



Ecology Review of Conservancy Board Decisions

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Overview and Authority

- What are conservancy boards? (RCW 90.80 and WAC 173-153)
 - Appointed volunteers that review water right change applications for a specific county
 - Intended to reduce backlog of applications and speed up processing
- What is Ecology's Role?
 - RCW 90.80.080(4) WAC 173-153-150
 - Required to review and make a decision within 45 days of receiving the board's decision
 - Can be extended for an additional 30 days if need, which is common
 - If Ecology doesn't make a decision within the statutory timeframe, the board's decision stands
 - Review training credits for board members

Decision Options (WAC 173-153-150(5))

- Approve
 - Uncommon but has been more frequent in recent years
- Modify (and approve)
 - Most common outcome from Ecology's review
- Reverse (and deny)
 - Uncommon but can occur
 - Ecology will try to work with the boards to withdraw decisions prior to reversing them

Our Review Process (for CRO)

- Pre-Decision work
 - Attending Board meetings
 - Technical assistance
- Initial intake
 - Admin, GIS review, send received/acknowledgement letter
 - Assign to permit writer to start reviewing
 - Generally have one staff that reviews most CB decisions
 - Assign to hydrogeologist (HG) to review any groundwater related work provided in support of the application

Permit Writer Review

- Pre-Decision
 - Attend meeting that decision is voted on to hear board discussion
 - Respond to any technical assistance requests
- Decision Received by Ecology
 - First review of ROD-ROE
 - Any discrepancies or red flags?
 - Start filling out Ecology CB Checklist

Water Conservancy Board QA/QC Checklist & Project Summary

APPLICATION NO.:	BOARD NUMBER:
APPLICANT NAME:	WATER RIGHT HOLDER'S NAME (if different):
ECOLOGY STAFF REVIEWER:	TODAY'S DATE:
DATE OF APPLICATION:	PRIORITY DATE:

ROD-ROE Comment Period Ends: DATE

History of Previous Changes

-

Other related Water Rights

-

Summary of Proposed Project / Change

-

Type of Change Requested

- POD/POW Distance between original and proposed POD/POW:
- Add/change POW (GW/GW) Additional or replacement wells must be completed in the same body of groundwater as the original well. Are well logs for original well and additional or replacement well available?
 - Add/change POD (SW/SW) Upstream or downstream move? Determine water rights with PODs between the original and proposed POD. Determine critical stream reaches. For downstream transfers, water in the intervening reach should go to the TWRP.
 - Add Well to Surface Water Right (SW/GW). Is the proposed new well in the same source? Aquifer overdraft is a concern (Smasne Farms v. Ecology, 1994, PCHB 94-114) Consider public interest (below).
 - Add Surface Water POD to Groundwater Right (GW/SW). Is the original well in sufficient continuity with the surface water? Timing can be important. Consider public interest (below).
- Place of Use *If change is to allow irrigation of additional acreage ACQ is required. Make sure legal description is accurate to allow for quality mapping of the right. Has the owner of the proposed place of use signed the application? WAC 508-12-130 If municipal, consider expanding place of use under RCW 90.03.386.*
- Purpose of Use *If original purpose is retained and additional purposes are added then ACQ is required; and, if additional acres are proposed then ACQ is required.*
- Season of Use *Will this result in impairment of instream flows or other rights? DOH public interest issues?*

Permit Writer Review Cont.

- Tentative Determination of Extent and Validity
 - Most time-consuming portion of the review
 - Metering records or power records provided?
 - For irrigation, aerial photos and Landsat imagery
 - Did they provide exemptions and/or exceptions to relinquishment?
 - If so, we review case law and past decisions to see if the exemption/exceptions applies
 - Usually will include conversations with supervisor, especially if unique exemption/exception or situation

Permit Writer Review Cont.

- Surface & Groundwater
 - Impairment
 - Upstream move? Any impacts to instream flow rules?
 - Annual Consumptive Quantity Test
 - What is the correct 5-year period to choose?
 - Is the consumptive use percentage correct?
 - Same Source
 - more impactful/difficult for groundwater changes
 - Can be difficult when adding a well to a surface water right
- Groundwater Only
 - Availability (Physical and Legal Availability)
 - Public Interest

Permit Writer Review

- Public Notice Review
 - Very prescriptive under WAC 173-153-080
 - If incorrect, decision may be asked to be withdrawn, and public notice re-ran
 - Possible modify decision to make it compliant with public notice that was ran
- SEPA Review
 - Did they address possible concerns with the project as a whole?
 - Did they provide any documentation?

Challenges in our Role

- 45/75 day timeline of review
 - Not much time to do a full tentative determination of extent and validity analysis
 - Compounded if there are multiple changes “on the clock”
- Unique situation that require policy decisions
 - If statewide issue or impacts, may require conversations at a high program level which can take a bit of time
- Take away: if you have a unique project, please reach out to your conservancy board early and board members can request technical assistance from Ecology



Thank you

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