

# Water Conservancy Board Case Studies

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Prepared for

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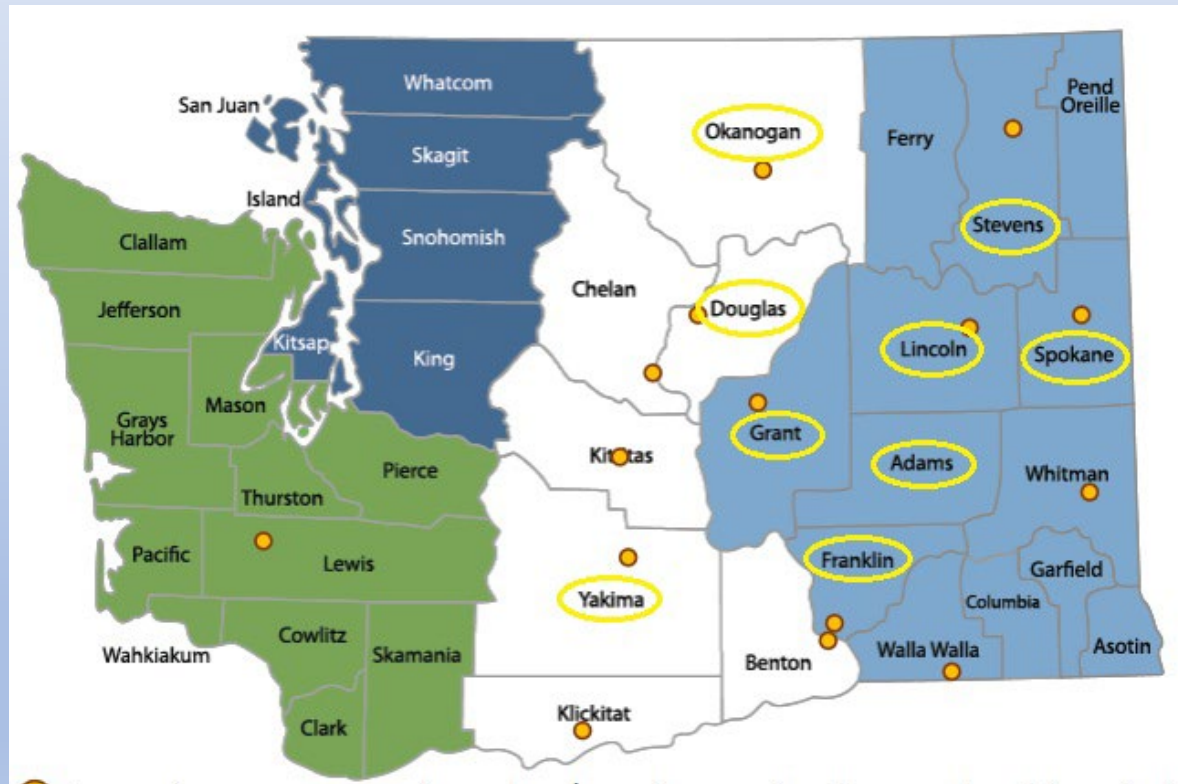
# Water Conservancy Boards

- Water Conservancy Board – (RCW90.80, WAC173-153)
  - Water conservancy boards in Washington State were authorized by the Legislature in **1997** through the enactment of [Chapter 90.80 RCW](#).
  - Appointed by County Governing Body
    - Consists of 3 to 5 Members with Alternates
    - Typically, local citizens from County (1 water right owner)
  - Each County Board operates a little bit differently
  - 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”**
  - Boards can accept or deny application / Joint filed with Ecology
  - Conservancy Board findings documented in a Report of Examination (ROE) and Record of Decision (ROD).
    - Ecology has 45 (+30) days to review, approve, reject, or modify a ROD.

# Water Conservancy Boards - Ecology

- Most applications are submitted directly to Water Conservancy Board without Ecology review.
- Ecology has limited input in processing of change application once it is submitted to the Water Conservancy Board. Board needs to formally request Technical Assistance from Ecology.
- As applicant – must navigate the tensions between WCB's and Ecology.
- QUESTION?????
  - Do I discuss everything with Ecology prior to contacting and submitting applications to the Water Conservancy Boards?
  - My Recommendation ---If there will be a complex or difficult issue being addressed in the change application, especially if requiring a technical decision, I would recommend it. But disclose intent that the application will be submitted to Water Conservancy Board.

# Water & Natural Resource Group, Inc. Water Conservancy Board Change Projects



# Board Process & Participation

- Every Board is Different
  - Level of Participation
  - Board investigative participation
  - Board's reliability on Ecology Technical Assistance
  - Many Boards assign a lead/second person for change activity
  - Boards preparation/review of ROE
    - Mostly done by the Board lead and second writing with applicant/consultant
    - Rely heavily on applicant/consultant writing with detailed Board lead review
    - Rely entirely on applicant/consultant with entire Board detailed review
    - Rely heavily on applicant/consultant with minimal input, and just final ROE review

# BOARD MEMBERS

- BOARDS MAY HAVE UNIQUE EXPEREINCE
  - All Boards have one water right holder
  - Members may have a difference in experience:
    - Mostly agricultural
    - Mostly municipal
    - Mostly governmental
    - Mostly Lawyers/Consultants with water right expertise
    - Could have environmental representation
    - Local volunteers with interests in water rights

# EVERY TRANSFER IS UNIQUE

- THE WATER RIGHT

- Unique criteria and conditions on certificate or permit (Qi, Qa, acreage, POU, POD, provisions)
- Unique infrastructure
- Unique site soil conditions, precip patterns, crop use conditions, irrigation efficiencies
- Unique surface water and/or aquifer conditions

- The WATER CONSERVANCY BOARD

- **IMPORTANT NOTE:** *This presentation summarizes my experience working with Water Conservancy Boards and Ecology review process for over 25 years. The presentation is **my opinions and views** of the WCB change process.....*

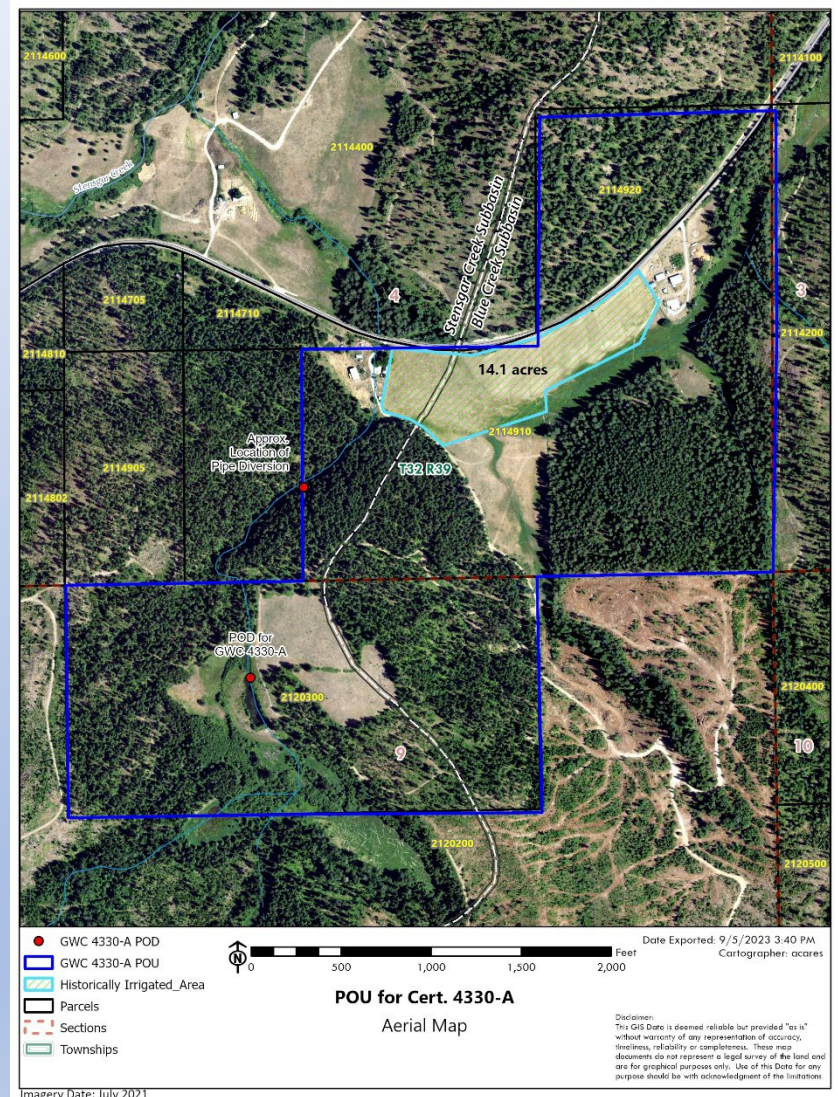
# TYPES OF TRANSFERS

- Most WCB Changes are:
  - Adding POW's to an existing surface or groundwater right (agriculture, municipal, industrial, etc.)
  - Changing POU/POW (no change in type of use) mostly for irrigation to irrigation changes, typically done through a purchase and sale
  - Changing Type of Use, POU/POW, mostly from irrigation to a municipal/domestic supply use, or industrial use, or trust for a new mitigated water right permit, typically through a purchase and sale.
  - Consolidating/conforming municipal water rights

# CASE STUDY 1 – STEV-23-01 (Existing)

## GWC 4330-A (PD=10/9/1952)

- APPLICANT: Stevens County Water Bank
- SELLER: Stevens PUD
- Irrigation Water Right
- POD – developed spring
- POU – Agricultural Irrigation
- REQUEST – Transfer agricultural right into the water bank trust account for future mitigated water rights and/or leasing for economic development in the County. Change was for seed water right for development of the Trust Water Right Agreement for Bank.




# CASE STUDY 1 – STEV-23-01 (Action)

## GWC 4330-A

### ACTION –

- Change Purpose of Use
- Change Place of Use
- Other



**WATER RESOURCES PROGRAM**  
Application for Change/Transfer of a Water Right

For Ecology Use  
(Date Stamp)

A minimum filing fee of \$50.00 is required for most applications. Additional fees may be required.

*I am applying to (check all that apply):*

- Change purpose(s) of use
- Add purpose(s) of use or acres
- Change/transfer place of use
- Change point(s) of diversion/withdrawal
- Add point(s) of diversion/withdrawal
- Add or modify period of use
- Other (i.e., consolidation, intertie, trust water)  
Describe: Transfer to the State Trust Water Right Program for water banking purposes

**No filing fee is required for applications for:**

- Drought
- Cost Reimbursement Processing
- Water Conservancy Board Processing  
County: Stevens

**FOR OFFICIAL USE ONLY**

DATE APPLICATION RECEIVED \_\_\_\_\_ FEE \$ \_\_\_\_\_

CHECK NO. \_\_\_\_\_ BY \_\_\_\_\_

DATE ACCEPTED \_\_\_\_\_

CHANGE NO. \_\_\_\_\_

COUNTY \_\_\_\_\_ WRIA \_\_\_\_\_

SPECIAL AREA \_\_\_\_\_

SEPA:  EXEMPT  NOT EXEMPT

ECY CODING: 001-002-WR10286-000011

DOC ID NO. \_\_\_\_\_

APP NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

CERT NO. \_\_\_\_\_ CERT OF CHG NO. \_\_\_\_\_

**Date of pre-application consultation with Ecology:** April 10, 2023

**Ecology staff contact:** Jamie Short, Gene Drury

### 1. Water Right Information

WATER RIGHT OR CLAIM NUMBER <b>GWC-4330-A (G3-*02748C)</b>	RECORDED NAME(S) <b>Puckett, C.W.</b>	
HAS THE WATER BEEN USED AS DESCRIBED ON YOUR WATER RIGHT DOCUMENT IN THE LAST FIVE (5) YEARS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <small>*Water right has been in State Trust Account since August 2014</small>		
WATER RIGHT OWNER <b>Stevens County PUD No. 1; Attn: Darrel Hawes</b>	PHONE NO. <b>509-951-3521 (cell)</b>	ALT PHONE NO. <b>590-233-2534</b>
ADDRESS <b>PO Box 592</b>		
CITY <b>Loon Lake</b>	STATE <b>WA</b>	ZIP CODE <b>99148</b>
EMAIL ADDRESS (IF AVAILABLE) <b>Darrel Hawes: dhawes@stevenspud.org</b>		

### 2. Applicant Information

APPLICANT/BUSINESS NAME <b>Stevens County (attn: Erik Johansen)</b>	PHONE NO. <b>509-684-2401</b>	ALT PHONE NO. 
ADDRESS <b>215 S Oak St</b>		
CITY <b>Colville</b>	STATE <b>WA</b>	ZIP CODE <b>99114</b>
EMAIL ADDRESS (IF AVAILABLE) <b>e johansen@stevenscountywa.gov</b>		

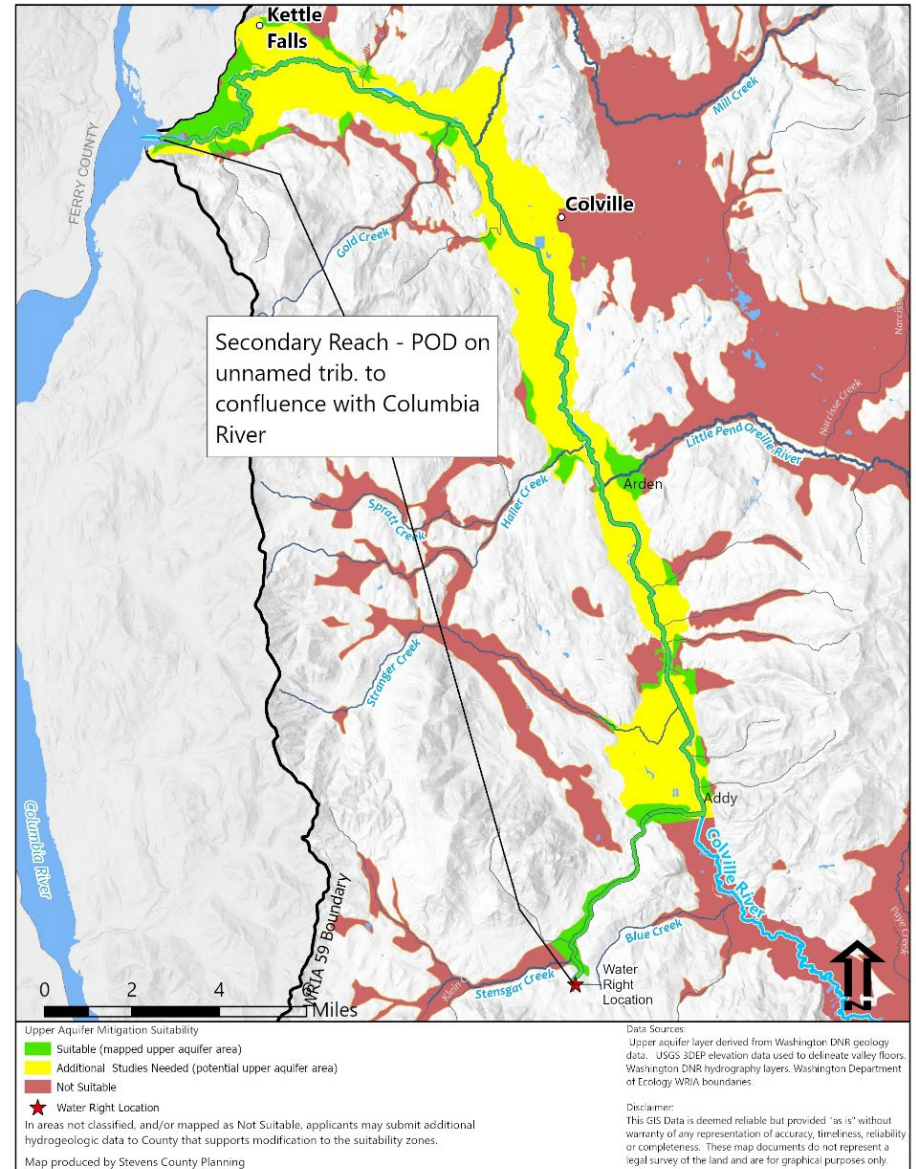
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# CASE STUDY 1 – STEV-23-01 (ROE)

## GWC 4330-A

- Board conducted field visits
- Board reviewed Extent & Validity
- Board Reviewed Data for Water Bank Suitability Maps
- Board directly participated in, developed, and prepared ROE with applicant's consultant

Upper Aquifer Mitigation Suitability Map - Primary and Secondary Reaches



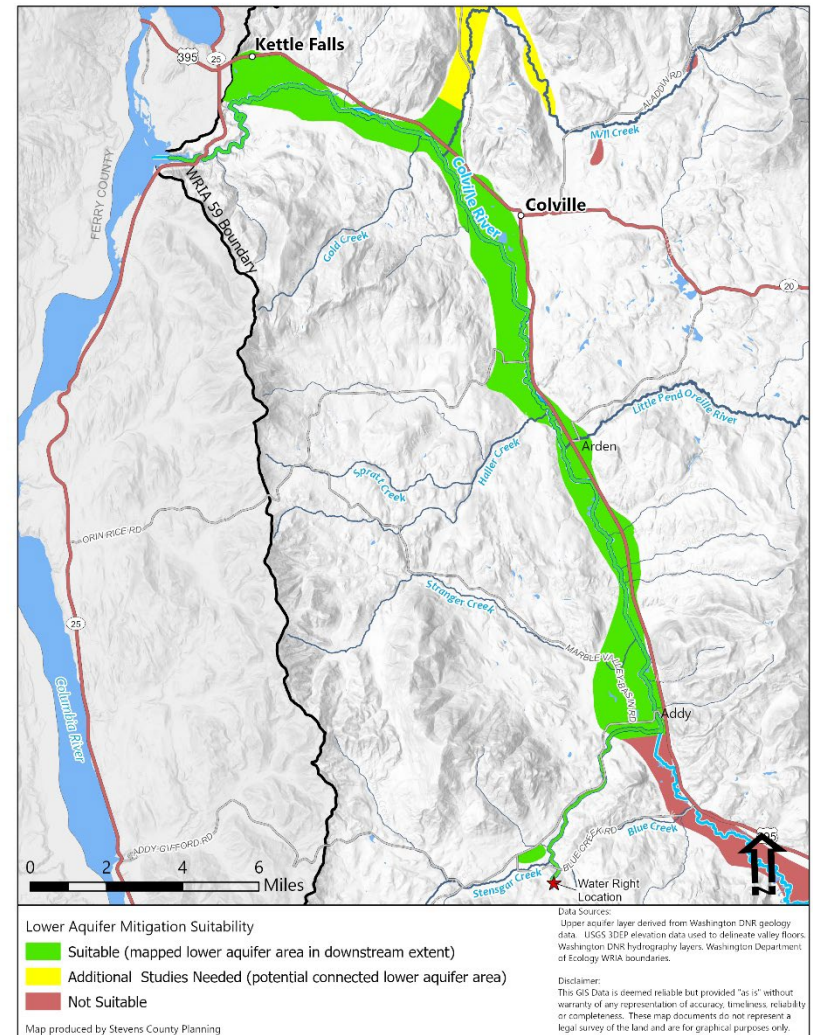
# CASE STUDY 1 – STEV-23-01 (Timeline)

## GWC 4330-A

- Jan-April 2023 - Several Pre-Application submittal meetings held with Ecology
- 5/15/2023: Application Submitted to Board
- 6/19/2023: Application accepted by Board
- 4 Months - Board Process Time
- 10/16/23: Report of Examination/ROD signed by Board
- 10/19/23: Ecology Receipt of Board ROE/ROD
- Ecology Actions During Review
  - Several clarification phone calls to applicant
- 12/21/23: Ecology ROD – Approval with Modification Letter

- **Total process less than 1 year (7 months Water Conservancy Board Process)**

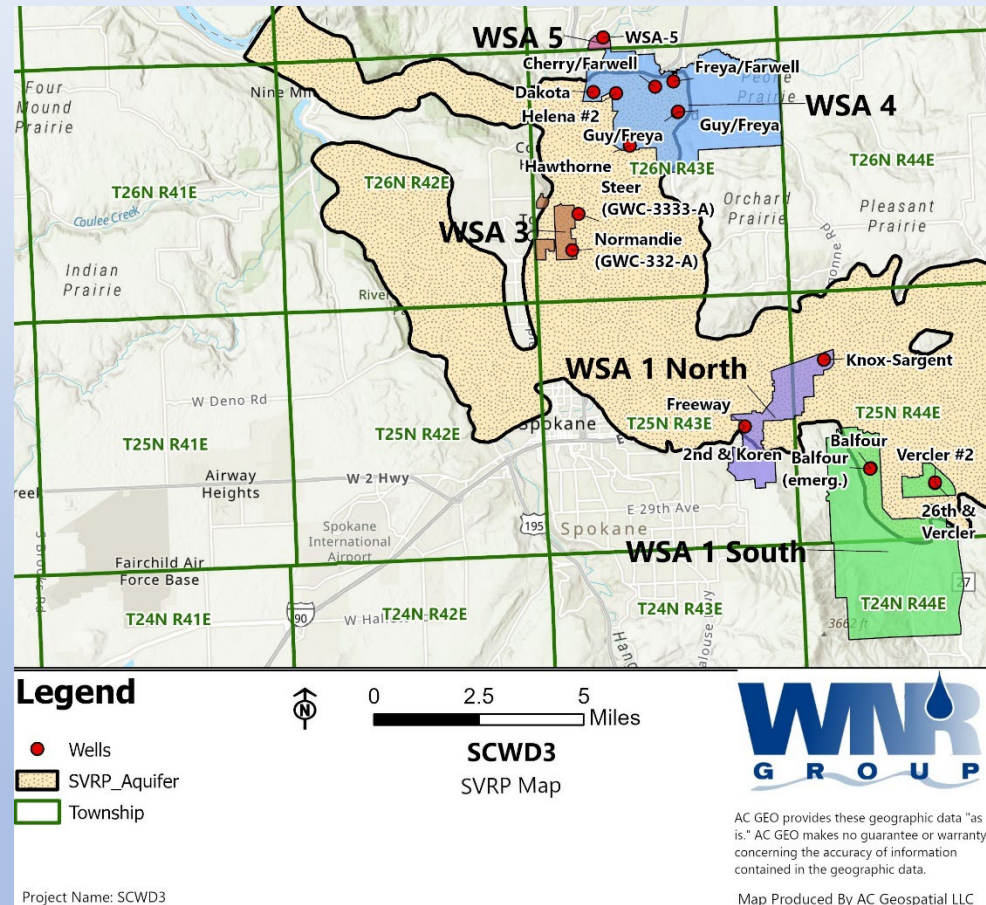
Lower Aquifer Mitigation Suitability Map - Downstream Extent



# CASE STUDY 2 –SPOK-21-01 & 21-02 (Existing)

## GWC 3332-A & 3333-A (PD=01/24/1955)

- APPLICANT: Spokane County Water District #3
- Municipal Water Rights
- POD – GW-Spokane Aquifer
- POU – Defined Water Service Area
- REQUEST – Add additional POW's from a downgradient WSA to allow a constricted WSA to fully use it's allocated water rights. Change was for allowing certificated water to be further used for growth.



# CASE STUDY 2 –SPOK-21-01 & 21-02 (Action)

## GWC 3332-A & GWC 3333-A

### ACTION –

- Add POW (add WSA 4 wells to WSA 3 certificates)
- POU modified through the Water System Planning under compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 allows revising the place of use of this water right within the water system plan (WSP)

For Ecology Use (Date Stamp)

**WATER RESOURCES**  
Application for Change/Transfer of a Water Right

DEPARTMENT OF ECOLOGY  
State of Washington

**RECEIVED**  
JUL 29 2021  
Department of Ecology  
Eastern Washington Office

**FOR OFFICIAL USE ONLY**

DATE APPLICATION RECEIVED: July 26, 2021  
CHECK NO: 037000 FEE \$: 700.00  
DATE ACCEPTED: July 26, 2021 BY: AK  
CHANGE NO: Spok-21-01  
COUNTY: Spokane WRIA: 55  
SPECIAL AREA:  
SEPA:  EXEMPT  NOT EXEMPT  
ECY CODING: 001-002-WR10285-000011  
APP NO: 3332-A PERMIT NO: 3651  
CERT NO: 3332-A CERT OF CHG NO:

You must include a \$50.00 minimum filing fee with this application for:

(Check all that apply.)  
 Change purpose(s) of use  
 Add purpose(s) of use  
 Change/transfer place of use  
 Change point(s) of diversion/withdrawal  
 Add point(s) of diversion/withdrawal  
 Other (i.e. consolidation, intertie, trust water)  
 Explain: \_\_\_\_\_

For Ecology Use (Date Stamp)

**WATER RESOURCES**  
Application for Change/Transfer of a Water Right

DEPARTMENT OF ECOLOGY  
State of Washington

**RECEIVED**  
JUL 29 2021  
Department of Ecology  
Eastern Washington Office

**FOR OFFICIAL USE ONLY**

DATE APPLICATION RECEIVED: July 26, 2021  
CHECK NO: 03699 FEE \$: 700.00  
DATE ACCEPTED: July 26, 2021 BY: AK  
CHANGE NO: Spok-21-02  
COUNTY: Spokane WRIA: 55  
SPECIAL AREA:  
SEPA:  EXEMPT  NOT EXEMPT  
ECY CODING: 001-002-WR10285-000011  
APP NO: 3333-A PERMIT NO: 3652  
CERT NO: 3333-A CERT OF CHG NO:

You must include a \$50.00 minimum filing fee with this application for:

(Check all that apply.)  
 Change purpose(s) of use  
 Add purpose(s) of use  
 Change/transfer place of use  
 Change point(s) of diversion/withdrawal  
 Add point(s) of diversion/withdrawal  
 Other (i.e. consolidation, intertie, trust water)  
 Explain: \_\_\_\_\_

No filing fee is required for applications for:

Drought  
 Cost Reimbursement  
 Water Conservancy Board

I have completed a pre-application consultation with Ecology.

**1. Applicant Information**

APPLICANT/BUSINESS NAME Spokane County Water District No. 3 (Attn: Kelly Williquette)	PHONE NO. 509-536-0121	FAX NO.
ADDRESS 1225 N Yardley Street	CITY Spokane Valley	STATE WA
CITY	STATE	ZIP CODE 99212
EMAIL ADDRESS (IF AVAILABLE) kwilliquette@scwd3.org		
CONTACT (IF DIFFERENT FROM ABOVE) Gene St. Godard (consultant for SCWD#3)	PHONE NO. 590-953-9395	FAX NO.
ADDRESS PO Box 28755	CITY Spokane	STATE WA
CITY	STATE	ZIP CODE 99228
EMAIL ADDRESS (IF AVAILABLE) stgod@comcast.net		
LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE SCWD#3 Municipal Water Service Area	PHONE NO.	FAX NO.
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

insultation with Ecology. 6803811  
6803812  
6803812

NAME Kelly Williquette	PHONE NO. 509-536-0121	FAX NO.
STATE WA	ZIP CODE 99212	
PHONE NO. 590-953-9395	FAX NO.	
STATE WA	ZIP CODE 99228	
PLACE OF USE	PHONE NO.	FAX NO.
STATE	ZIP CODE	

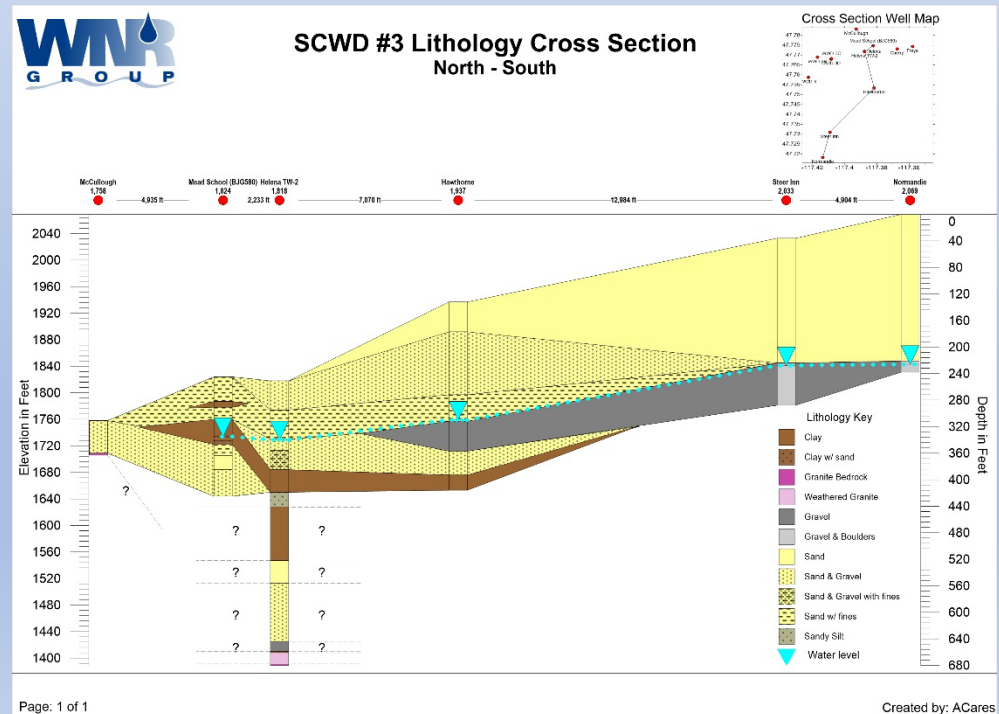
including materials in a format for the visually impaired, call Ecology Water Resources Program Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.



# CASE STUDY 2 –SPOK-21-01 & 21-02 (Timeline)

## GWC 3332-A & GWC 3333-A

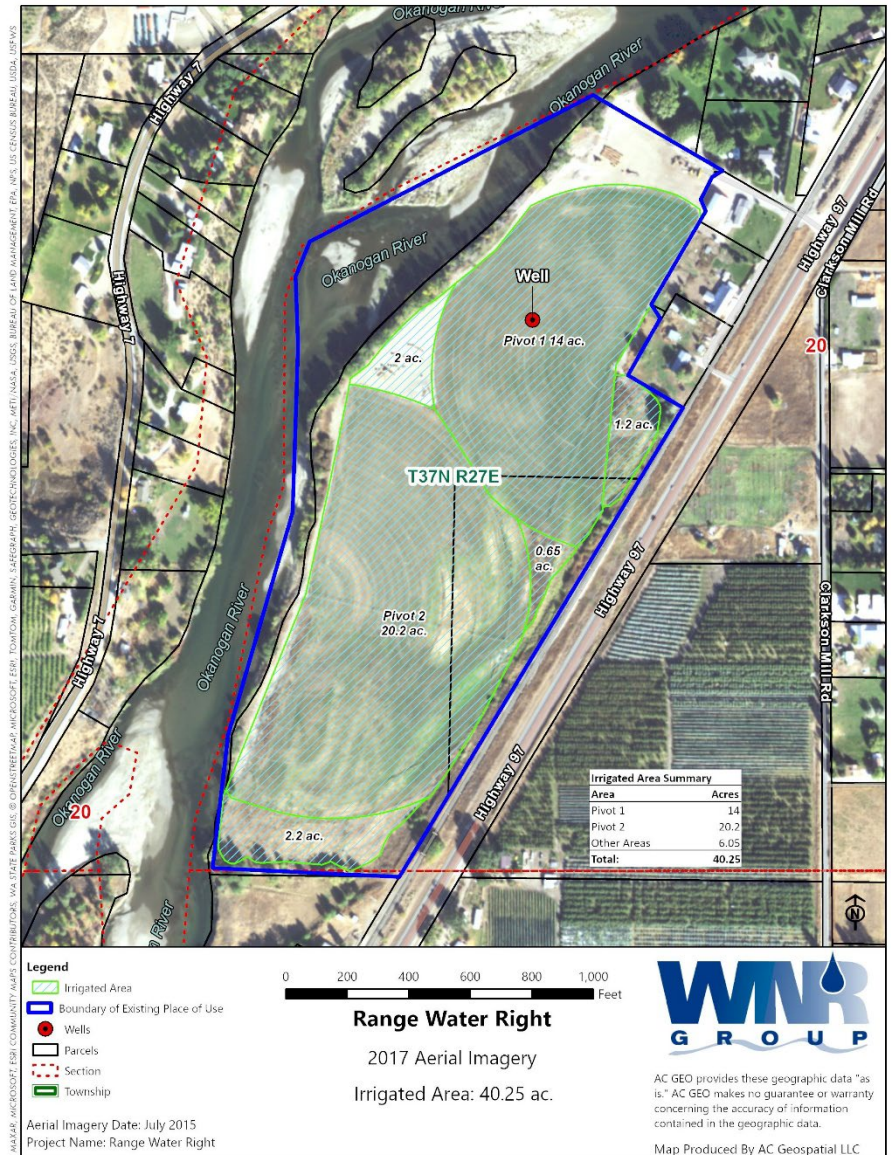
- 7/26/2021: Application Submitted & Accepted by Board
- 7/29/2021: Application accepted by Ecology
- 12/22/21: Board ROE/ROD Submitted to Ecology
- 01/27/22: Board withdraws ROE due to error in publication
- 03/28/22: Revised Report of Examination/ROD signed by Board
- 03/30/22: Ecology Receipt of Board ROE/ROD
- Ecology Actions During Review
  - Several clarification phone calls to applicant
- 04/20/22: Ecology ROD – Approval with Modification Letter
- **Total process 9 months**
- **8 Months - Board Process Time**



# CASE STUDY 3 – OKAN-21-06 (Existing)

## GWC 6217-A (PD=05/05/1967)

- APPLICANT: Martin Wick
- Irrigation Water Right
- POD – GW-Bank Storage Okanogan River
- POU – 50 acres of Irrigation
- REQUEST – Change POD, POU and Season of Use to a new 50 acres of irrigation downstream.




# CASE STUDY 3 –OKAN-21-06 (Action)

## GWC 6217-A

### ACTION –

- Change POD (GW to SW)
- Change POU
- Change Season of Use (add 15 days to end of season)



**Application for Change/Transfer of Water Right**

DEPARTMENT OF ECOLOGY  
State of Washington

**RECEIVED**  
JUL 06 2021  
Dept of Ecology  
Central Regional Office

For filing with the Department of Ecology or with County Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY**

*(Check all that apply.)*

Change purpose(s) of use

Add purpose(s) of use

Change point(s) of diversion/withdrawal

Add point(s) of diversion/withdrawal

Change/transfer place of use

Other (i.e. consolidation, intertie, trust water)

Explain: Change in Season of Use

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

I have participated in a pre-application conference with Ecology.

**FOR OFFICIAL USE ONLY**

DATE APPLICATION RECEIVED 6-30-21

CHECK NO. 1431 FEE \$ 1000.00

DATE ACCEPTED 6-30-21 BY YJR

CHANGE NO. OKAN-21-06

COUNTY OKANOGAN WRIA 49

SPECIAL AREA \_\_\_\_\_

SEPA:  EXEMPT  NOT EXEMPT

ECY CODING: 001-002-WR10288-000011

APP NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

CERT NO. \_\_\_\_\_ CERT OF CHG NO. \_\_\_\_\_

**1. Applicant Information**

APPLICANT/BUSINESS NAME <b>Martin Wick (attn: Tory Wulf as agent)</b>	PHONE NO. 509-689-3424	FAX NO. 509-689-2997
ADDRESS PO Box 7		
CITY Brewster	STATE WA	ZIP CODE 98812
EMAIL ADDRESS (IF AVAILABLE) twulf@gebbersfarms.com		

CONTACT (IF DIFFERENT FROM ABOVE) <b>Gene St.Godard</b>	PHONE NO. 509-953-9395	FAX NO.
ADDRESS PO Box 28755		
CITY Spokane	STATE WA	ZIP CODE 99228
EMAIL ADDRESS (IF AVAILABLE) stgod@comcast.net		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE <b>Martin Wick (attn: Tory Wulf)</b>	PHONE NO. 509-689-3424	FAX NO. 509-689-2997
ADDRESS PO Box 7		
CITY Brewster	STATE WA	ZIP CODE 98812
EMAIL ADDRESS (IF AVAILABLE) twulf@gebbersfarms.com		

**2. Water Right Information**

WATER RIGHT OR CLAIM NUMBER GWC-06217-A (G4-*08724C)	RECORDED NAME(S) Pauley, A.E.
DO YOU OWN THE RIGHT TO BE CHANGED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: Gene Smith, <a href="mailto:huckinbulls1@gmail.com">huckinbulls1@gmail.com</a> , 509-322-4307	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

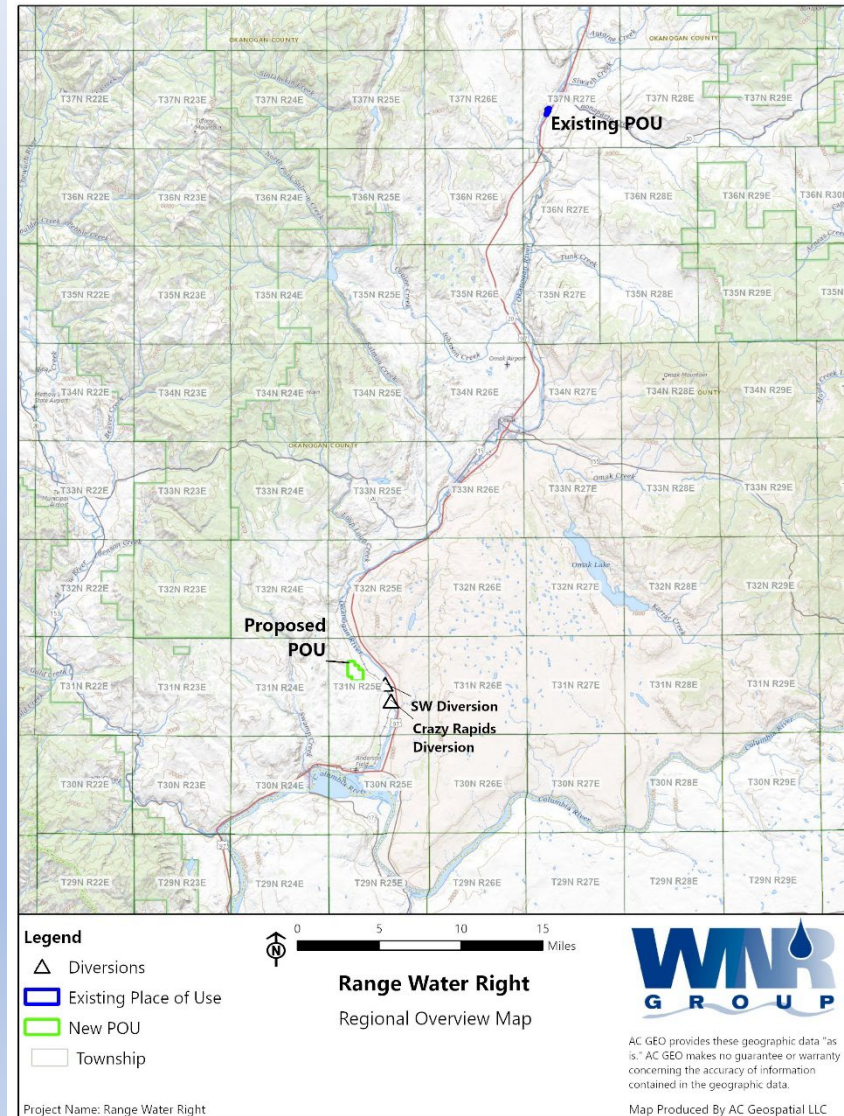
Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

ECY 040-1-97 (Rev. 02/12) C64-6WC 6217-A

# CASE STUDY 3 – OKAN-21-06 (Timeline)

## GWC 6217-A

- 6/2/2021: Application Submitted to Board
- 6/30/2021 Application Accepted by Board
- 7/06/2021: Application accepted by Ecology
- 03/06/24: Board ROE/ROD Submitted to Ecology
- 03/18/24: Ecology Receipt of Board ROE/ROD
- Ecology Actions During 75-day Review
  - Request Several more reports, additional information, etc.
  - Requests Board withdraw ROE on the 75<sup>th</sup> day of review
- 05/02/2024 Board withdrawal of ROE per Ecology's threat of Denial due to an alternate's signature
- 05/06/2024 Ecology Acknowledges withdrawal of ROE
- 06/05/2024: Revised Report of Examination/ROD signed by Board - Board Resubmits ROE
- 06/10/24: Ecology Receipt of Board's resigned ROE/ROD
- Ecology Actions During another 75-day Review
  - Request more additional information, etc.
  - Suggested maybe withdrawing again, but applicant refused
- 08/26/24: Ecology ROD – Approval with Modification Letter
- Total **process time: 3 Years, 3 months**



# Board Process & Participation

## Generally, by Region *(My View!)*

### Eastern Region

- Boards Tend to control the process much more internally with much more focus on the County and local water management.
- Ecology – no meeting participation
  - Tends to lead to more interaction with the applicant, more detailed discussions, and more thinking out of the box.
- Board tends to have a more streamlined approach to collecting and review of data with much more in house discussions on the attributes of the water right.
  - Board's ROE and Ecology review standard within the standards of the RCW/WACs and supported by "Best Available Science"....
- Ecology review – thorough, typically reaching out with some clarifying questions and/or additional information. Assure ROE prepared in compliance with the RCW/WAC.
  - Sometimes make the 45-day timeline with a modification letter. May request 30-day ext., but not always use it up.

### Central Region

- Boards Tend to conduct the process with the goal of achieving and processing the way Ecology wants, by methodology & presentation.
- Ecology – Present at all Board meetings
  - Tends to lead to a more "chilling" effect, applicant not willing to discuss the "what if" scenarios with Board.
- Board tends to have applicant conduct many more studies (under Ecology's oversight/recommendations), which tends to lead to much more costs for the applicant.
  - Board's ROE and Ecology review standard approaching "beyond a reasonable doubt"....
- Ecology review – extremely thorough, and basically conduct their own E&V Analysis.
  - Always have 75-day (45 + 30-day ext.) review, with more likely than not requesting the ROE be withdrawn and provide more.
  - Typically will even ask for more information, studies, etc. which leads to increased costs for the applicant.
  - My view – it's like another full E&V is conducted internally to verify Board's review.

Sometimes processing water right change applications through WCB/Ecology process is as easy as wrangling and riding a great white shark!!!



***THANK YOU---  
QUESTIONS?***

**Gene St.Godard, P.G., L.Hg., CWRE  
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