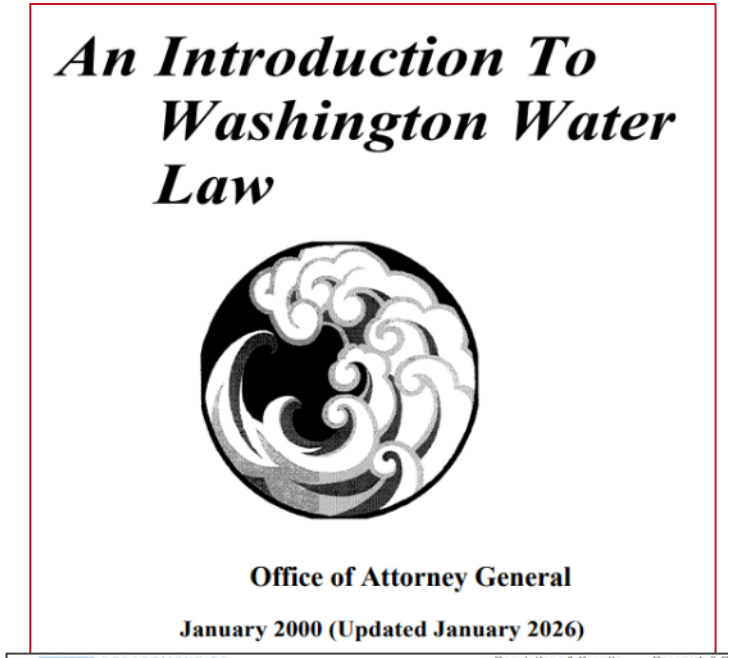
WASHINGTON ADMINISTRATIVE CODE

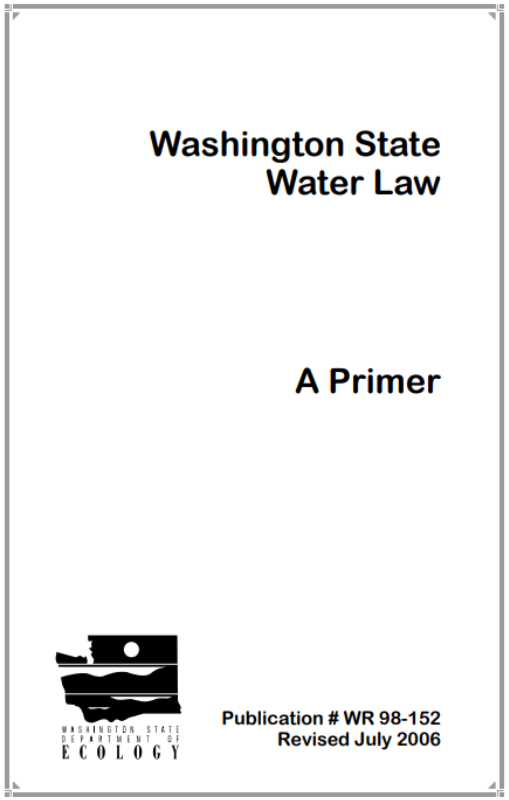
- EXAMPLE: **WAC 173-501-065 Permit-exempt groundwater for future domestic uses in Nooksack WRIA 1**
- (5) The department establishes a conservation standard for withdrawals from new permit-exempt domestic wells as follows: (a) Withdrawals from a new permit-exempt domestic well(s) serving a single connection are limited as follows**: (i) Indoor domestic water use shall not exceed five hundred gallons per day;** and (ii) Outdoor domestic water use shall be limited to an area not to exceed a total of one-twelfth acre, or three thousand six hundred thirty square feet. Outdoor domestic water use is in addition to indoor domestic water use set forth in (a)(i) of this subsection.

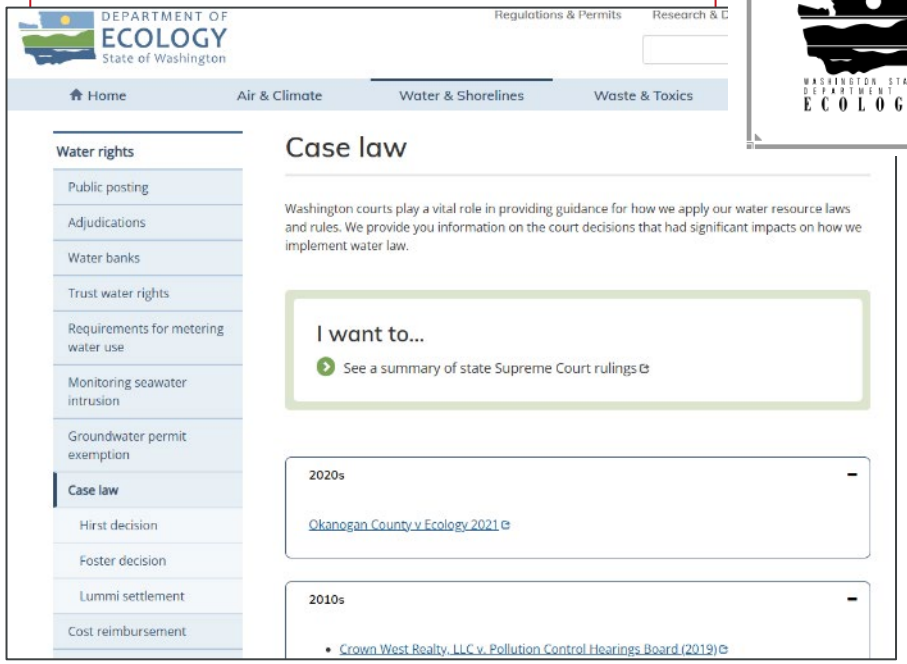
// Case Law

- WA water law is constantly evolving as court decisions impact how water resource laws and rules are implemented.

- Example: **Department of Ecology v. Campbell & Gwinn et al, 70279-9 (2002).** Raised the question of how the ground water exemption in RCW 90.44.050 applies to a residential subdivision (in this case, 20 lots). Wells drilled by a developer to service a subdivision constitute a single "group domestic use" rather than a series of individual uses.







// Ecology Policies, Procedures, and Guidance

Water rights and dam safety policies, procedures & guidance

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.

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) +

Water Resource guidance

- Water Resource guidance +

Example:

POL-1230 WATER RESOURCES PROGRAM POLICY

POLICY FOR IMPLEMENTING THE CONSOLIDATION OF RIGHTS FOR EXEMPT GROUND WATER WITHDRAWALS

Resource Contact: Policy and Planning Section

Effective Date: 01/11/99
Revised: NEW

References: Chapter 446, Laws of 1997 (SSB 5785), Consolidation of exempt ground water rights. Now codified as RCW 90.44.105.

Purpose: To establish procedures the Department of Ecology (Ecology) will use to assist ground water right certificate and permit holders seeking to consolidate that right with a right or rights established under the ground water exemption in complying with Chapter 446, Laws of 1997.

Application: These procedures apply to all holders of water right permits and certificates of ground water right issued pursuant to chapter 90.44 RCW.

// Water Rights 101 - Topics

TOPICS OUTLINE

- Regulatory framework
- **What is a Water Right?**
- New and Change/Transfer Applications
- Diminishment

// What is a Water Right?

Water rights are "ranked" by first in time, first in right—also known as the **prior appropriation doctrine**. Consequently, every State water right has a priority date where a junior right cannot impinge (impair) a senior water right use.

// What is a Water Right?

- A claim to a water right for a beneficial use which predates the state permitting system (prior to 1917/1932 for surface water and prior to 1945 for groundwater).
- The Claims Registration Act set up periods of time for water users to file their water right claims with the state (1969-1974 and 1997-1998).
- More than 166,000 claims are now on file with the Claims Registry.
- Claims are vested rights that remain valid until an adjudication.

// What is a Water Right?

RCW 90.44.050 Groundwater Permit Exemption

- Domestic uses up to 5,000 gpd
- Industrial uses up to 5,000 gpd
- Irrigation of Lawn or Non-Commercial Garden less than 0.5 acres
- Unlimited for Stock-Watering

Can “stack” exempt uses, meaning you can use water for different permit-exempt purposes on the same property, even if they use the same well.

// What is a Water Right?

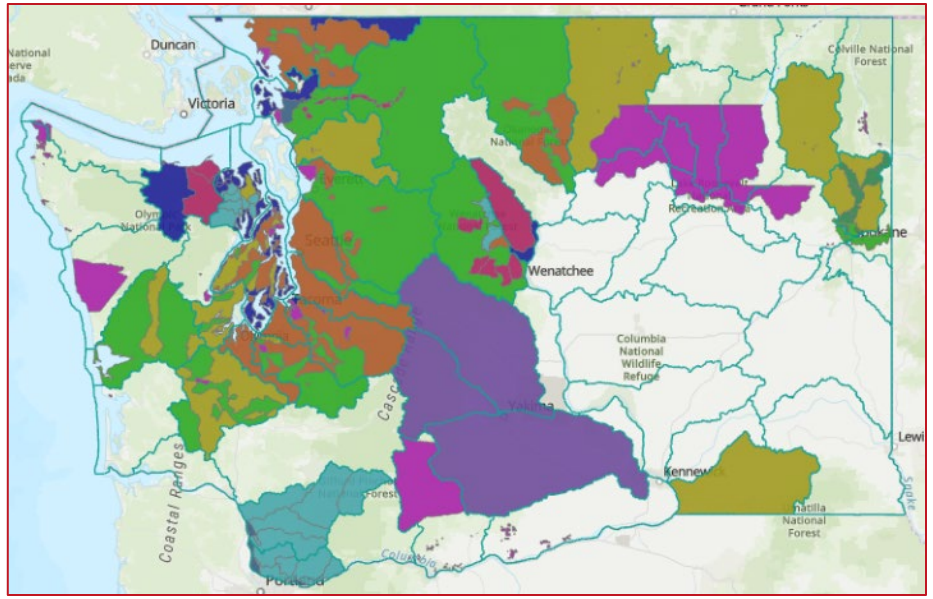
- Ecology has authority to establish minimum stream flows to protect aquatic and wildlife habitat, water quality, and recreational values.
- Flows are set by rule (documented in the administrative code).
- Since 1971, 29 WRIAs have minimum instream flow rules.
- Priority date is the effective date of the rule.
- Once an instream flow is established, Ecology may not issue water rights that would impair the instream flow level.

Chapter 173-555 WAC

Water Resources Program in the Little Spokane River Basin, Wria 55

Chapter 173-557 WAC

Water Resources Management Program for the Spokane River and Spokane Valley Rathdrum Prairie (Svrp) Aquifer



// What is a Water Right?

- Tribal reserved water rights were first recognized by the U.S. Supreme Court in *Winters v. United States* in 1908.
- When the federal government reserves land, it implicitly reserves enough water to fulfill the present and future purposes of that reservation
- Priority date = date of reservation creation or time immemorial if treaty based
- The rights cannot be forfeited by non-use.

// What is a Water Right?

Defined by Attributes

1. Priority Date
2. Water Quantities
   - Annual Appropriation (Qa)
   - Instantaneous Quantity (Qi)
   - Irrigated Acres
3. Purpose of Use
4. Period of Use
5. Point of Withdrawal/Diversion
6. Place of Use

WR Doc ID 6803404

DEPARTMENT OF ECOLOGY State of Washington

STATE OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
September 21, 2016	G3-30774	G3-30774	G3-30774

NAME AND MAILING ADDRESS
Benchmark Farms 29 Road 7 NE Ephrata, WA 98823

Total Rate and Quantity Authorized for Withdrawal

WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
10,000	5600

gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year

Purpose(s)

PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Irrigation	10,000	5,600	3/1-10/31

IRRIGATED ACRES
1,600

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Grant	Groundwater		42-Grand Coulee

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Well 1	161845004	BJG957	22 N.	27 E.	6	SW¼SW¼	47.4282°N	-119.4900° W
Well 2	160917003	BJG968	22 N.	26 E.	1	E½SE¼	47.4320°N	-119.4942° W
Well 3	160916000	BJG966	22 N.	26 E.	1	E½NE¼	47.4356°N	-119.4955° W

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

1,600 acres within Section 6, T. 22 N., R. 27 E.W.M., and E½SE¼ and N½ of Section 1 east of Washington State Route 17, all in T. 22 N., R. 26 E.W.M., and N½ and SW¼ and NW¼NW¼SE¼ of Section 28, and S½ of Section 29, S½ and NE¼ of Section 31, NW¼ Section 32 all within T. 23 N., R. 27 E.W.M., Grant County, Washington

// What is a Water Right?

1142

S. F. No. 7361—3-51—3M. 27753.

CERTIFICATE RECORD NO. 3 PAGE NO. 1142-A

STATE OF WASHINGTON, COUNTY OF Whatcom

Certificate of Ground Water Right

Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.

THIS IS TO CERTIFY *That* ARTHUR R. BRULAND

of Everson, Washington, *has made proof to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of the ground waters of a* well

located within the NW¼ of SE¼ of Sec. 16, Twp. 39 N., Rge. 4 E.W.M.

for the purpose of irrigation

under and subject to provisions contained in Ground Water Permit No. 1772 *issued by the State Supervisor of Water Resources and that said right to the use of said ground waters has been perfected in accordance with the laws of Washington, and is herby confirmed by the State Supervisor of Water Resources of Washington and entered of record in Volume* 3 *at page* 1142-A; *that the right hereby confirmed dates from* March 27, 1951; *that the quantity of ground water under the right hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed* 200 gallons per minute; 34 acre-feet per year *for irrigation of* 17 *acres.*

A description of the lands to which such ground water right is appurtenant, and the place where such water is put to beneficial use, is as follows:

N½ of NW¼ of SE¼ of Sec. 16, Twp. 39 N., Rge. 4 E.W.M., less road.

// Permitted or Certificated Water Right

DEFINED BY PROVISIONS

- Metering/Reporting
- Access port
- Well construction
- Fish screen
- Requirements for conservation
- Family Farm Act Limitations
- Related Rights
- Etc.

PROVISIONS

Combined totals for G3-26691C and this certificate shall be 2300 gallons per minute, 3709 acre feet per year, for municipal and irrigation water within the City of Kettle Falls service area.

An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gage may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

This authorization to use public waters of the state is classified as a Public Water Entity Certificate in accordance with Chapter 90.66 RCW (Initiative No. 59).

Provisions

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

Measurements, Monitoring, Metering, and Reporting

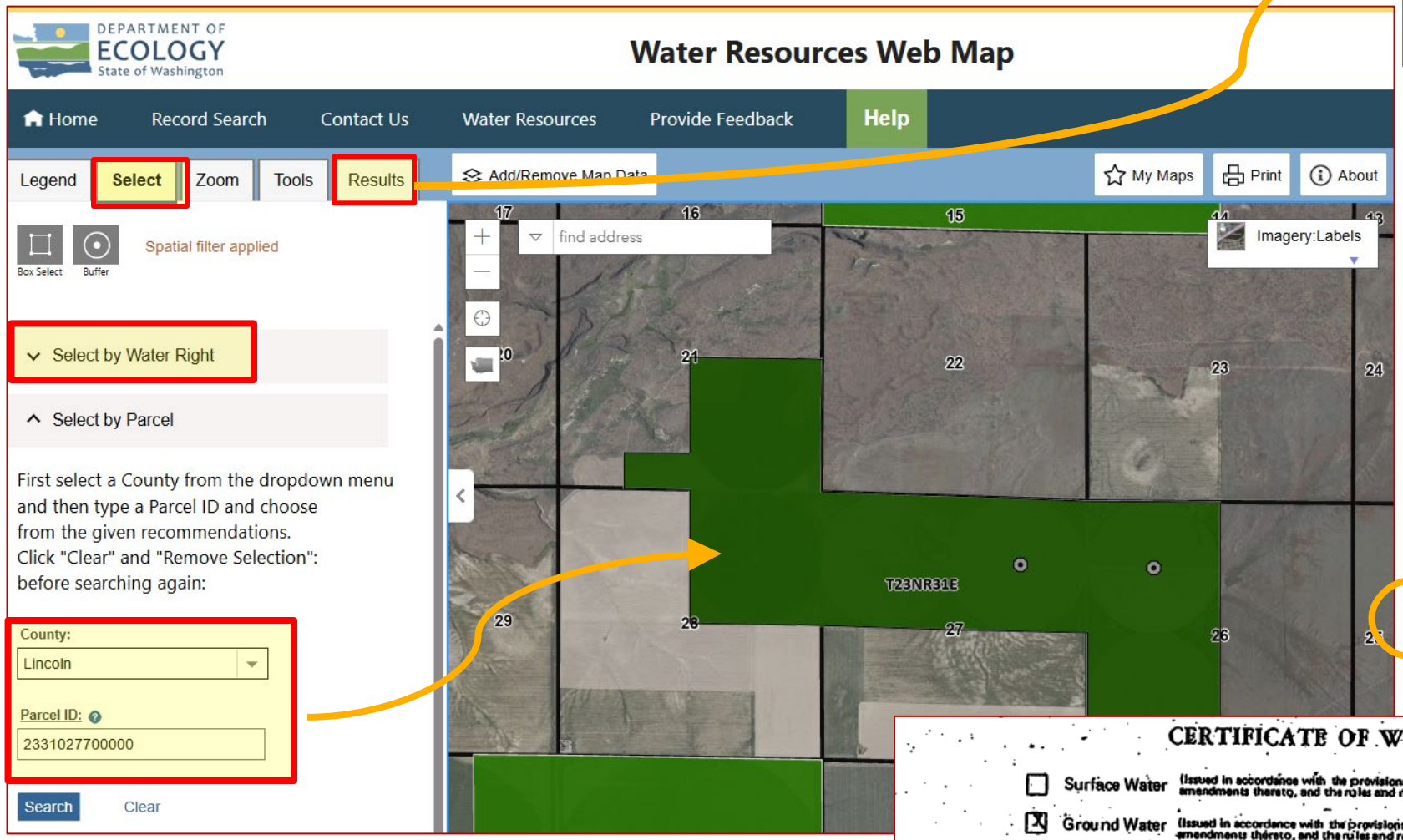
An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", chapter 173-173 WAC, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology (Ecology) for modifications to some of the requirements.

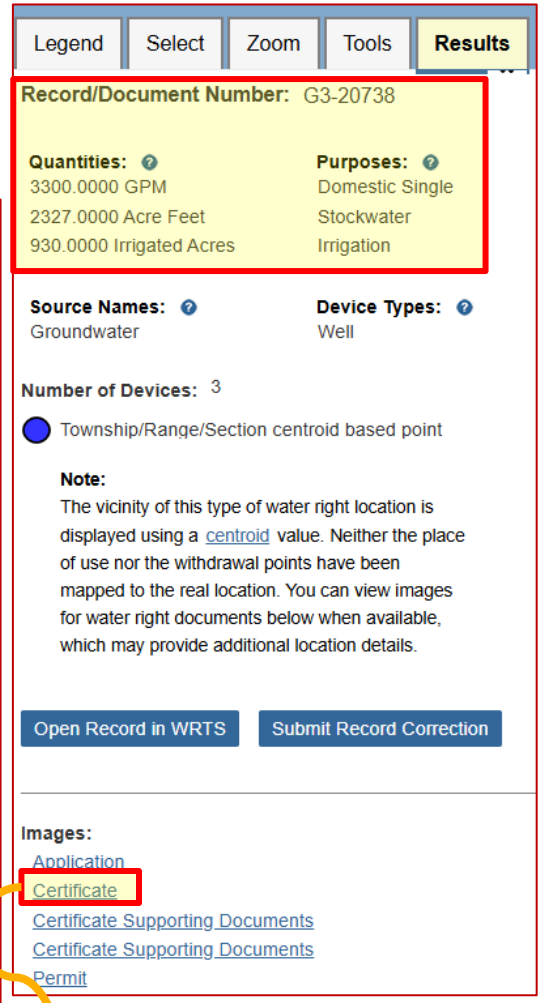
Recorded water use data shall be submitted electronically by January 31 each year. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

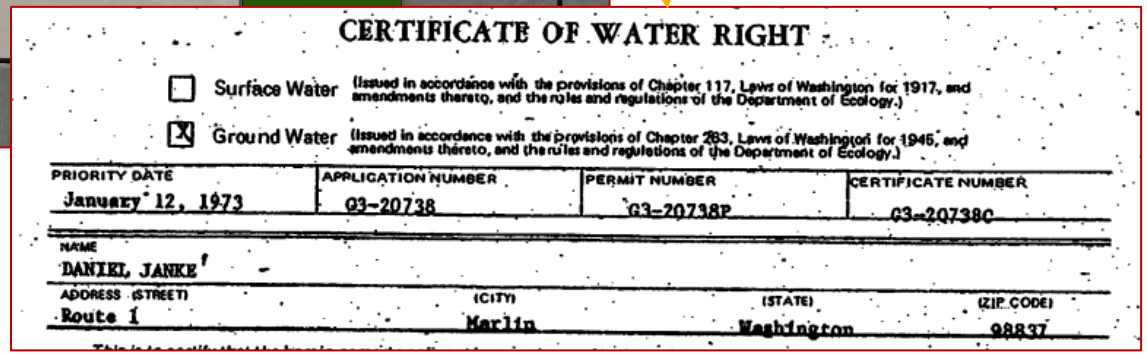
Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

// Looking Up a Water Right







CERTIFICATE OF WATER RIGHT

☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
January 12, 1973	G3-20738	G3-20738P	G3-20738C

NAME: DANIEL JANKE

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
Route 1	Marlin	Washington	98837

// Looking Up a Water Right: WRTS

Water Right Record Search — How to Video Clips

General Search | Location Search | Surface Water Search | Event Search | Saved Searches

Record / Document Number	G1-*04184C	Region		Device Type	
WR Doc ID		WRIA		Stage	
Person or Organization		County		Assignment Group	
Role	Primary	WR Class		Provision	
Purpose		Phase		Water Bank	
Priority Date / Claim First Use	to	Status		Water Use Type	
Well Tag ID		Related Records			

	Record/Document Number	WR Doc ID	Person or Organization	Phase	Stage	Status	Priority Date Claim First Use
View	G1-*04184CWRIS	2281544	MILLER H W	Certificate	Superseded	Inactive	12/19/1955
View	G1-*04184C(B)	6800602	Huizenga, Marian	Superseding Certificate	Final	Active	12/19/1955
View	G1-*04184C(A)	6800601	MDM Properties LLC	Superseding Certificate	ChangeInProgress	ChangeInProgress	12/19/1955
View	CG1-*04184C(A)	6800738	MDM Properties LLC	Change-ROE	PA Exam	Active	12/22/2016

// Water Rights 101 - Topics

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- Regulatory framework
- What is a Water Right?
- **New and Change/Transfer Applications**
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// New Water Right Applications

Application
Public Notice & Affidavit
Field Inspection
Report of Examination (ROE)
Permit
Develop Your Water Project
Proof of Appropriation & CWRE Exam
Final Document: Certificate

Steps for getting a <u>new</u> water right

New Water Right Applications

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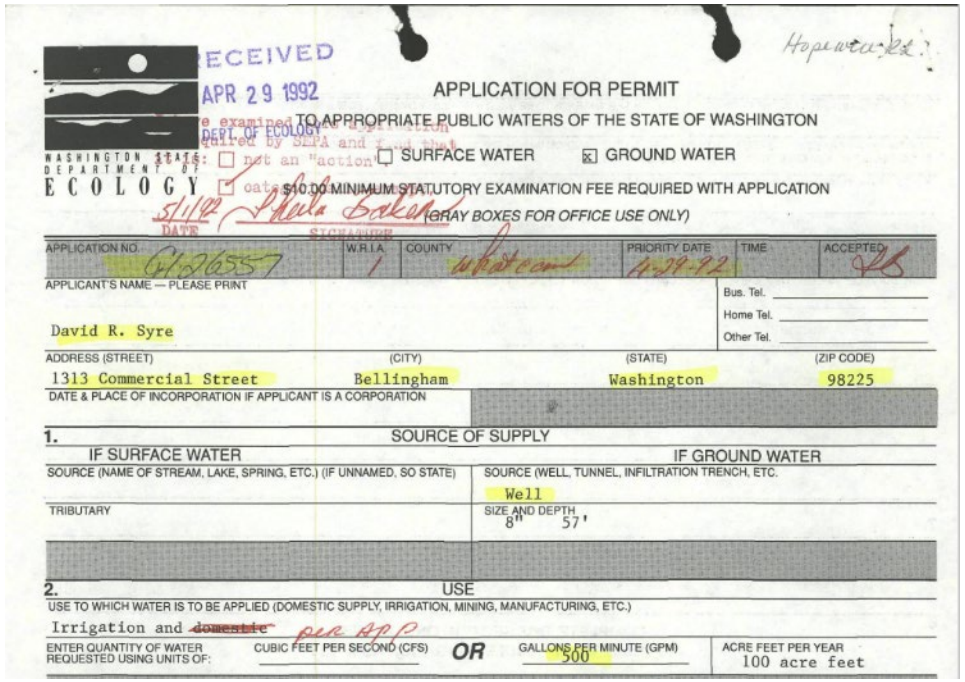

RECEIVED
APR 29 1992
DEPT OF ECOLOGY

WASHINGTON STATE DEPARTMENT OF ECOLOGY

APPLICATION FOR PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ SURFACE WATER ☒ GROUND WATER

$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION
(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. G1-26557 | W.R.I.A. 1 | COUNTY Whatcom | PRIORITY DATE 4-29-92 | TIME | ACCEPTED

APPLICANT'S NAME — PLEASE PRINT: David R. Syre

Bus. Tel. / Home Tel. / Other Tel.

ADDRESS (STREET): 1313 Commercial Street | (CITY): Bellingham | (STATE): Washington | (ZIP CODE): 98225

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION

1. SOURCE OF SUPPLY

IF SURFACE WATER — SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)

TRIBUTARY

IF GROUND WATER — SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.): Well

SIZE AND DEPTH: 8" 57'

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.): Irrigation and ~~domestic~~

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) OR GALLONS PER MINUTE (GPM): 500 | ACRE FEET PER YEAR: 100 acre feet

- Application is a request for permission to use water
- Multiple avenues to submit application
  - Standard queue
  - Cost Reimbursement
  - County Conservancy Board (changes only)

// New Water Right Applications

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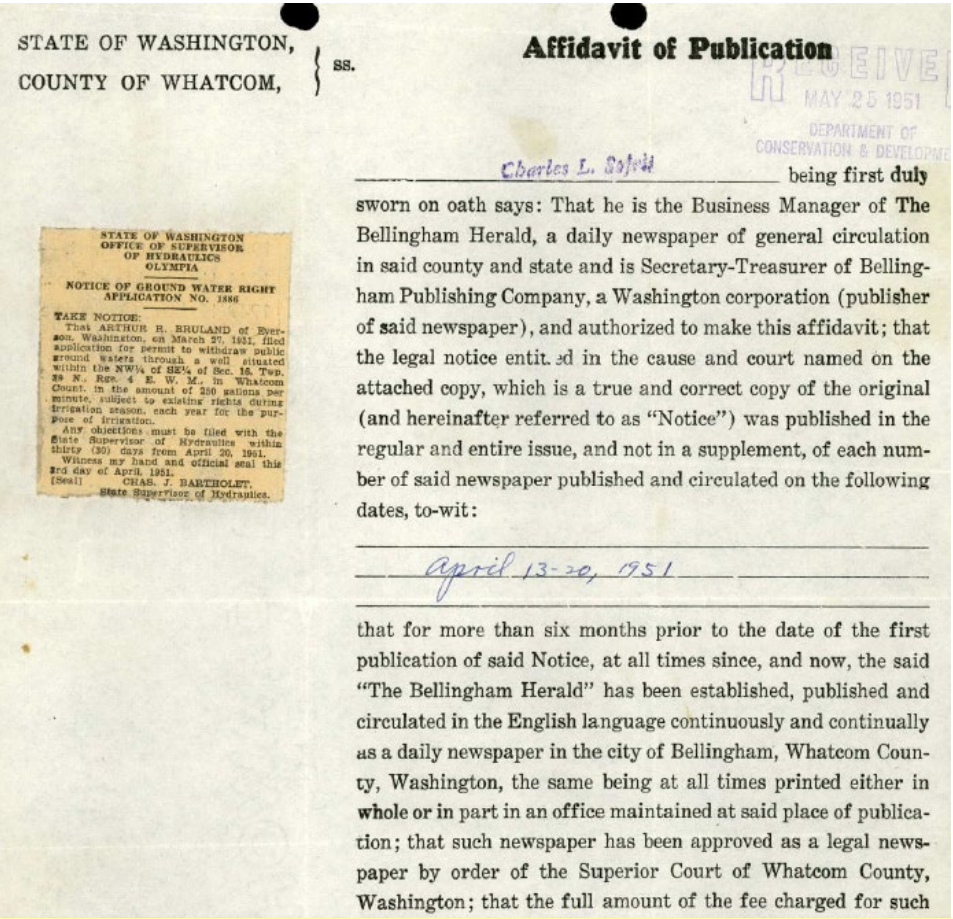

STATE OF WASHINGTON,
COUNTY OF WHATCOM, } ss.

Affidavit of Publication

RECEIVED
MAY 25 1951
DEPARTMENT OF
CONSERVATION & DEVELOPME

STATE OF WASHINGTON
OFFICE OF SUPERVISOR
OF HYDRAULICS
OLYMPIA

NOTICE OF GROUND WATER RIGHT
APPLICATION NO. 1886

TAKE NOTICE:
That ARTHUR H. BRULAND of Everson, Washington, on March 27, 1951, filed application for permit to withdraw public ground waters through a well situated within the NW¼ of SE¼ of Sec. 16, Twp. 39 N., Rge. 4 E. W. M., in Whatcom County, in the amount of 250 gallons per minute, subject to existing rights during irrigation season, each year for the purpose of irrigation.
Any objections must be filed with the State Supervisor of Hydraulics within thirty (30) days from April 26, 1951.
Witness my hand and official seal this 3rd day of April, 1951.
[Seal] CHAS. J. BARTHOLET,
State Supervisor of Hydraulics.

Charles L. Sofield being first duly sworn on oath says: That he is the Business Manager of The Bellingham Herald, a daily newspaper of general circulation in said county and state and is Secretary-Treasurer of Bellingham Publishing Company, a Washington corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy, which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular and entire issue, and not in a supplement, of each number of said newspaper published and circulated on the following dates, to-wit:

April 13-20, 1951

that for more than six months prior to the date of the first publication of said Notice, at all times since, and now, the said "The Bellingham Herald" has been established, published and circulated in the English language continuously and continually as a daily newspaper in the city of Bellingham, Whatcom County, Washington, the same being at all times printed either in whole or in part in an office maintained at said place of publication; that such newspaper has been approved as a legal newspaper by order of the Superior Court of Whatcom County, Washington; that the full amount of the fee charged for such

Published for 2 consecutive weeks in local newspaper + 30-day public comment period

// New Water Right Applications

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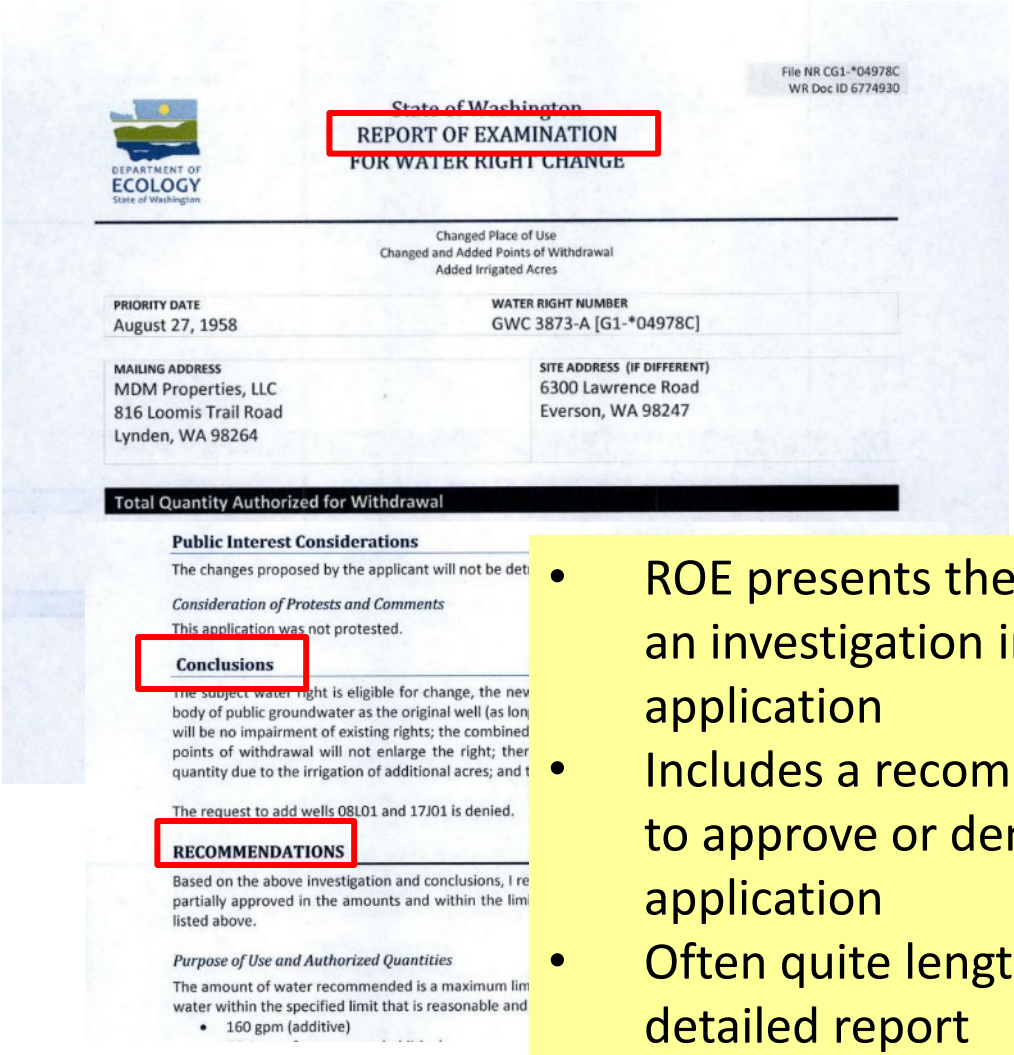

File NR CG1-*04978C
WR Doc ID 6774930

DEPARTMENT OF ECOLOGY State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use
Changed and Added Points of Withdrawal
Added Irrigated Acres

PRIORITY DATE	WATER RIGHT NUMBER
August 27, 1958	GWC 3873-A [G1-*04978C]

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
MDM Properties, LLC 816 Loomis Trail Road Lynden, WA 98264	6300 Lawrence Road Everson, WA 98247

Total Quantity Authorized for Withdrawal

Public Interest Considerations

The changes proposed by the applicant will not be det

Consideration of Protests and Comments

This application was not protested.

Conclusions

The subject water right is eligible for change, the nev
body of public groundwater as the original well (as lon
will be no impairment of existing rights; the combined
points of withdrawal will not enlarge the right; ther
quantity due to the irrigation of additional acres; and t

The request to add wells 08L01 and 17J01 is denied.

RECOMMENDATIONS

Based on the above investigation and conclusions, I re
partially approved in the amounts and within the lim
listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum lim
water within the specified limit that is reasonable and

- 160 gpm (additive)

- ROE presents the results of an investigation into the application
- Includes a recommendation to approve or deny the application
- Often quite lengthy and detailed report

// New Water Right Applications

In preparing the ROE, Ecology is required to apply a four-part test as a basis to evaluate the proposed use [RCW 90.03.290(3)]. These four parts are:

1. Water must be available (both physically and legally)
2. Water must be used beneficially (e.g., agricultural, municipal, industrial)
3. Water use must be in the public's interest
4. Water use must not impair another existing use.

Conclusions

The subject water right is eligible for change, the new and additional approved wells will tap the same body of public groundwater as the original well (as long as the stipulations described are followed); there will be no impairment of existing rights; the combined total withdrawal from the new and the additional points of withdrawal will not enlarge the right; there will be no increase in the annual consumptive quantity due to the irrigation of additional acres; and there will be no detriment to the public interest.

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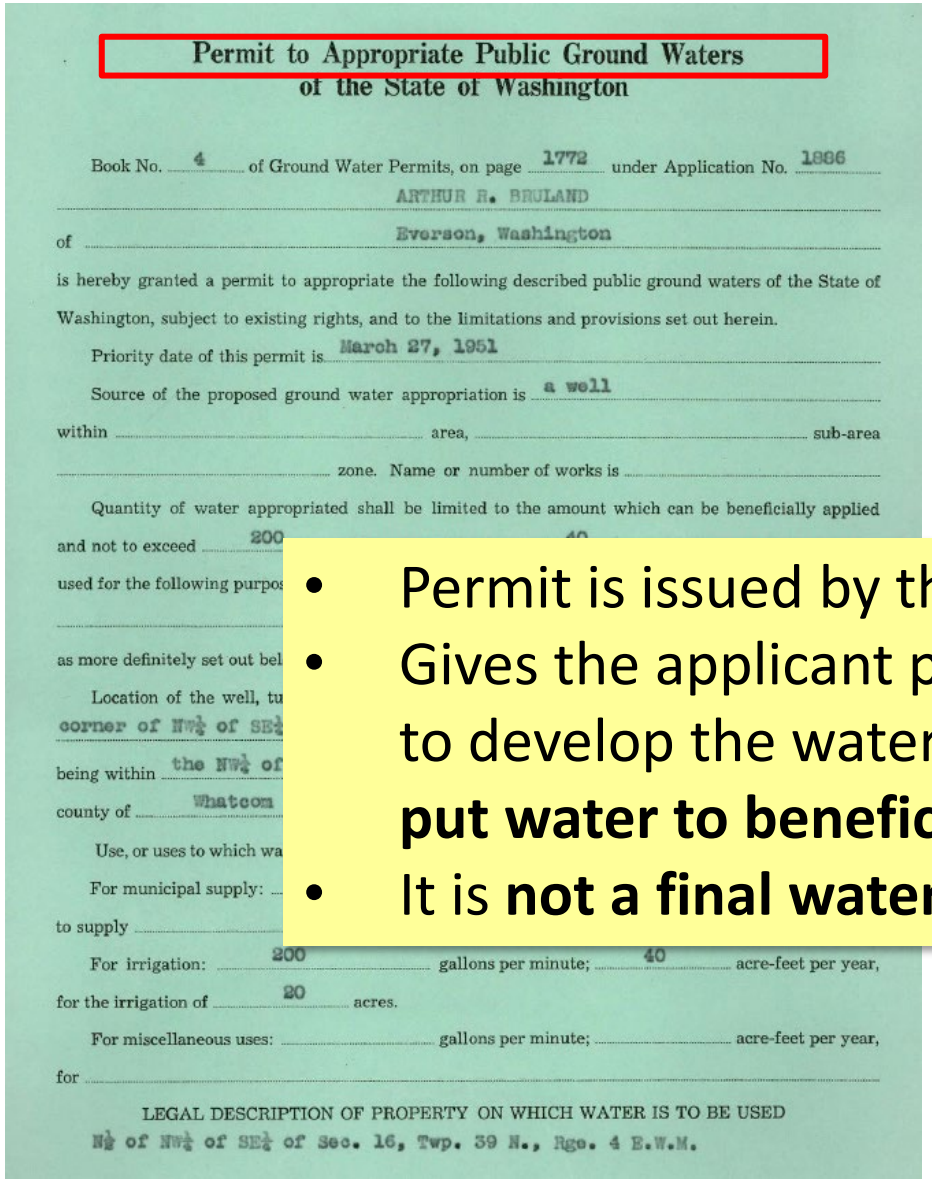
Proof of Appropriation & CWRE Exam
Final Document: Certificate



Permit to Appropriate Public Ground Waters
of the State of Washington

Book No. 4 of Ground Water Permits, on page 1772 under Application No. 1866

ARTHUR R. BRULAND

of Everson, Washington

is hereby granted a permit to appropriate the following described public ground waters of the State of Washington, subject to existing rights, and to the limitations and provisions set out herein.

Priority date of this permit is March 27, 1951

Source of the proposed ground water appropriation is a well

within ..... area, ... sub-area

..... zone. Name or number of works is .....

Quantity of water appropriated shall be limited to the amount which can be beneficially applied

and not to exceed 200

used for the following purpos

as more definitely set out bel

Location of the well, tu

corner of NW¼ of SE¼

being within the NW¼ of

county of Whatcom

Use, or uses to which wa

For municipal supply:

to supply

For irrigation: 200 gallons per minute; 40 acre-feet per year,

for the irrigation of 20 acres.

For miscellaneous uses: ..... gallons per minute; ..... acre-feet per year,

for .....

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

N½ of NW¼ of SE¼ of Sec. 16, Twp. 39 N., Rge. 4 E.W.M.

- Permit is issued by the state
- Gives the applicant permission to develop the water right and **put water to beneficial use**
- It is **not a final water right**

// New Water Right Applications

Permit will have a set development schedule or deadline to construct infrastructure and put water to full beneficial use (may be extended)

Application
Public Notice & Affidavit
Field Inspection
Report of Examination (ROE)
Permit
Develop Your Water Project
Proof of Appropriation & CWRE Exam
Final Document: Certificate

// New Water Right Applications

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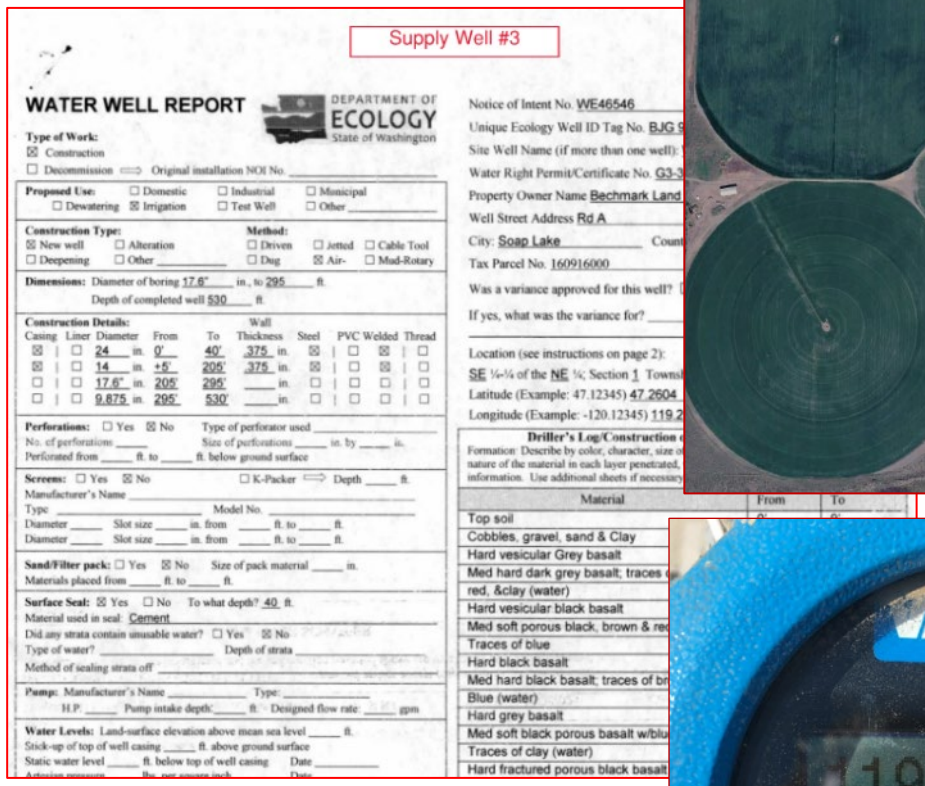

Supply Well #3

WATER WELL REPORT

DEPARTMENT OF ECOLOGY State of Washington

Type of Work: ☒ Construction ☐ Decommission ⟹ Original installation NOI No.

Proposed Use: ☐ Domestic ☐ Industrial ☐ Municipal ☐ Dewatering ☒ Irrigation ☐ Test Well ☐ Other

Construction Type: ☒ New well ☐ Alteration ☐ Deepening ☐ Other

Method: ☐ Driven ☐ Jetted ☐ Cable Tool ☐ Dug ☒ Air- ☐ Mud-Rotary

Dimensions: Diameter of boring 17.6" in., to 295 ft. Depth of completed well 530 ft.

Construction Details:

Casing	Liner	Diameter	From	To	Wall Thickness	Steel	PVC	Welded	Thread
☒	☐	24 in.	0'	40'	.375 in.	☒	☐	☒	☐
☒	☐	14 in.	+5'	205'	.375 in.	☒	☐	☒	☐
☐	☐	17.6" in.	205'	295'	in.	☐	☐	☐	☐
☐	☐	9.875 in.	295'	530'	in.	☐	☐	☐	☐

Perforations: ☐ Yes ☒ No Type of perforator used
No. of perforations Size of perforations in. by in.
Perforated from ft. to ft. below ground surface

Screens: ☐ Yes ☒ No ☐ K-Packer ⟹ Depth ft.
Manufacturer's Name
Type Model No.
Diameter Slot size in. from ft. to ft.
Diameter Slot size in. from ft. to ft.

Sand/Filter pack: ☐ Yes ☒ No Size of pack material in.
Materials placed from ft. to ft.

Surface Seal: ☒ Yes ☐ No To what depth? 40 ft.
Material used in seal: Cement
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off

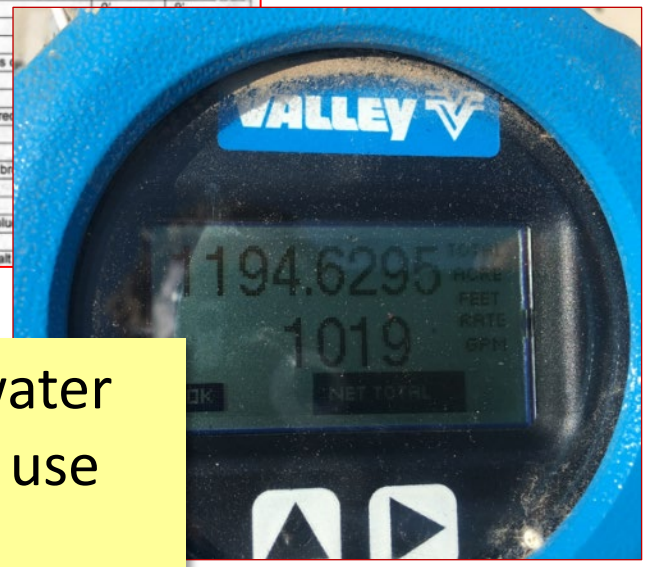
Pump: Manufacturer's Name Type:
H.P. Pump intake depth: ft. Designed flow rate gpm

Water Levels: Land-surface elevation above mean sea level ft.
Stick-up of top of well casing ft. above ground surface
Static water level ft. below top of well casing Date

Notice of Intent No. WE46546
Unique Ecology Well ID Tag No. BJG 9
Site Well Name (if more than one well):
Water Right Permit/Certificate No. G3-3
Property Owner Name Bechmark Land
Well Street Address Rd A
City: Soap Lake Count
Tax Parcel No. 160916000
Was a variance approved for this well?
If yes, what was the variance for?
Location (see instructions on page 2):
SE ¼-¼ of the NE ¼; Section 1 Townsl
Latitude (Example: 47.12345) 47.2604
Longitude (Example: -120.12345) 119.2

Driller's Log/Construction
Formation: Describe by color, character, size of nature of the material in each layer penetrated, information. Use additional sheets if necessary

Material	From	To
Top soil		
Cobbles, gravel, sand & Clay		
Hard vesicular Grey basalt		
Med hard dark grey basalt; traces		
red, &clay (water)		
Hard vesicular black basalt		
Med soft porous black, brown & re		
Traces of blue		
Hard black basalt		
Med hard black basalt; traces of br		
Blue (water)		
Hard grey basalt		
Med soft black porous basalt w/blu		
Traces of clay (water)		
Hard fractured porous black basalt		



Documentation that the water has been put to beneficial use as permitted.

// New Water Right Applications

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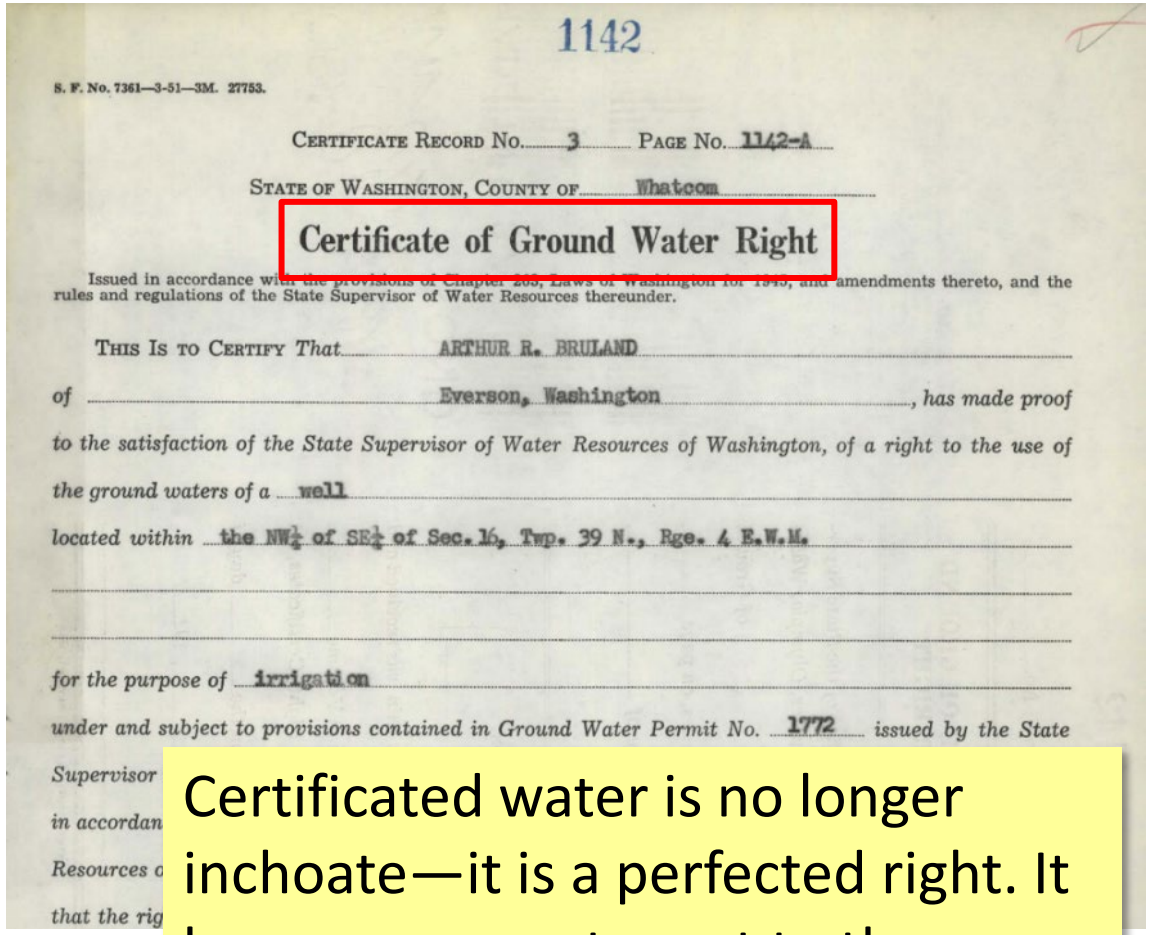

1142

S. F. No. 7361—3-51—3M. 27753.

CERTIFICATE RECORD NO. 3 PAGE NO. 1142-A

STATE OF WASHINGTON, COUNTY OF Whatcom

Certificate of Ground Water Right

Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.

THIS IS TO CERTIFY *That* ARTHUR R. BRULAND

of Everson, Washington, *has made proof*

to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of

the ground waters of a well

located within the NW¼ of SE¼ of Sec. 16, Twp. 39 N., Rge. 4 E.W.M.

for the purpose of irrigation

under and subject to provisions contained in Ground Water Permit No. 1772 *issued by the State*

Supervisor

in accordan

Resources o

that the rig

Certificated water is no longer inchoate—it is a perfected right. It becomes appurtenant to the land and constitutes a vested property right (although still usufructuary).

// Water Right Change/Transfer Applications

Application
Public Notice & Affidavit
Field Inspection
Change ROE (instead of permit)
Implement Your Water Project
Proof of Appropriation & CWRE Exam
Final Document

Steps for <u>changing/transferring</u> a water right

Certificate	→	Superseding Certificate
Permit	→	Superseding Permit
Claim	→	Certificate of Change

// Water Right Change/Transfer Applications

- Some Water Right Attributes can be Changed
  - Certificate and Claims → Place of Use, Point of Diversion/Withdrawal, Purpose of Use
  - Groundwater Permit → Place of Use, Point of Withdrawal
  - Surface Water Permits → cannot change any attributes

- The quantity of a water right will never increase, and the priority date does not change

- To be Eligible for a Change, a Water Right must be:
  - Valid (historically put to continuous beneficial use)
  - Not expected to impair existing water rights

// Water Rights 101 - Topics

TOPICS OUTLINE

- Regulatory framework
- What is a Water Right?
- New and Change/Transfer Applications
- **Diminishment**

// Water Right Diminishment

FORMS OF DIMINISHMENT

- **Cancellation:** If permit development schedule is not met
- **Abandonment:** Pre-1967 – Clear cessation of water use for extended period
- **Relinquishment:** Post-1967 – For 5 consecutive years of non-use. “Use it or lose it”.
- **Curtailment:** Temporary limit on use due to impairment or provision
- **Adjudication:** A Superior Court process that legally determines whether a water right is valid, how much water can be used, and its priority during shortages in a defined basin.

****Sufficient Cause for Non-Use: RCW 90.14.140**

LANDAU ASSOCIATES

KAILA ANDERSON, PE, CWRE

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