

## 4:30 WELCOME

Andrew Dunn, RH2 Engineering

## 4:35 WRIA 1 (NOOKSACK) ADJUDICATION

Robin McPherson, Adjudication Manager, Department of Ecology

## 4:45 INTRODUCTION TO WATER RIGHTS

Jill Van Hulle, Aspect Consulting, LLC

## 5:00 WATER IN THE NOOKSACK WATERSHED

Jay Chennault, Associated Earth Sciences, Inc.

## 5:15 WATER RIGHTS RESEARCH 101

Jay Chennault, Associated Earth Sciences, Inc.

## 5:35 DOCUMENTING CURRENT AND HISTORIC WATER USE

Tyson Carlson, Aspect Consulting, LLC

## 5:55 ADMINISTRATIVE TOOLS WATER RIGHT CHANGES AND TRANSFERS

Andrew Dunn, RH2 Engineering

## 6:15 Q&A PANEL

AESI, Aspect, RH2

## MARK YOUR CALENDAR



**September 13**  
**4:30-6:30**

## PREPARING FOR THE ADJUDICATION

Pioneer Pavilion Community Center  
2007 Cherry St, Ferndale

Water right consultants from Aspect Consulting, Associated Earth Sciences, and RH2 Engineering will discuss steps you can take to prepare for the upcoming WRIA 1 adjudication.

Information presented will include:

- Overview of water right basics.
- Checklist to better document your water rights and water use.
- Identify potential complications that can be addressed before the adjudication is filed.
- Time for questions.

*Whether you plan to do all the work yourself, or seek the assistance of a consultant or attorney, the information presented will be helpful!*

PLEASE REGISTER

SO WE CAN PLAN ACCORDINGLY



**AESI**  
Associated Earth Sciences, Inc.

**Aspect**  
CONSULTING

**RH2**



Ag Water Board  
of Whatcom County

**WRIA1 INTEGRATED**  
MANAGEMENT PROGRAM

# LOGISTICS

- SPECIAL THANKS – AWB, WWIN
- INTENT OF THE PRESENTATION IS TO INFORM – NOT DEBATE
- BE RESPECTFUL
- SAVE QUESTIONS FOR THE PANEL AT THE END
- THE PRESENTATION IS BEING RECORDED TO WATCH LATER
- THE PRESENTATION SLIDES WILL BE MADE AVAILABLE
- ASPECT, AESI, RH2, AND ECOLOGY HAVE TABLES WITH STAFF TO ANSWER ADDITIONAL QUESTIONS
- IF THIS EVENT IS SUCCESSFUL AND THERE IS INTEREST, WE CAN HOLD ANOTHER EVENT AT A LATER TIME
- 7:30 – LIGHTS OUT

## MARK YOUR CALENDAR



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**PLEASE REGISTER**

**SO WE CAN PLAN ACCORDINGLY**





# WRIA 1 (Nooksack) Adjudication

Robin McPherson, Adjudication Manager  
September 13, 2023

# What is an Adjudication?



- Superior Court process to review all water use

What is an  
Adjudication?

- Superior Court process to review all water use
- Clarifies who has right to use water

What is an  
Adjudication?

## What is an Adjudication?

- Superior Court process to review all water use
- Clarifies who has right to use water
- Legislative direction

## What is an Adjudication?

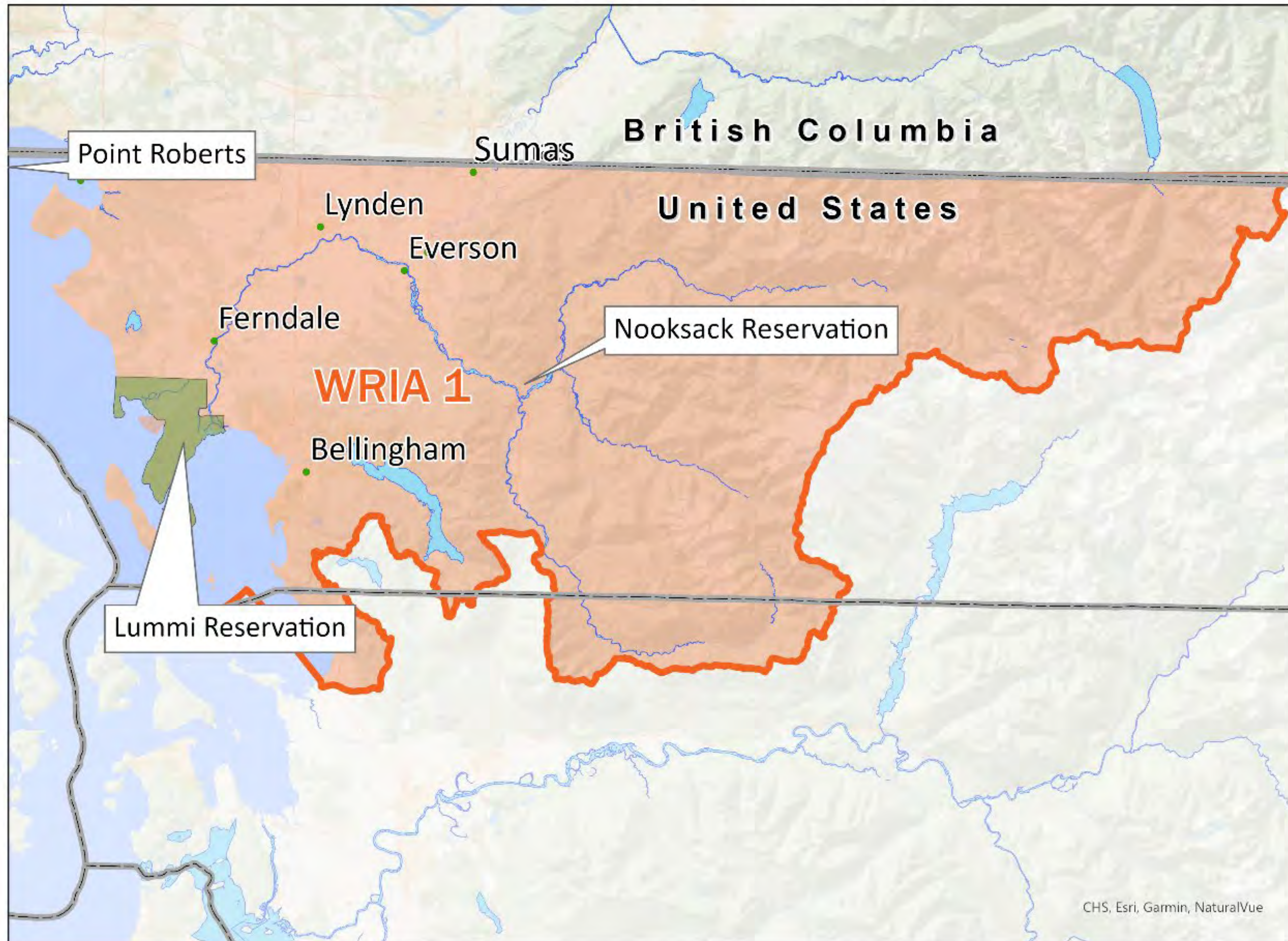
- Superior Court process to review all water use
- Clarifies who has right to use water
- Legislative direction
- Court issues priority schedule (old to new)



## What is an Adjudication?

- Superior Court process to review all water use
- Clarifies who has right to use water
- Legislative direction
- Court issues priority schedule (old to new)
- Ecology issues adjudicated certificates

# Nooksack Watershed (WRIA 1)







## Get ready

- Go to our website and find out if we have a record of your water right.
- Learn how much water you use from your pump or well.

1. **We** notify all water users by certified mail. ***Spring 2024***
2. **You** fill out the form about your water use and submit it to the court. ***2025 (one year later)***
3. **We** let you know if we need more information. ***2025-2028***
4. **We** write a report about your water use. ***2025-2028***
5. **The court makes a final decision**
6. **We** issue adjudicated water right certificates



## Get ready

- Go to our website

Permit-exempt groundwater  
will not have a record

- Learn how much  
water you use  
from your pump or  
well.

1. **We** notify all water users by certified mail. ***Spring 2024***
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# FILING A CLAIM

## FILING A CLAIM

### Small domestic well proposal

500 gpd or less

Acreage limitation

#### **Simplified Process**

-Date of first use

-Verify purpose

=Adjudicated  
certificates for 500  
gpd each

## FILING A CLAIM

Single home on a well

Small domestic well  
proposal

500 gpd or less

Acreage limitation

**Simplified Process**

-Date of first use

-Verify purpose

=Adjudicated  
certificates for 500  
gpd each

## FILING A CLAIM

### Single home on a well

#### Small domestic well proposal

500 gpd or less

Acreage limitation

#### **Simplified Process**

-Date of first use

-Verify purpose

=Adjudicated certificates for 500 gpd each

#### Other Permit-Exempt Wells

Date of first use

Current use

Highest use

=Adjudicated certificates **for actual use**

-up to 5000 gpd each

-no limit for stock



## FILING A CLAIM

### Single home on a well

Small domestic well proposal	Other Permit-Exempt Wells	Documented Rights
<p>500 gpd or less Acreage limitation <b>Simplified Process</b> -Date of first use -Verify purpose =Adjudicated certificates for 500 gpd each</p>	<p>Date of first use Current use Highest use  =Adjudicated certificates <b>for actual use</b> -up to 5000 gpd each -no limit for stock</p>	<p>Surface or Ground Permit, certificate, pre-code claim Current use Highest use  =Adjudicated certificates for actual historic use</p>

## FILING A CLAIM

- Send in your form within one year
- Online or on paper
- Amend later if evidence is different
- “Proof”
  - Personal knowledge
  - Ecology documents
  - County property records
  - Water use records

### Get ready

- Go to our website and find out if we have a record of your water right.
- Learn how much water you use from your pump or well.



# Adjudication of WRIA 1 (Nooksack)

Robin McPherson, Adjudication Manager  
September 13, 2023



WRIA 1 – Water Week

# Introduction to Water Rights

September 2023



Presented by  
Jill Van Hulle, CWRE



# What is a Water Right?

## **A water right is:**

A right to the beneficial use of a reasonable quantity of public water for a beneficial purpose during a certain period of time that occurs at a certain place.

Water rights defines how much water you can use (Qi/Qa), where you can use it (Place of Use/Service Area), what your source is (Well or Stream) and what you can use it for (Purpose of Use).

# Types of Water Rights

## State-Issued

- **Permit:** Permission by the state to develop a water right –but is not a final water right.
- **Certificate:** Issued to document full use of permit, recorded with the County Auditor. A water right certificate is considered a property right.

## Other

- **Claims:** Statements that water was used prior to 1917 Surface Water Law or 1945 Ground Water Law.
- **“Permit-Exempt” Uses:** People can develop a water right based on their use of water under the Groundwater Exemption and are legally entitled to the same rights and protections.

# Water Rights Stats

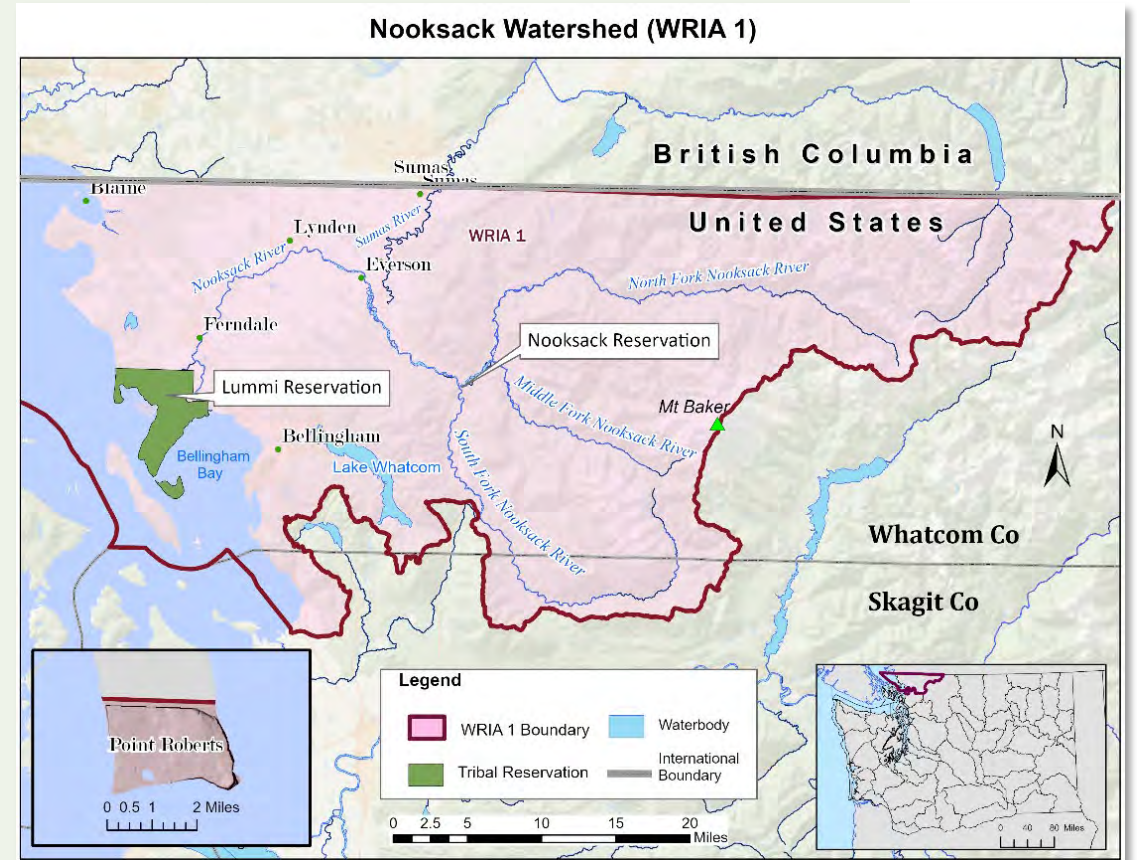
## Statewide

- Legal water rights: 53,000
  - 50,000 certificates
  - 3,000 permits in development
- Claims: 170,000 (surface and groundwater)
- Permit-Exempt Wells: 400,000
- Ecology expects 25,000 letters for WRIA 1

# Water Rights Stats, cont'd

## WRIA 1/Nooksack

5,000+ surface water and groundwater right documents on file with Ecology



# Who Owns the Water?

In Washington water is “owned” in common by the people

- Access to use the water managed by State – generally through a permit system





# Key WA Water Right Laws

- RCW 90.03 – Surface Water Code of 1917
- RCW 90.44 – Groundwater Code of 1945

**Washington State water law based on “*first in time – first in line*” premise, and older water rights have seniority over junior water rights**

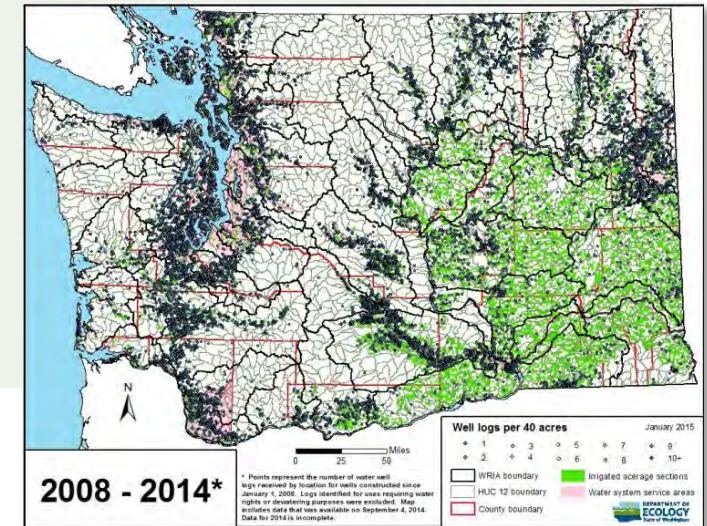
# Groundwater vs. Surface Water

- Any surface water use requires a water right – no practical exemptions
- Some groundwater use is exempt from needing a formal “papered” water right authorization



# Groundwater Permit Exemption

- Water for a single or group of homes (limited to 5,000 gpd, unless otherwise specified)
- Water for livestock (no gpd limit or acre-foot restriction)
- Watering a non-commercial lawn/garden one-half acre in size or less (no gpd limit)
- Water for industrial purposes - including commercial irrigation (limited to 5,000 gpd)



# Permit-Exempt Wells (cont'd)

- Exemption is “project-based” and needs to consider entire intent
- Exemption can be “stacked”
- No paper but still subject to the prior appropriation doctrine
- Supreme Court says still subject to proof of no impairment to surface waters and the legal availability of water



# Getting a Water Right Permit

- Water rights are issued by Ecology's regional offices -- Lacey, Shoreline, Yakima, and Spokane.
- Initiated by filing of an "Application for a Water Right".
- Once application is received, that date is the application's "priority date" which establishes the water right's seniority.



# 2023 Status of Permitting Process

- Currently ~5,000 application backlog statewide
- Most applications processed through Cost Reimbursement, which is a pay-for-service option
- Finally, in much of the state requests for new permits are unlikely to be successful

# The Four-Part Test

**The answer must be “yes” to all four of the following questions for each application for a water right:**

- 1. Is the proposed use beneficial?**
- 2. Is water available, physically and legally?**
- 3. Will existing water users be impaired?**
- 4. Is the proposed use not detrimental to public welfare?**

# Steps and Stages

Stage	Purpose
Application	Establishes intent to appropriate
Permit	Authorization to develop
Proof of Appropriation	Water put to beneficial use
Certificate	Perfection of water right

# Post-Certificate and Protecting What You Can

- **Staying in compliance** (*Know what you have*)
- **Avoiding relinquishment** (*Use it – or lose it*)

# Relinquishment

- Relinquishment” occurs when a water right has reverted to the state because of nonuse for five or more successive years after 1967 **without sufficient cause** that excuses the nonuse. There can be full or partial relinquishment of a water right.
- The relinquishment provisions codified in RCW 90.14.130 to .180 in 1967



# Sufficient Cause RCW 90.14.140

- Water unavailability
- Irrigation issues
- Legal Proceedings
- Change Applications
- Conservation programs

- Hydropower
- Standby Reserve
- Determined future development
- Municipal supply
- Agricultural process water substitution
- Trust Water

## Jill Van Hulle, CWRE

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360.810.3508

[www.aspectconsulting.com](http://www.aspectconsulting.com)

[www.nooksackadjudication.com](http://www.nooksackadjudication.com)



# WATER IN THE NOOKSACK WATERSHED (WRIA 1)

Whatcom Water Week  
September 13, 2023



Photo: bellinghamweb.net

Photo: whatcom.wsu.edu/ag/



[www.aesgeo.com](http://www.aesgeo.com)

**Jay W. Chennault, L.G., L.Hg., P.E., CWRE**

Principal Hydrogeologist/Engineer

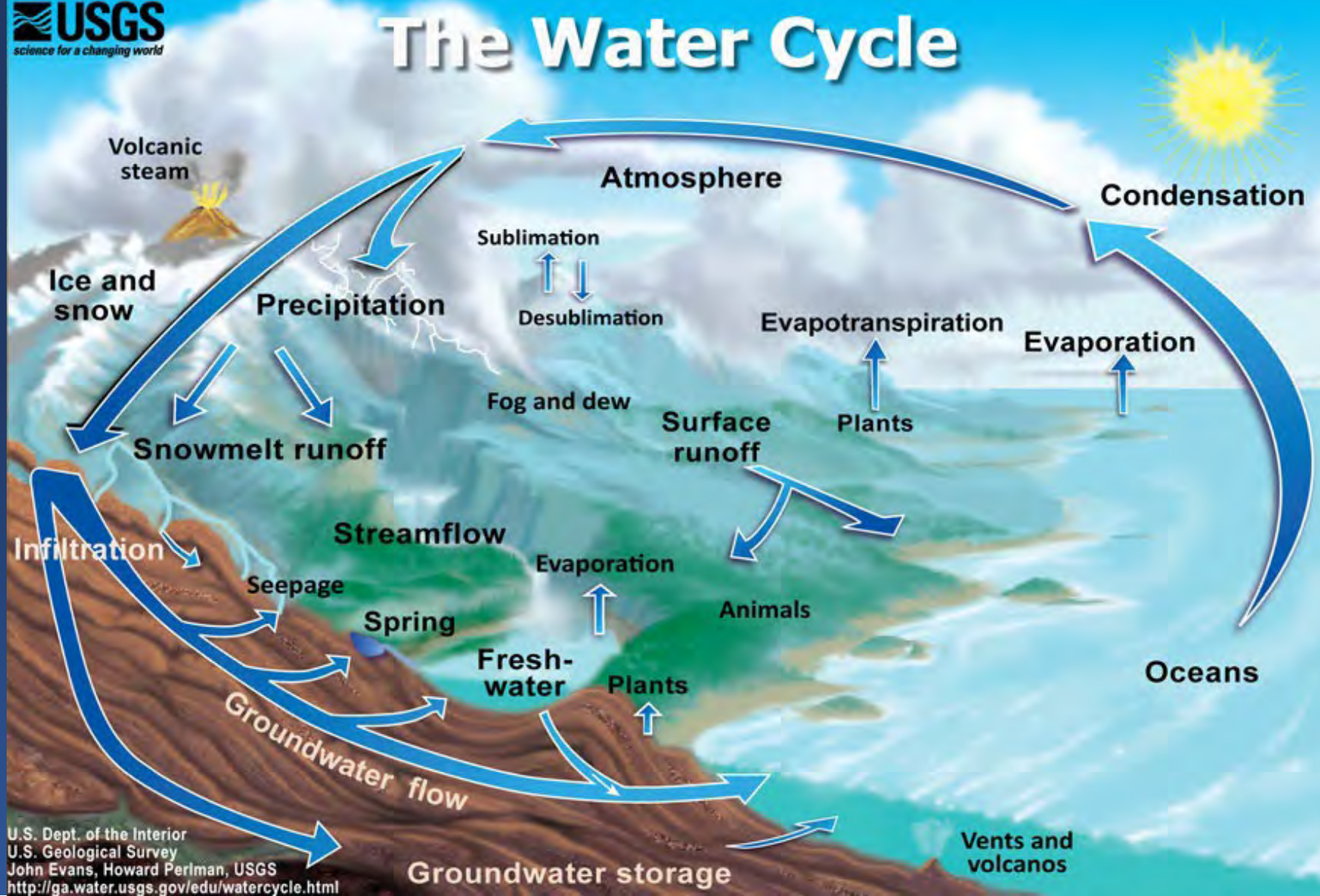
[jchennault@aesgeo.com](mailto:jchennault@aesgeo.com)

425-827-7701





# The Water Cycle



## The Water Cycle

- Evaporation into the atmosphere
- Precipitation
- Many paths back to the ocean or atmosphere



# Water Budget

(Quantification of the Water Cycle)

$$P = ET + RO + GW \pm S$$

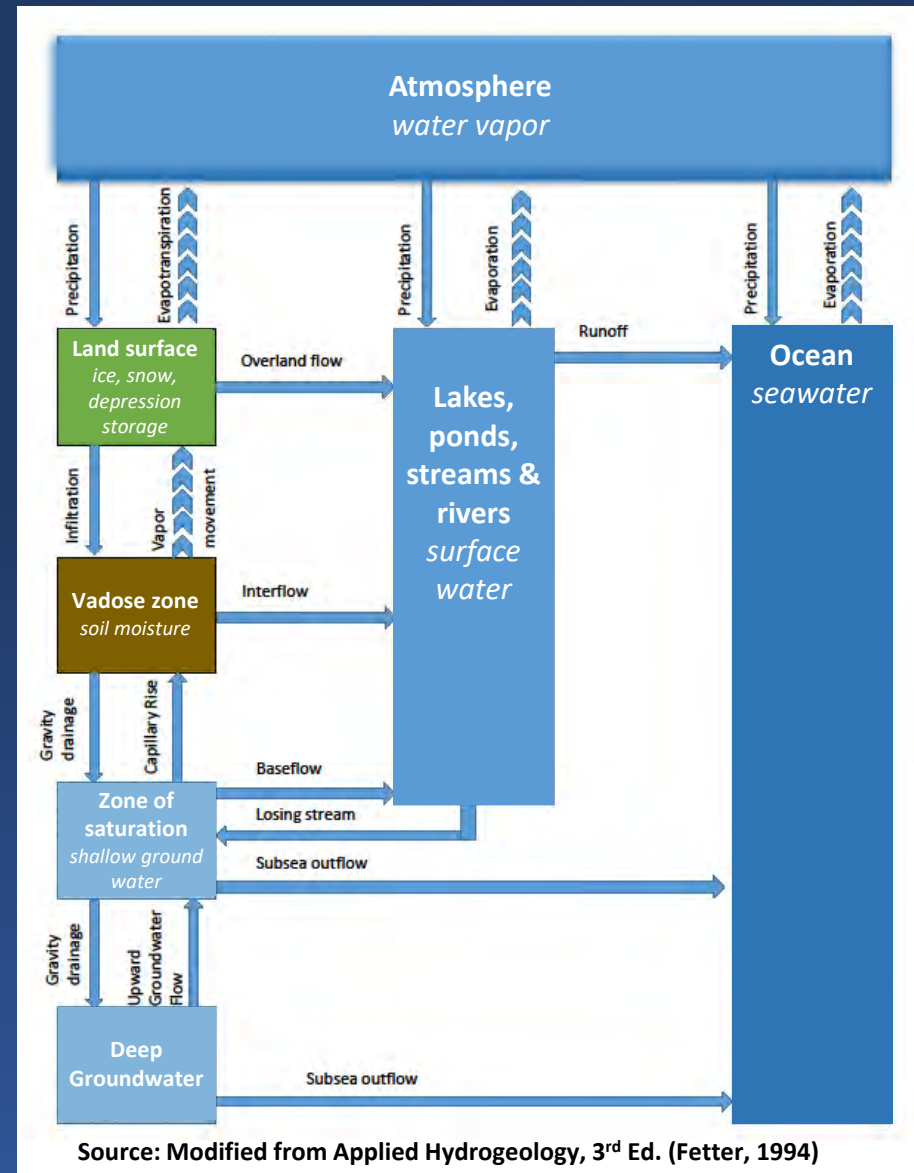
P = Precipitation

ET = Evaporation and Transpiration

RO = Surface Water Runoff (Overland and Interflow)

GW = Groundwater Recharge

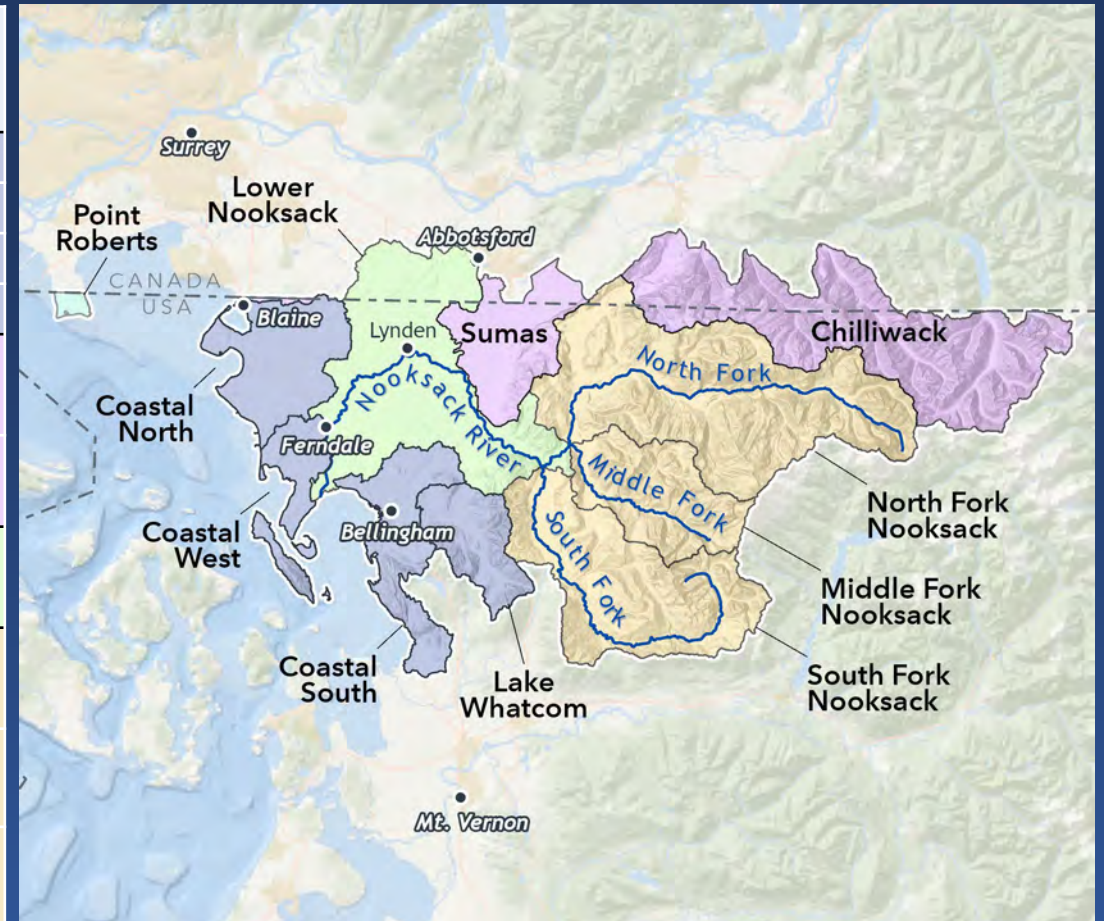
S = Storage



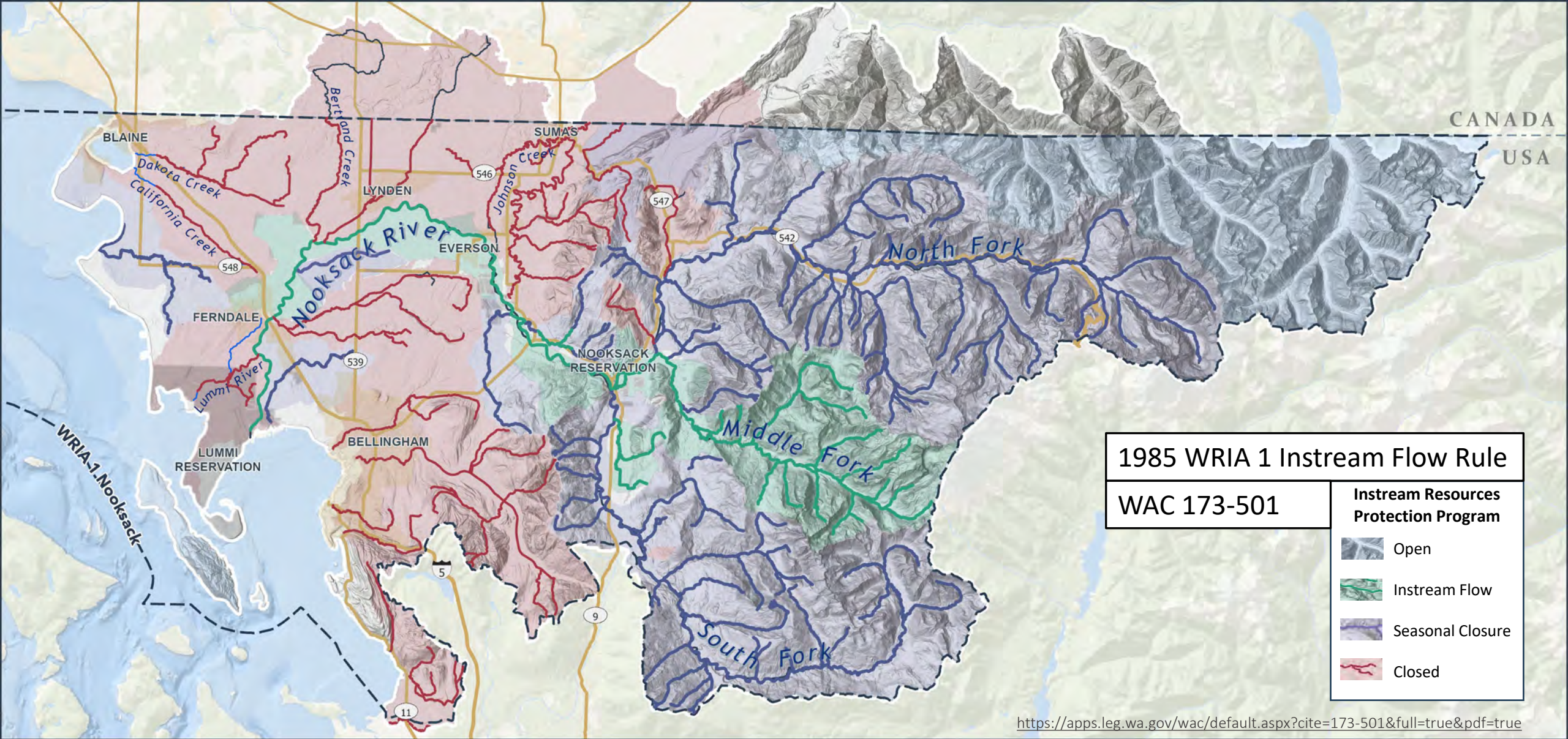


# Surface Water

SUBBASIN	FLOW DIRECTION	TRIBUTARY TO	MAJOR STREAMS
Coastal North	West	Puget Sound	California, Dakota
Coastal West			Schell, Lummi
Coastal South			Colony, Oyster
Lake Whatcom			Austin, Smith
Sumas	East, North	Fraser River	Johnson, Breckenridge
Chilliwack	North		
Lower Nooksack	West	Puget Sound	Bertrand, Fishtrap, Tenmile, Fourmile
South Fork Nooksack	North	Lower Nooksack	Hutchinson, Black Sough
Middle Fork Nooksack	West		Porter
North Fork Nooksack	West		Kendall









# Groundwater Definitions<sup>1</sup>

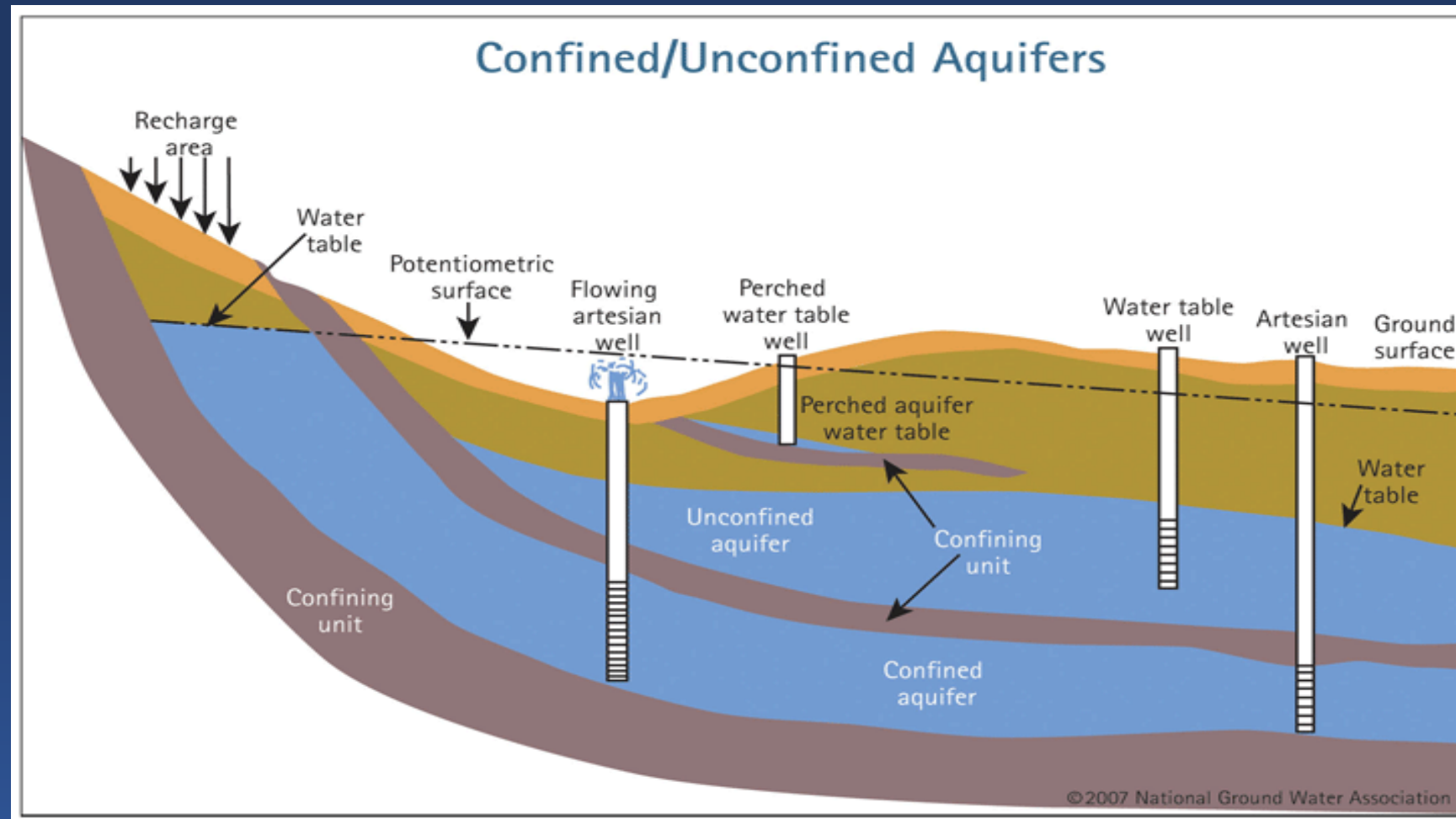
## Aquifer

Rock or sediment in a formation, group of formations, or part of a formation that is saturated and sufficiently permeable to transmit economic quantities of water to wells and springs.

## Confining Unit (Aquitard)

Low-permeability unit that can store ground water and also transmit it slowly from one aquifer to another.

1. Fetter, Applied Hydrogeology, 3<sup>rd</sup> Ed., 1994



# Groundwater

## Definitions<sup>1</sup>

### Unconfined Aquifer

An aquifer in which there are no confining beds between the saturated zone and ground surface. Water pressure in aquifer is atmospheric

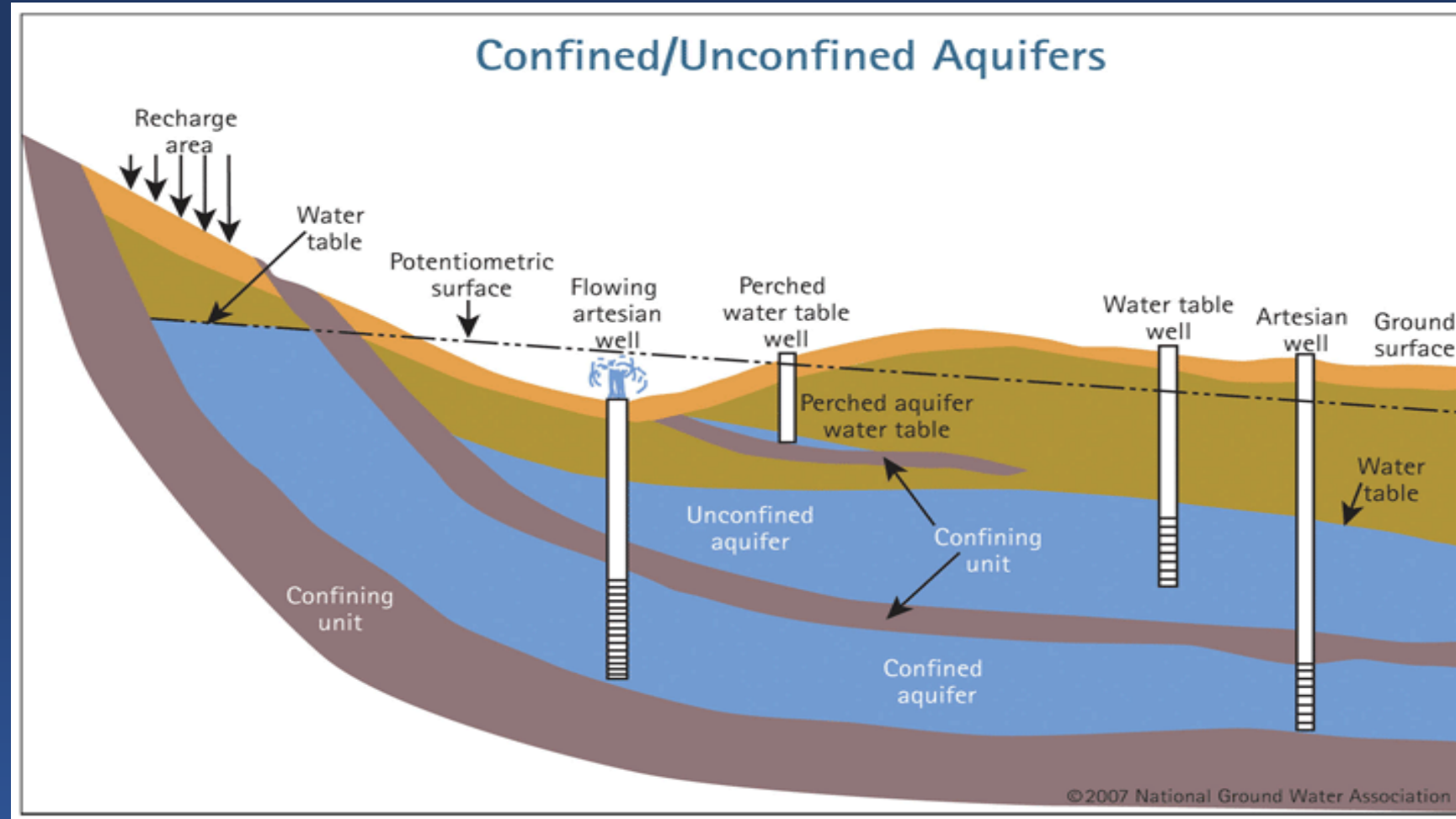
### Perched Aquifer

Region in the unsaturated zone that may be locally saturated because it overlies a low-permeability unit.

### Confined Aquifer

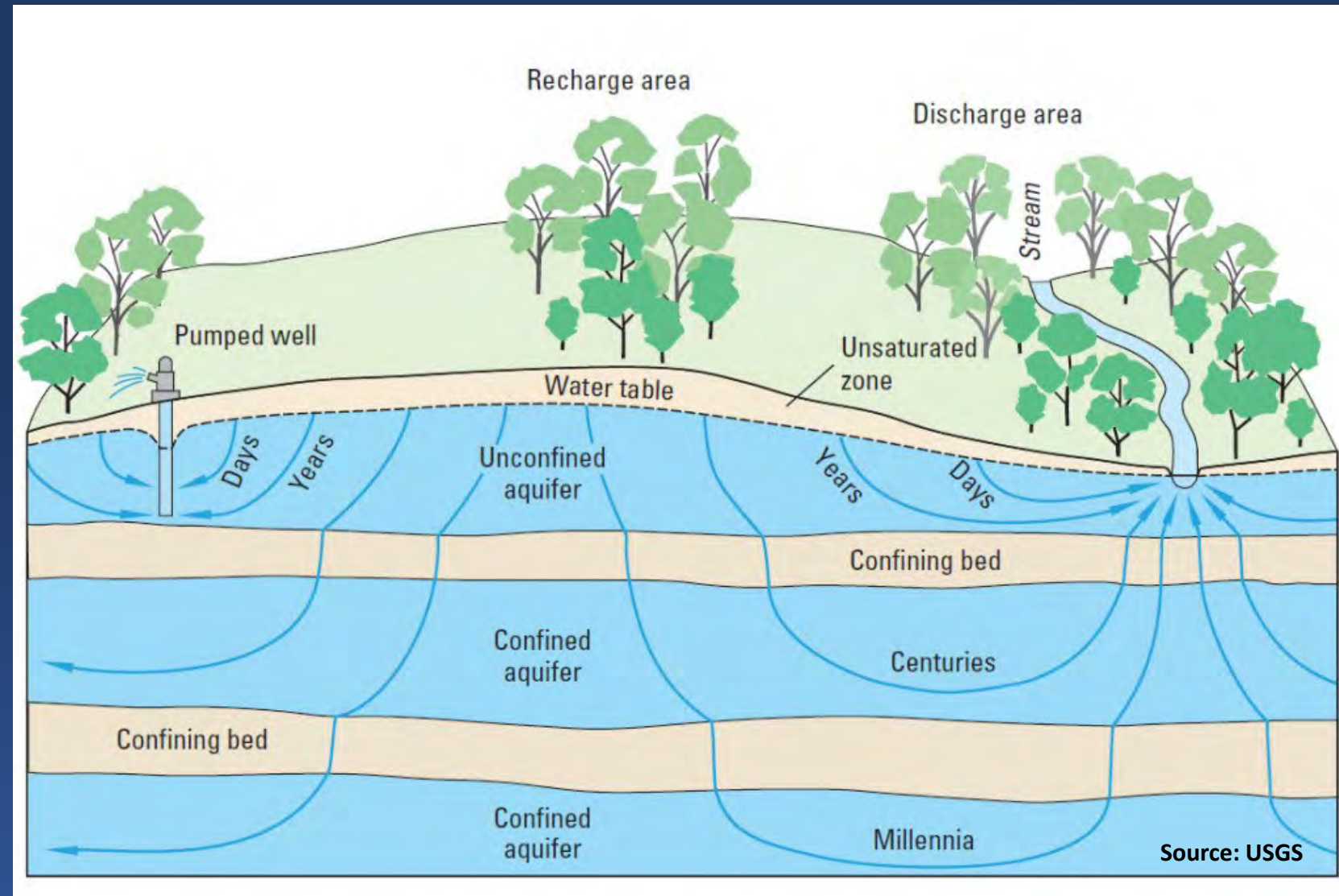
An aquifer that is overlain by a confining bed. Water pressure in aquifer is greater than atmospheric.

1. Fetter, Applied Hydrogeology, 3<sup>rd</sup> Ed., 1994



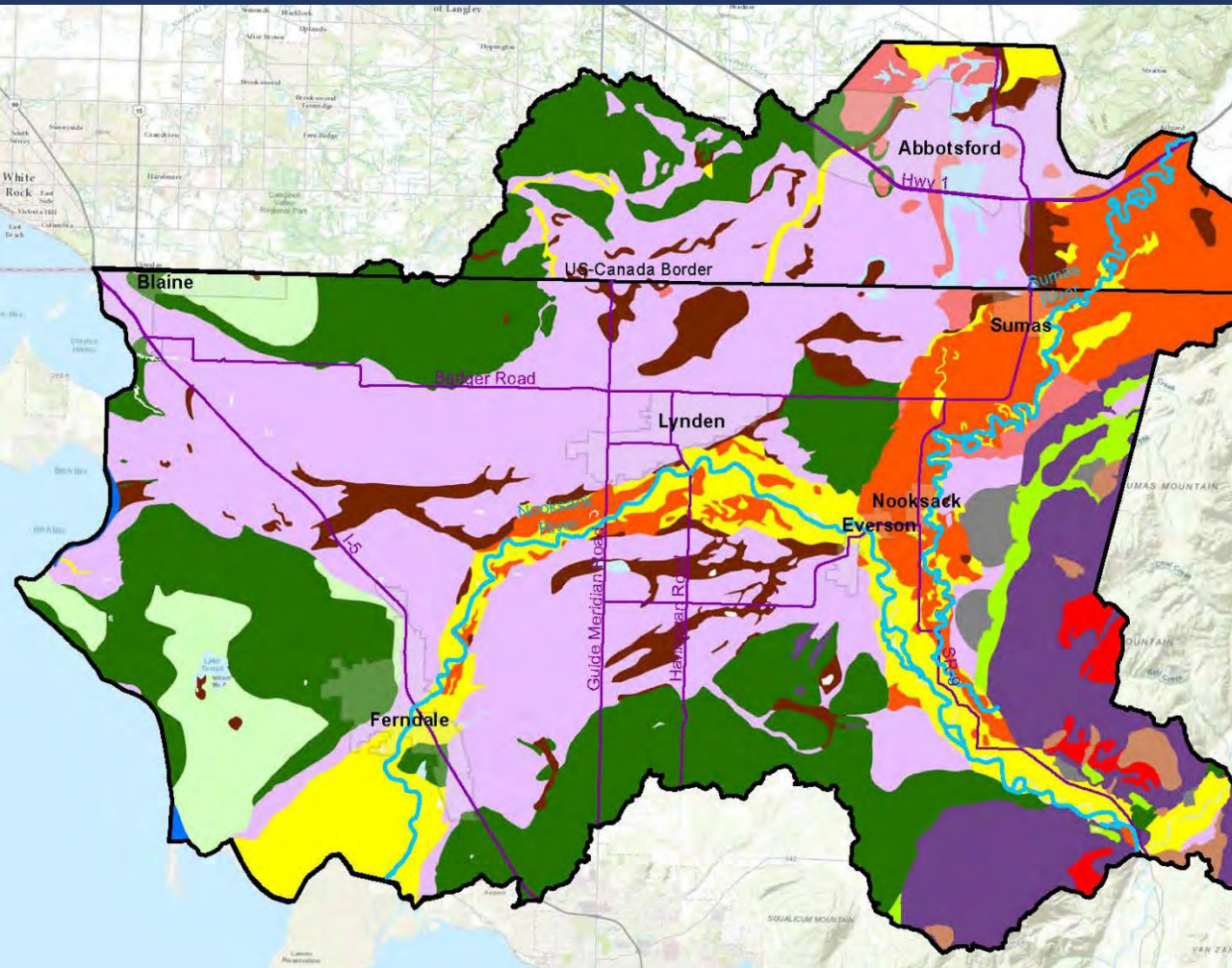
# Ground Water Flow

- In aquifers, from high “head” to low “head”
- From recharge to discharge areas
- Rate depends on many factors including:
  - Hydraulic gradient
  - Aquifer properties (K, T, S)
- Travel time can range from days to millennia





# Geologic Framework



Age	Description	Geologic Units for this Study	Geologic Units USGS <sup>1</sup>	Geologic Units USA <sup>2</sup>	Geologic Units Canada <sup>3</sup>	
Holocene	Alluvium	Qa	Qsc	Qa, Qal	SAh-k	
	Alluvial fan deposits	Qaf	--	Qaf	Sao	
	Landslide deposits	Qls	--	Qls	Sam	
	Beach deposits	Qb	--	Qb	SAs	
	Eolian deposits	Qe	--	--	SAt	
	Peat	Qp	Qp	Qp	SAb,c,e	
	Lacustrine deposits	Ql	Qsf	--	SAq, r; Fc-d	
Fraser Glaciation	Sumas Stade	Glacial outwash	Qgo <sub>s</sub>	Qso	Qgo <sub>s</sub> , Qso	11-10 ka
		Glacial till	Qgt <sub>s</sub>	Qsi	Qgt <sub>s</sub> , Qs	
	Everson Interstade	Emergence deposits	Qgom <sub>e</sub>	--	Qgom <sub>ee</sub> , Qbg	FLa,b
		Glaciomarine drift	Qgdm <sub>e</sub>	Qed, Qevf	Qgdm <sub>e</sub> , Qb, Qk, Qs	13-11 ka
		Fluvial sand	Qd	Qevc	Qd	--
	Vashon Stade	Glacial till	Qgt <sub>v</sub>	Qvd	Qgt, Qvt	Va
		Glacial outwash	Qga <sub>v</sub>	Qvd, Qevc	Qga, Qve	20-13 ka
		Glacial undifferentiated	Qgd	Qvd	Qgd, Qf	--
	Pre-Fraser	Olympia	Nonglacial sediments	Qc <sub>o</sub>	Qevu	Qc <sub>o</sub>
Possession <sup>4</sup>		Glacial till	ot	Qevu	Ot	80-60 ka
		Glacial outwash	oo	Qevu	Oo	
Whidbey		Nonglacial sediments	Qc <sub>w</sub>	Qevu	Qc <sub>w</sub>	125-80 ka
Tertiary and pre-Tertiary	Bedrock	br	Tbr	OEch; ECcb; ECcm; ECcp; ECcs; Jph; JPMhmc <sub>e</sub> ; pDgn <sub>v</sub> ; PDMhmc <sub>c</sub> ; PMDms <sub>c</sub> ; pTms <sub>b</sub> ; pTu	T; PT	



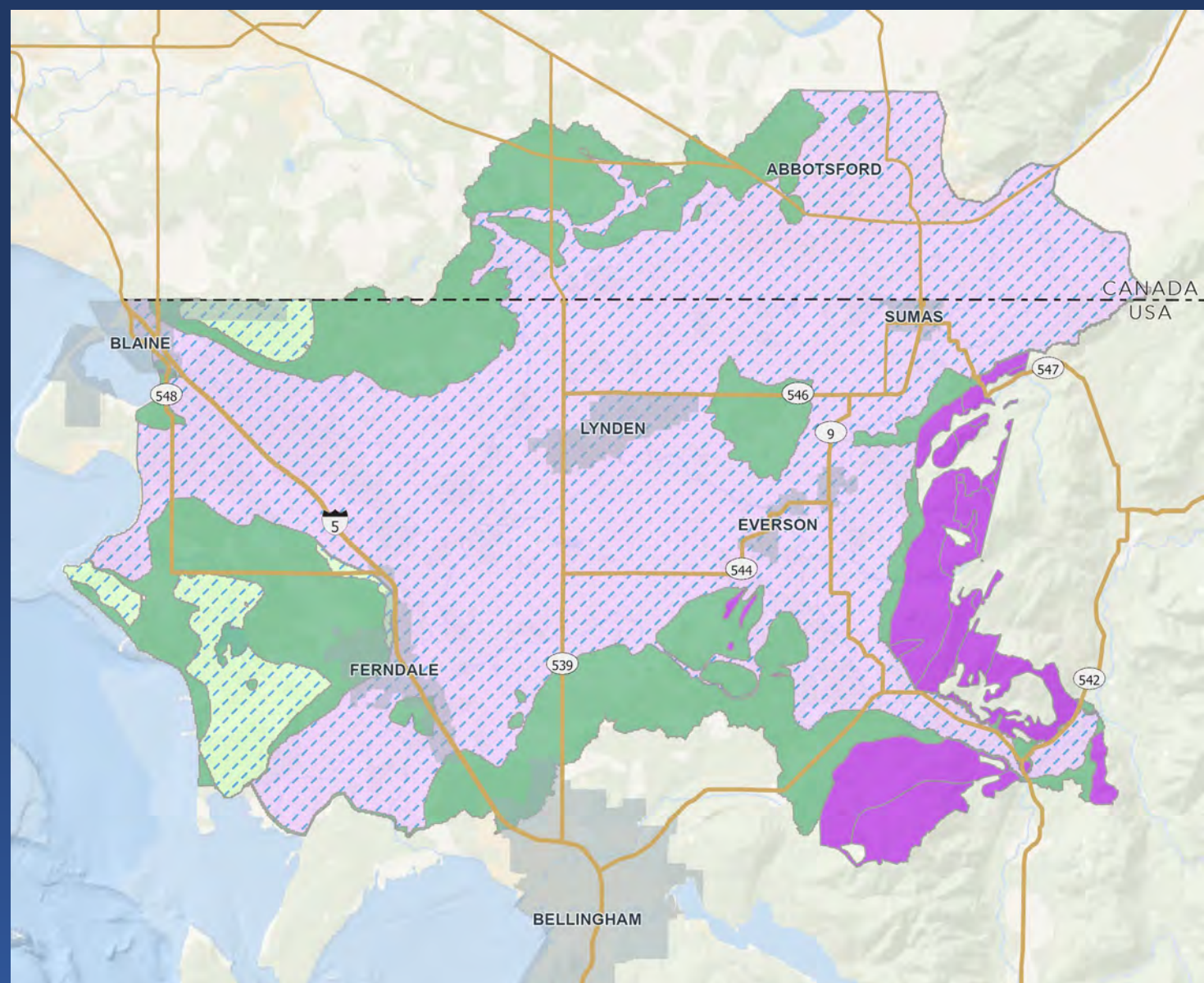


# Hydrostratigraphy

- Four Aquifers
- Three Confining Units

Hydrogeologic Unit	Included Geologic Units
Unit 1 – Sumas Aquifer	Qa, Qb, Qaf, Qe, Ql, Qgd, Qp, Qgo <sub>s</sub>
Unit 2 – Sumas-Everson Aquifer	Qgom <sub>e</sub> , Qgo <sub>s</sub>
Unit 3 – Everson-Vashon Confining	Qgt <sub>s</sub> , Qls, Qgdm <sub>e</sub> , Qd, Qgt <sub>v</sub>
Unit 4 – Vashon-Olympia Aquifer	Qgd, Qgav, Qc <sub>o</sub>
Unit 5 – Olympia-Possession Confining	Qc <sub>o</sub> , ot
Unit 6 – Possession-Whidbey Aquifer	oo, Qc <sub>w</sub>
Unit 7 – Bedrock Confining	br

NS | subsurface unit not shown

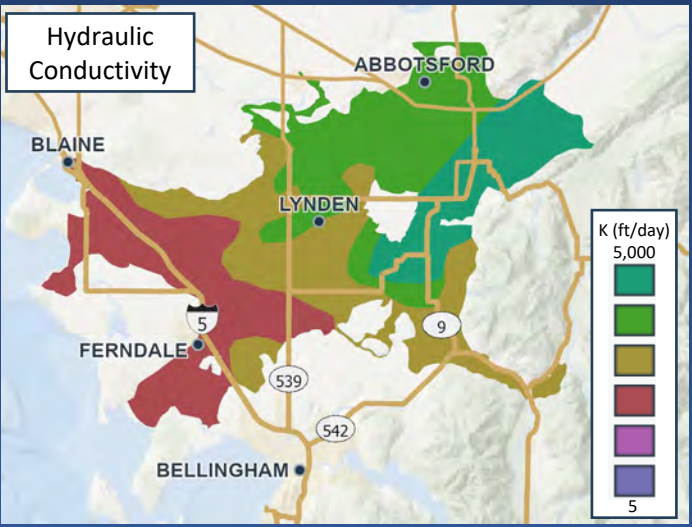
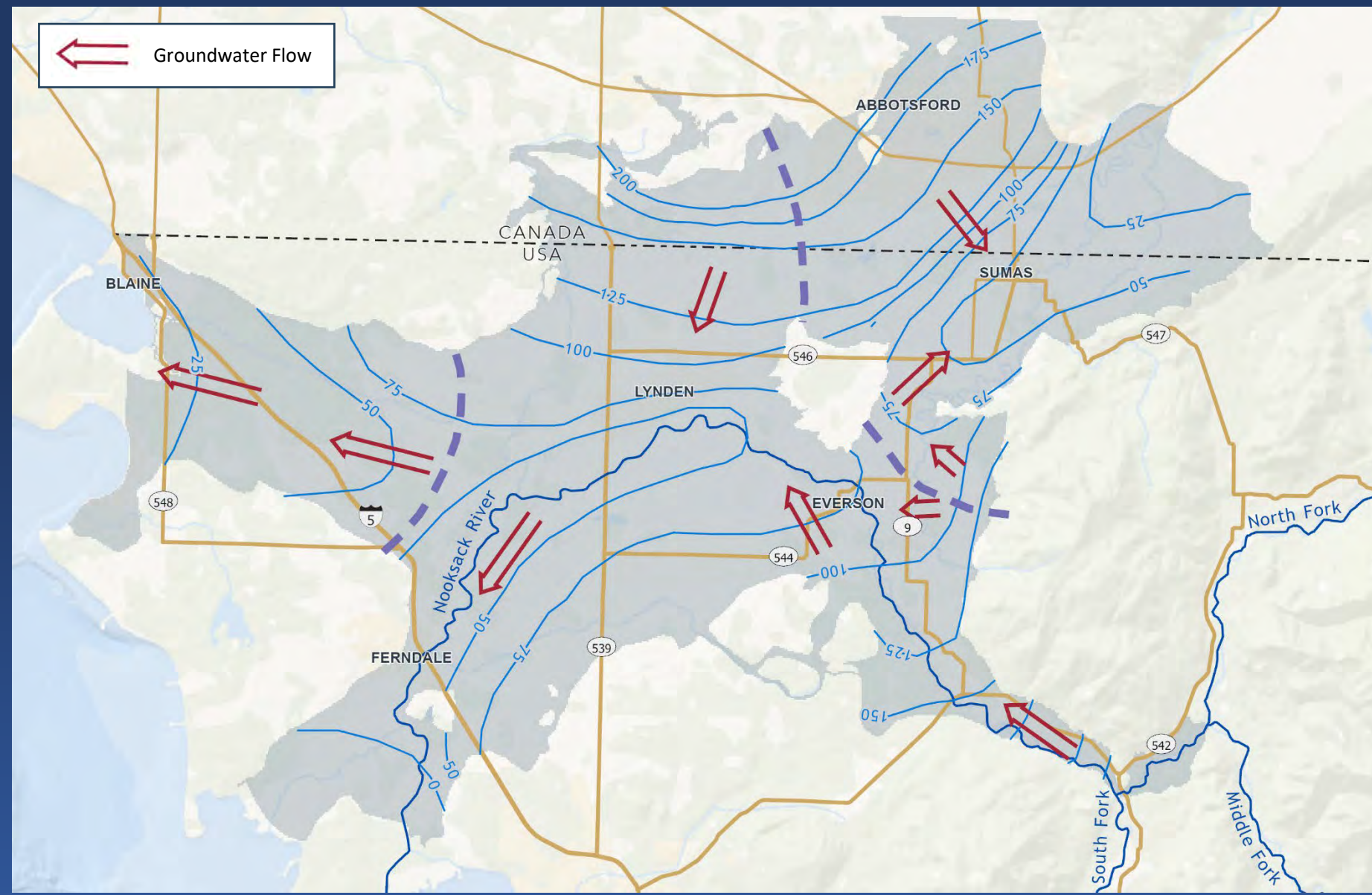






# Sumas Aquifer

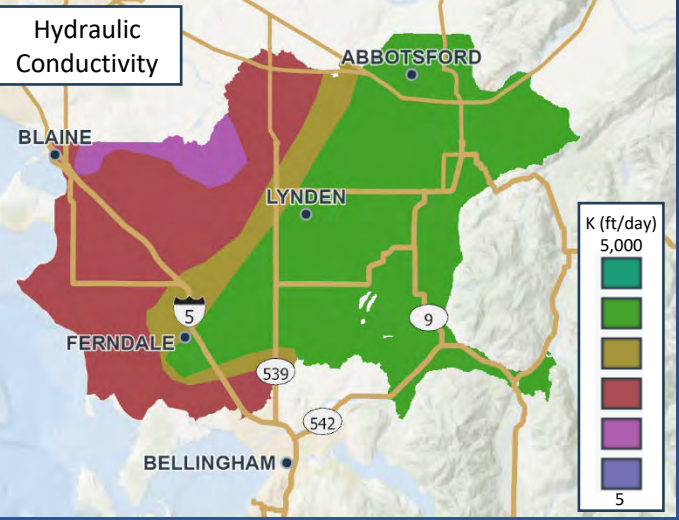
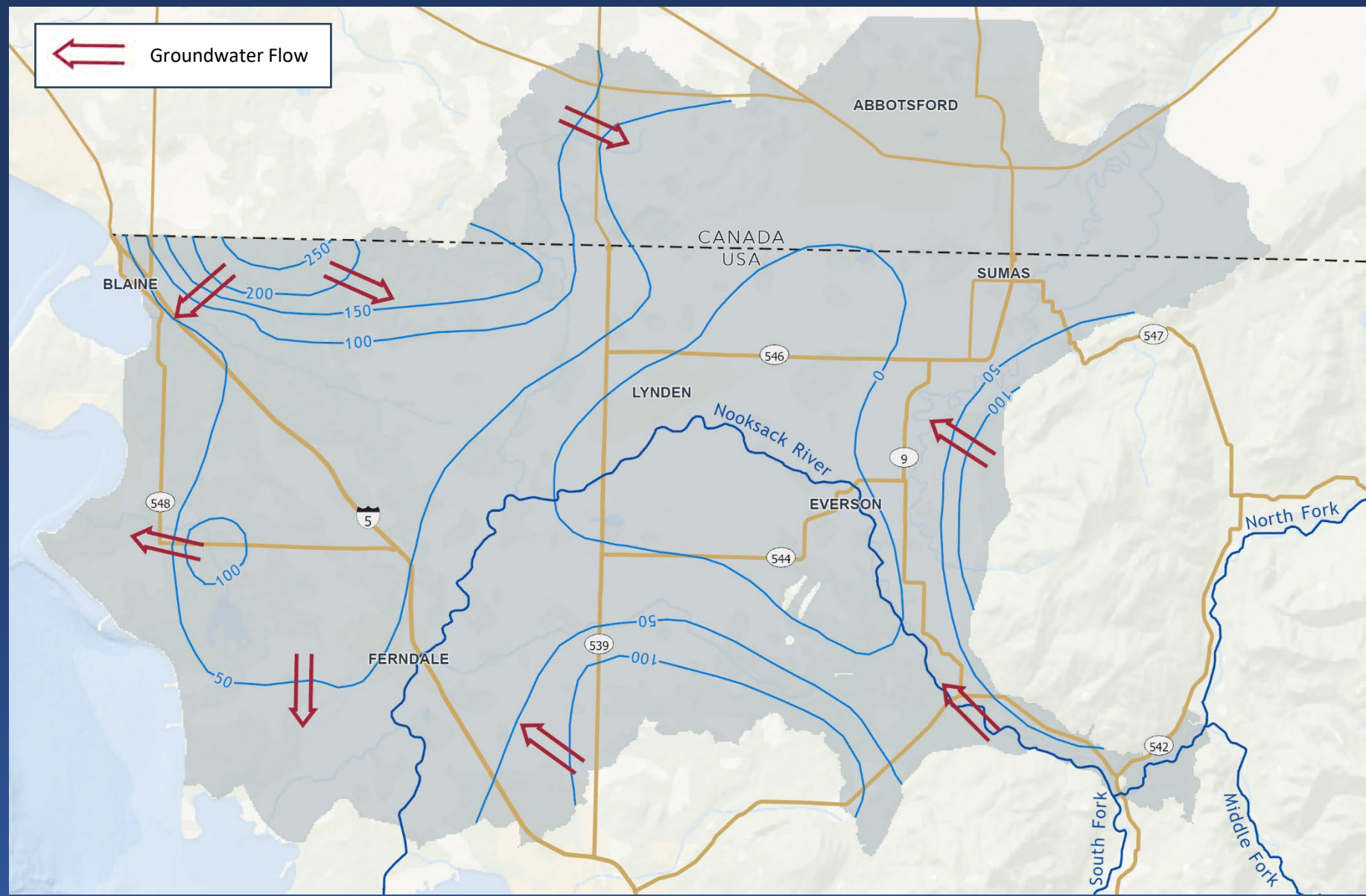
- Mostly unconfined
- Groundwater flow does not always coincide with surface water
- Highly productive aquifer system
- ~97% groundwater use in WRIA 1





# Vashon-Olympia Aquifer

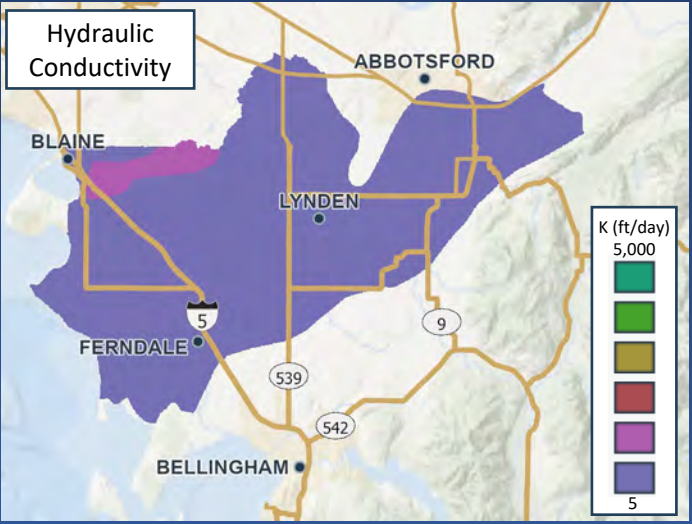
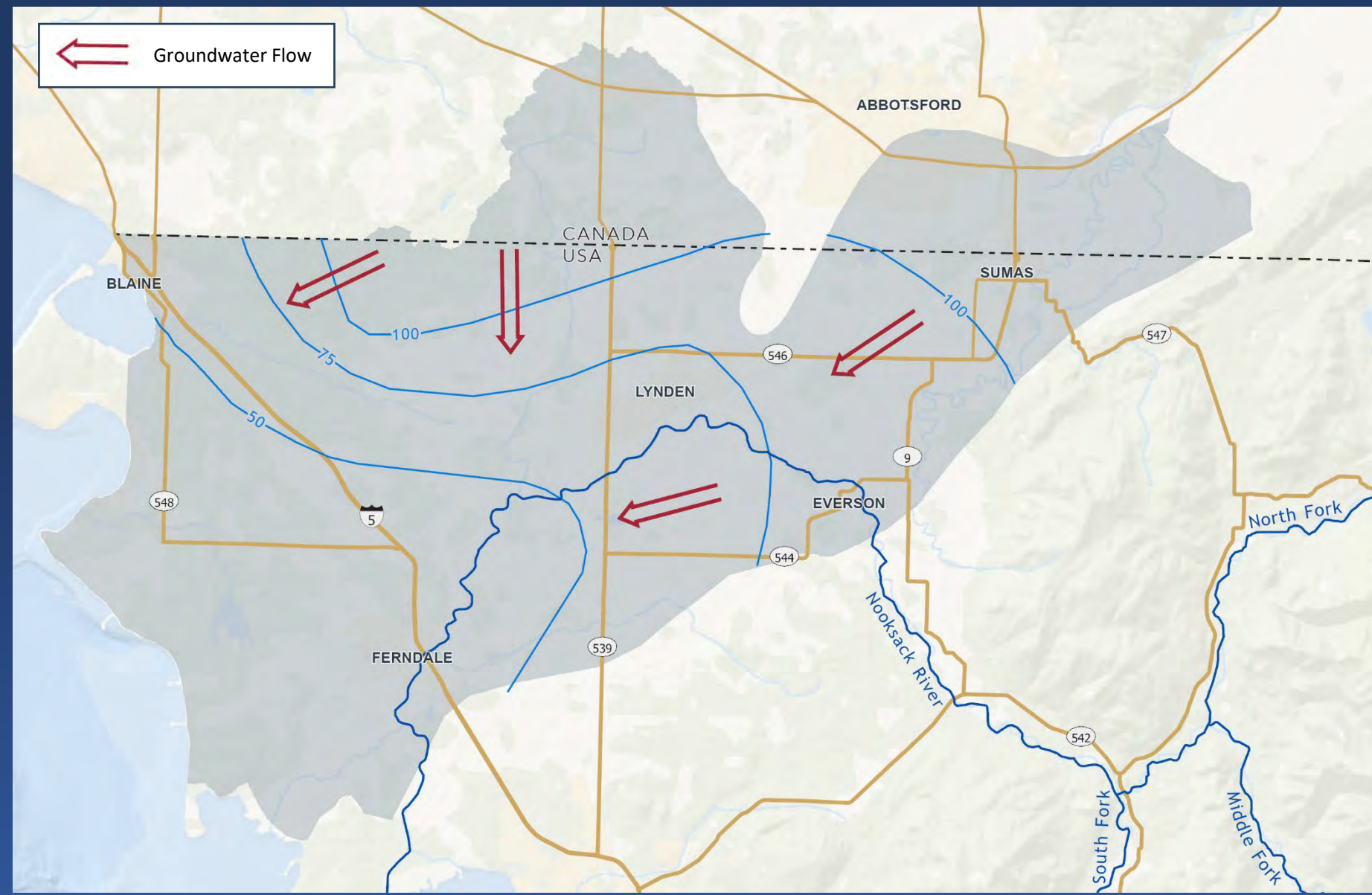
- Confined
- Predominately utilized beneath the uplands outside the Nooksack Valley (Boundary, Mountain View, Deer Creek)
- Radial flow from uplands





# Possession - Whidbey Aquifer

- Confined
- Groundwater flows generally NE-SW
- Currently utilized by the Cities of Blaine-Birch Bay and Ferndale.



# WRIA 1 Water Budget Context

## ANNUAL WATER BUDGET

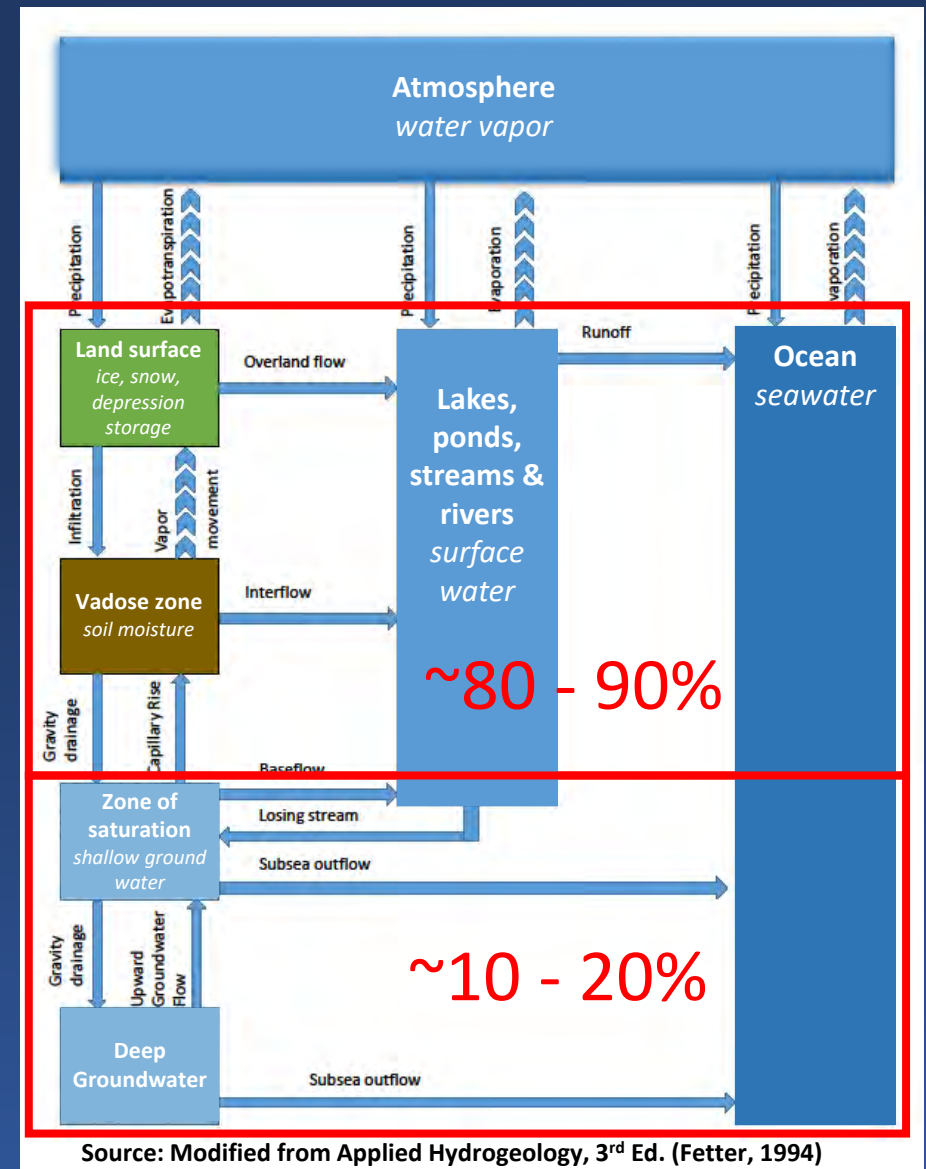
Surface Water	~ 80-90%
Groundwater	~ 10-20%

## ANNUAL WATER USE

Surface Water	~ 40%
Groundwater	~ 60%

## GROUNDWATER USE

Sumas Aquifer	~ 97%
Vashon-Olympia	~ 2%
Possession-Whidbey	~ 1%





# WATER RIGHTS RESEARCH 101

Whatcom Water Week  
September 13, 2023



Photo: bellinghamweb.net

Photo: whatcom.wsu.edu/ag/



[www.aesgeo.com](http://www.aesgeo.com)

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Principal Hydrogeologist/Engineer

[jchennault@aesgeo.com](mailto:jchennault@aesgeo.com)

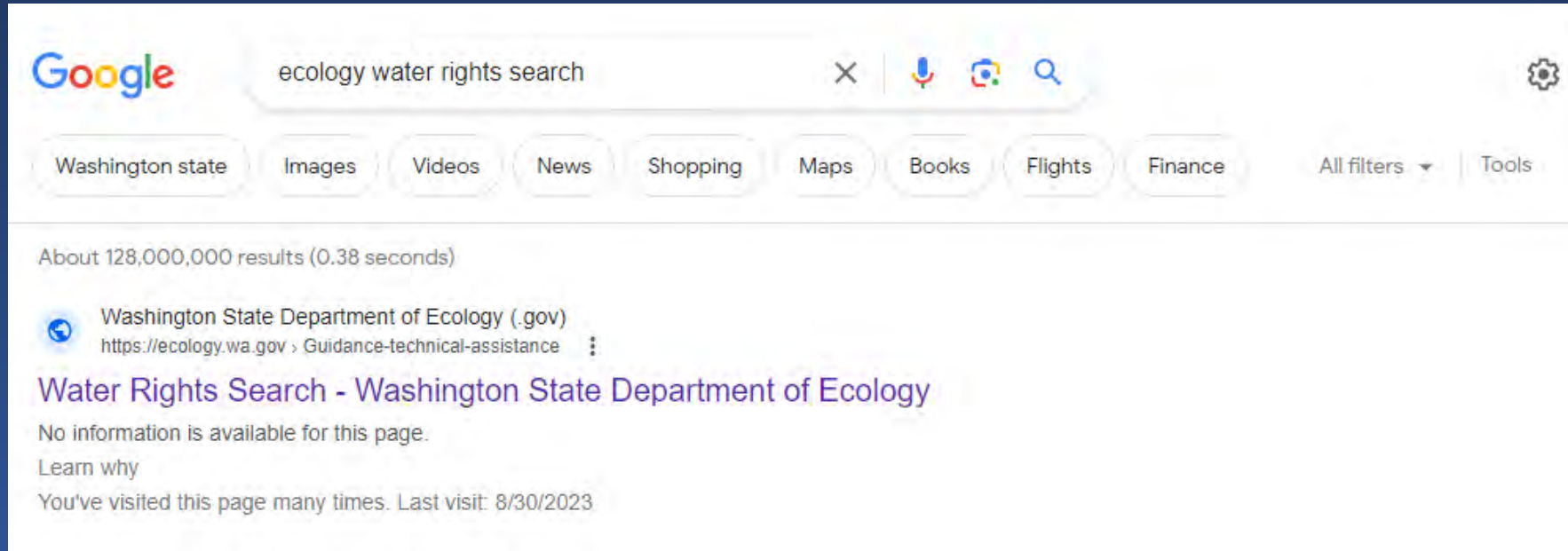
425-827-7701



# Water Rights Research

## 1. Ecology Water Rights Search

- Google “Ecology Water Rights Search”



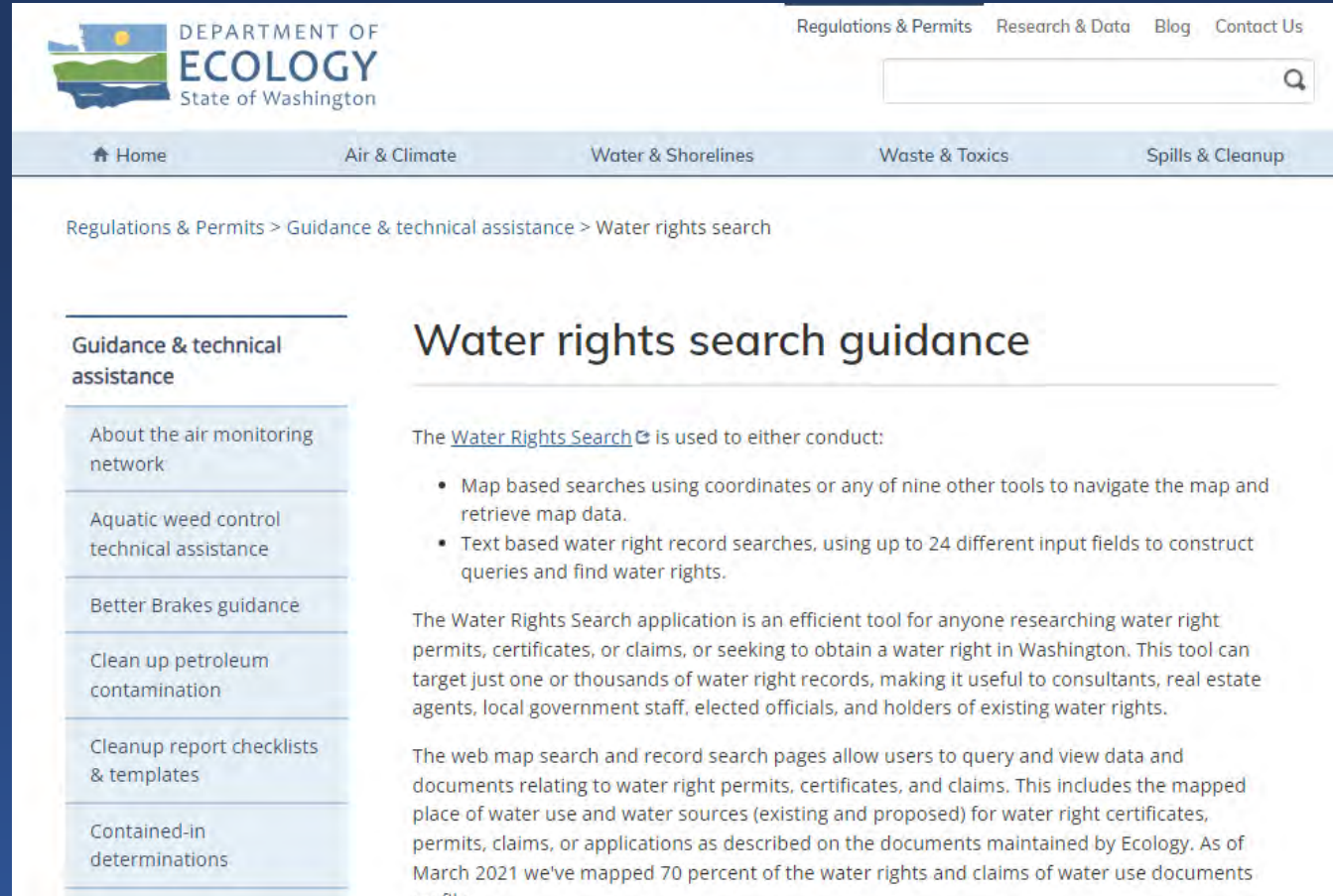
The screenshot shows a Google search interface. The search bar contains the text "ecology water rights search". Below the search bar, there are navigation tabs for "Washington state", "Images", "Videos", "News", "Shopping", "Maps", "Books", "Flights", and "Finance". The search results show "About 128,000,000 results (0.38 seconds)". The top result is from the "Washington State Department of Ecology (.gov)" with the URL "https://ecology.wa.gov > Guidance-technical-assistance". The title of the result is "Water Rights Search - Washington State Department of Ecology". Below the title, it says "No information is available for this page." and "Learn why". At the bottom, it says "You've visited this page many times. Last visit: 8/30/2023".



# Water Rights Research

## 1. Ecology Water Rights Search

- Google “Ecology Water Rights Search”
- Select Water Rights Search



The screenshot shows the Washington Department of Ecology website. The header includes the department logo, navigation links for Regulations & Permits, Research & Data, Blog, and Contact Us, and a search bar. A secondary navigation bar lists Home, Air & Climate, Water & Shorelines, Waste & Toxics, and Spills & Cleanup. The main content area is titled "Regulations & Permits > Guidance & technical assistance > Water rights search". On the left is a sidebar menu for "Guidance & technical assistance" with links to: About the air monitoring network, Aquatic weed control technical assistance, Better Brakes guidance, Clean up petroleum contamination, Cleanup report checklists & templates, and Contained-in determinations. The main content area is titled "Water rights search guidance" and contains the following text:

The [Water Rights Search](#) is used to either conduct:

- Map based searches using coordinates or any of nine other tools to navigate the map and retrieve map data.
- Text based water right record searches, using up to 24 different input fields to construct queries and find water rights.

The Water Rights Search application is an efficient tool for anyone researching water right permits, certificates, or claims, or seeking to obtain a water right in Washington. This tool can target just one or thousands of water right records, making it useful to consultants, real estate agents, local government staff, elected officials, and holders of existing water rights.

The web map search and record search pages allow users to query and view data and documents relating to water right permits, certificates, and claims. This includes the mapped place of water use and water sources (existing and proposed) for water right certificates, permits, claims, or applications as described on the documents maintained by Ecology. As of March 2021 we've mapped 70 percent of the water rights and claims of water use documents on file.

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-rights-search>



[www.aesgeo.com](http://www.aesgeo.com)



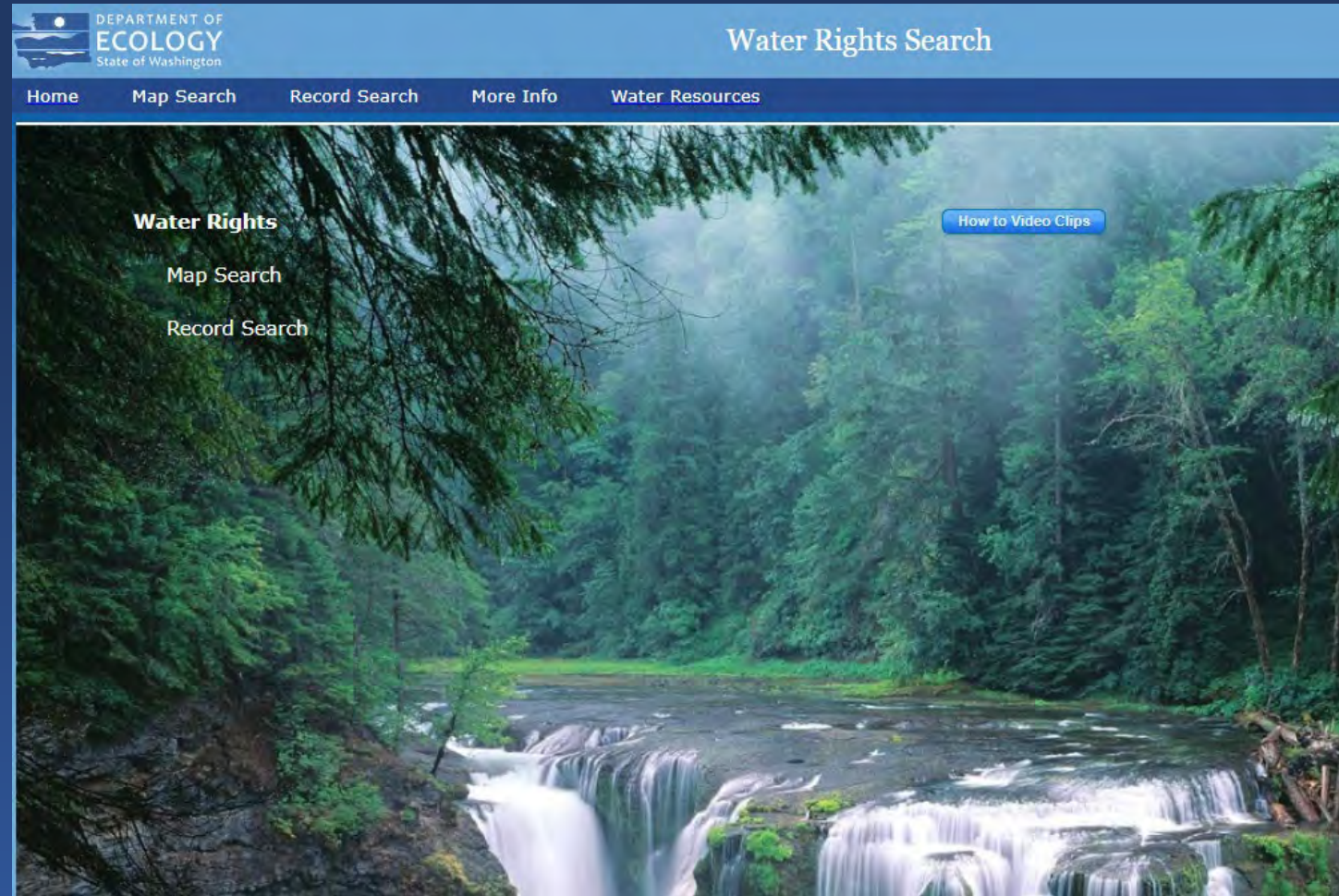


# Water Rights Research

<https://apps.wa.ecology.wa.gov/waterrighttrackingsystem/WaterRights/default.aspx>

## 1. Ecology Water Rights Search

- Google “Ecology Water Rights Search”
- Select Water Rights Search
- Select Map Search



[www.aesgeo.com](http://www.aesgeo.com)





# Water Rights Research

<https://apps.wr.ecology.wa.gov/waterrighttrackingsystem/WaterRights/Map/WaterResourcesExplorer.aspx?from=menu>

**DEPARTMENT OF ECOLOGY**  
State of Washington

Home Map Search Record Search GIS Spatial Data Contact Us Data Disclaimer Help Privacy Notice Water Resources

Map Navigation Menu

Search Options Legend/Layers

**Search by Water Right**

Record/Document number  
Person or Organization  
Priority Date From  
Priority Date To

Search Clear

How to Video Clips

Topo Map **Aerial Map**

Lat/Long: 48.9331, -127.8094

Current Scale: 1 : 4,622,324

View Record	Record/Doc No.	WR Doc ID	Person or Organization	Priority Date/Claim First Use	Phase	Status	Images	Qi	Qa	Open in WRTS
-------------	----------------	-----------	------------------------	-------------------------------	-------	--------	--------	----	----	--------------

Step 1. Zoom the map in until some data points show on the map.

Step 2. Select either the rectangle tool, polygon tool, or buffer tool above the map to outline a few symbols (wells, reservoirs, water places of use) on the map.

Step 3. When you see the records in this area, select a row to view more details.

**Note:** As of June 30, 2018 65% of the state's active water rights (the GWIS representation) have been mapped.

Mapped water rights display as shape files.  
Unmapped water rights display as centroids.  
The map only displays "active" water rights.

**Search by Parcel**

Zoom to Location

Zoom to Coordinates

# Water Rights Research

## 1. Ecology Water Rights Search

- Google “Ecology Water Rights Search”
- Select “Water Rights Search”
- Select “Map Search”
- Select “Search by Parcel”
  - Whatcom County
  - Parcel Number
- Select “Parcel ID”
  - All water rights in Ecology’s system with a place of use that includes a portion of the search parcel will be listed.

DEPARTMENT OF ECOLOGY  
State of Washington

Water Rights Map Search

Home Map Search Record Search GIS Spatial Data Contact Us Data Disclaimer Help Privacy Notice Water Resources

Map Navigation Menu

Search Options Legend/Layers

Search by Water Right

Search by Parcel

County: Whatcom

Parcel Number: 390203375057

Search Clear

\* Required field. Please select a county first.

Lat/Long: 48.8933, -122.5454

Parcel ID	County
073-3902033750570000	Whatcom

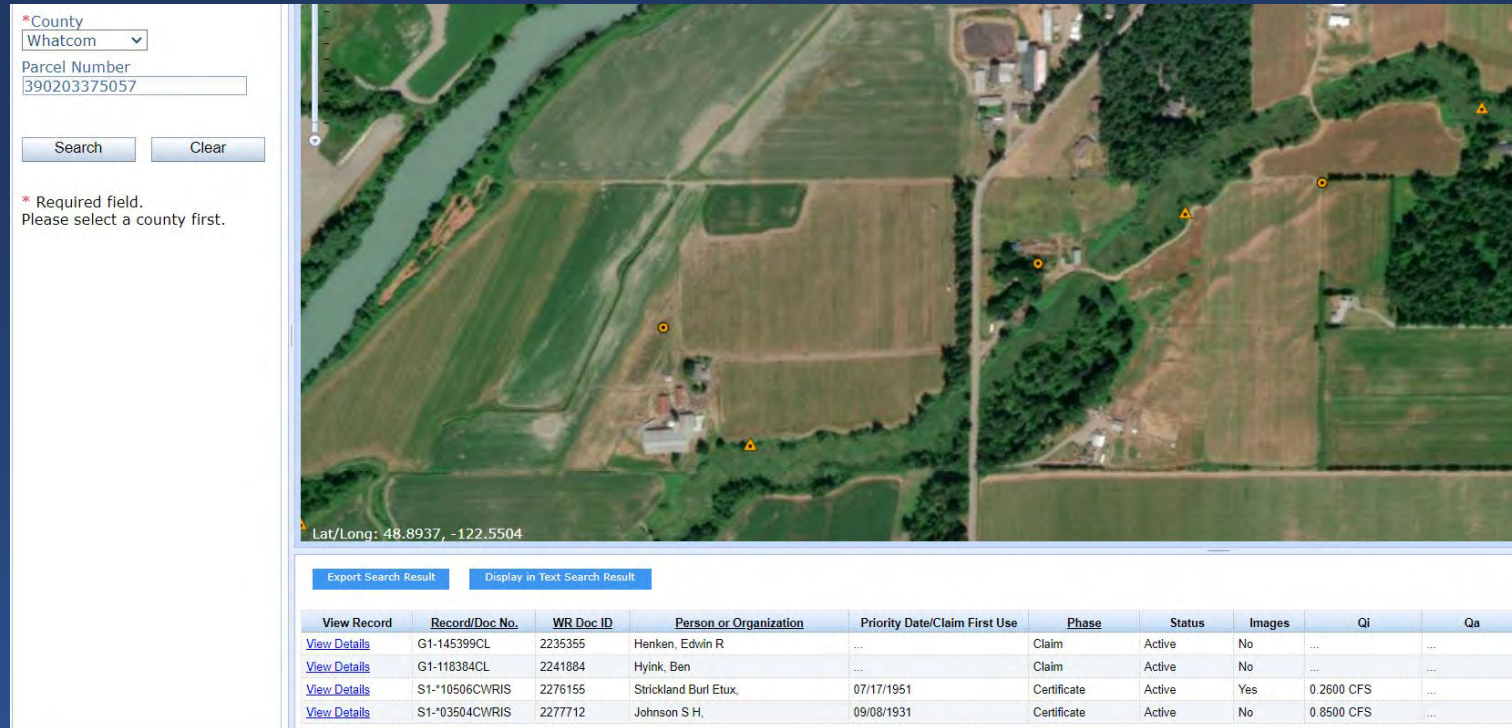




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- Select “Water Rights Search”
- Select “Map Search”
- Select “Search by Parcel”
  - Whatcom County
  - Parcel Number
- Select “Parcel ID”
  - All water rights in Ecology’s system with a place of use that includes a portion of the search parcel will be listed.
  - 4 water rights listed: 2 Claims, 2 Certificates



\*County  
Whatcom  
Parcel Number  
390203375057  
Search Clear  
\* Required field.  
Please select a county first.

Lat/Long: 48.8937, -122.5504

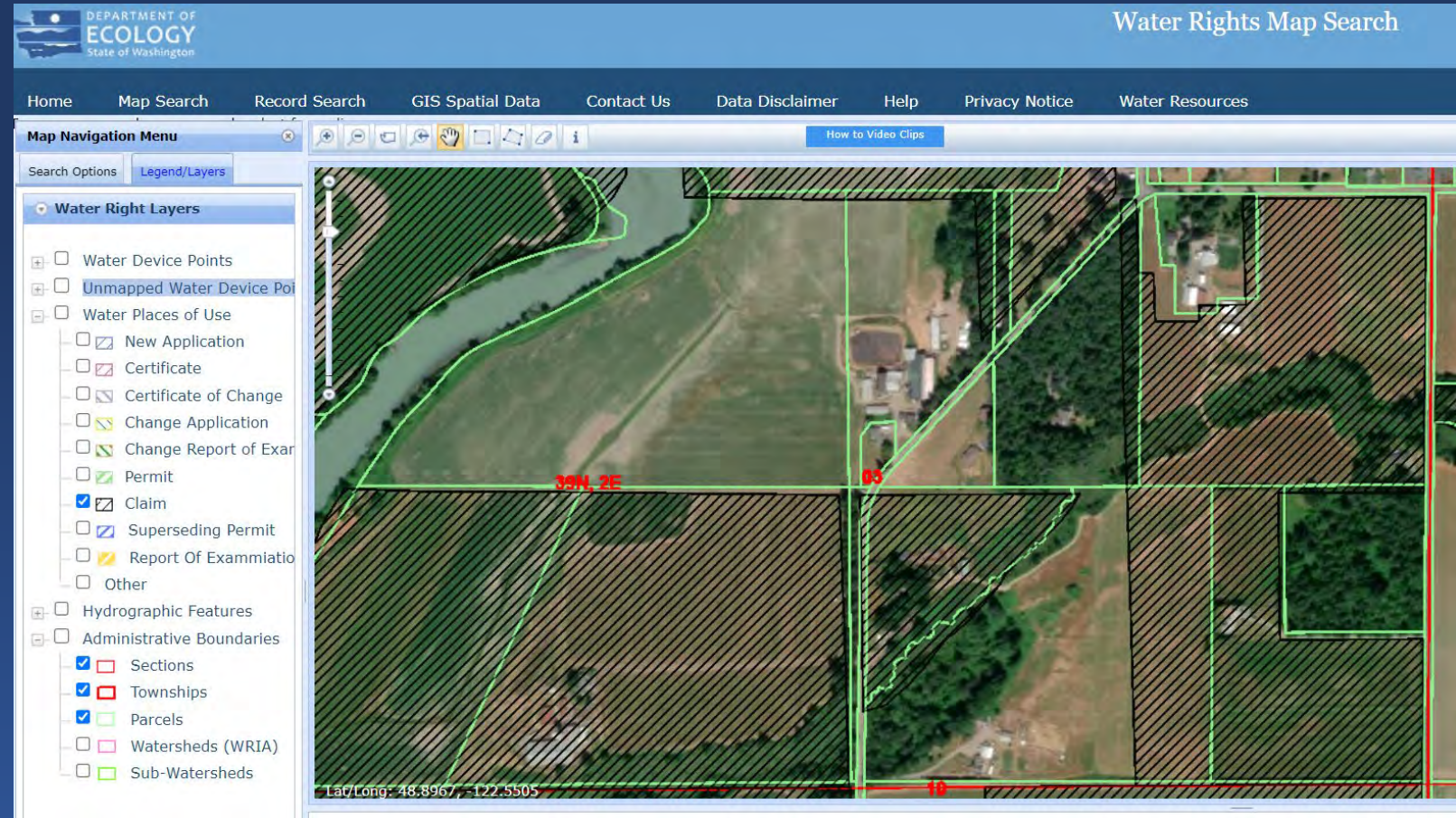
View Record	Record/Doc No.	WR Doc ID	Person or Organization	Priority Date/Claim First Use	Phase	Status	Images	Qi	Qa
<a href="#">View Details</a>	G1-145399CL	2235355	Henken, Edwin R	...	Claim	Active	No	...	...
<a href="#">View Details</a>	G1-118384CL	2241884	Hyink, Ben	...	Claim	Active	No	...	...
<a href="#">View Details</a>	S1-10506CWRIS	2276155	Strickland Burl Etux,	07/17/1951	Certificate	Active	Yes	0.2600 CFS	...
<a href="#">View Details</a>	S1-03504CWRIS	2277712	Johnson S H,	09/08/1931	Certificate	Active	No	0.8500 CFS	...



# Water Rights Research

## 2. TIPS

- Select “Aerial Map” radio button
- Use “Legend/Layer” to turn on/off Administrative boundaries:
  - See Township, Range, and Section
  - Parcel boundaries
- Use “Legend/Layer” to turn on/off Water Right POUs:
  - See which types of water rights are appurtenant to your parcel





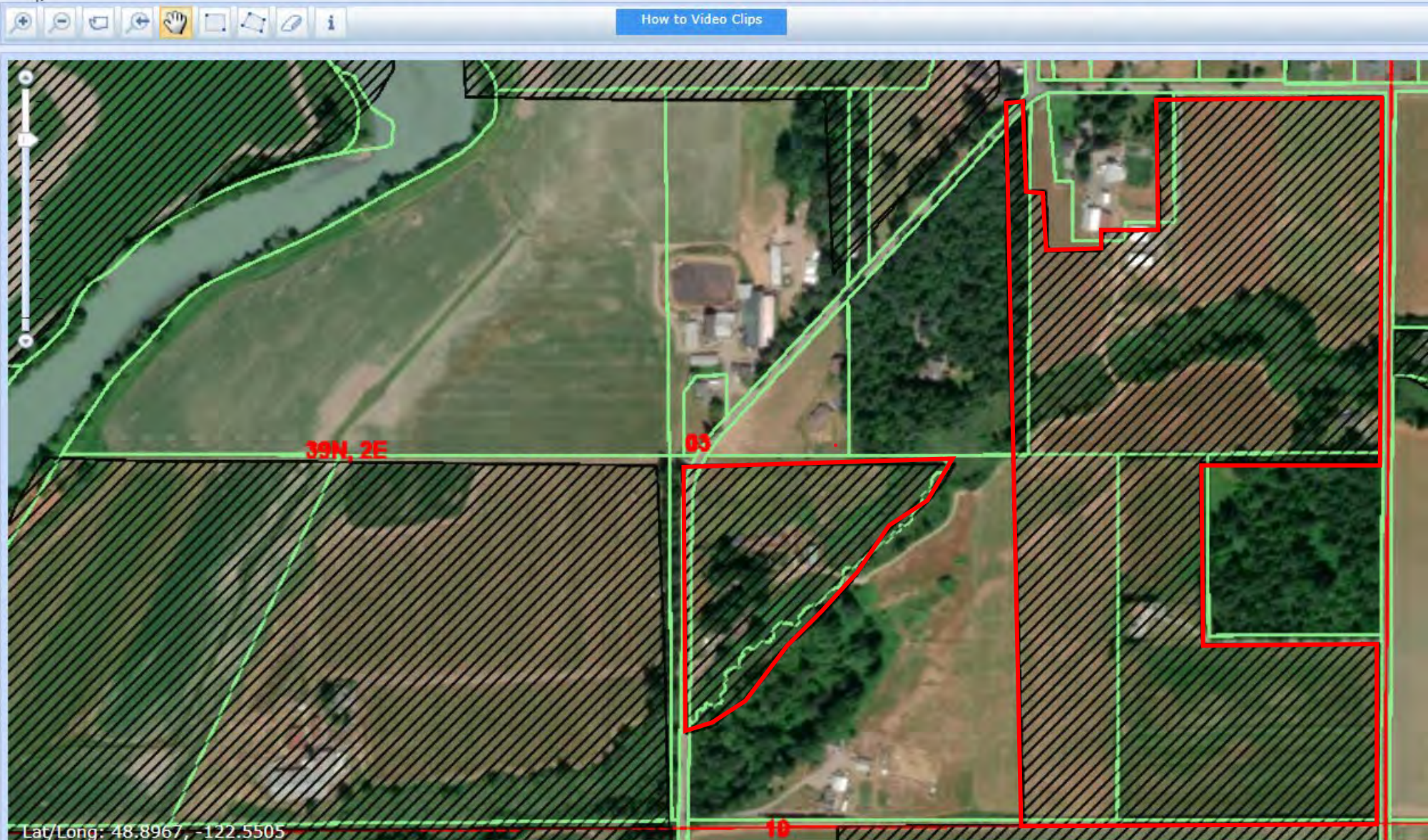
## Map Navigation Menu

[How to Video Clips](#)

Search Options [Legend/Layers](#)

### Water Right Layers

- Water Device Points
- Unmapped Water Device Poi
- Water Places of Use
  - New Application
  - Certificate
  - Certificate of Change
  - Change Application
  - Change Report of Exar
  - Permit
  - Claim
  - Superseding Permit
  - Report Of Exammiatio
  - Other
- Hydrographic Features
- Administrative Boundaries
  - Sections
  - Townships
  - Parcels
  - Watersheds (WRIA)
  - Sub-Watersheds



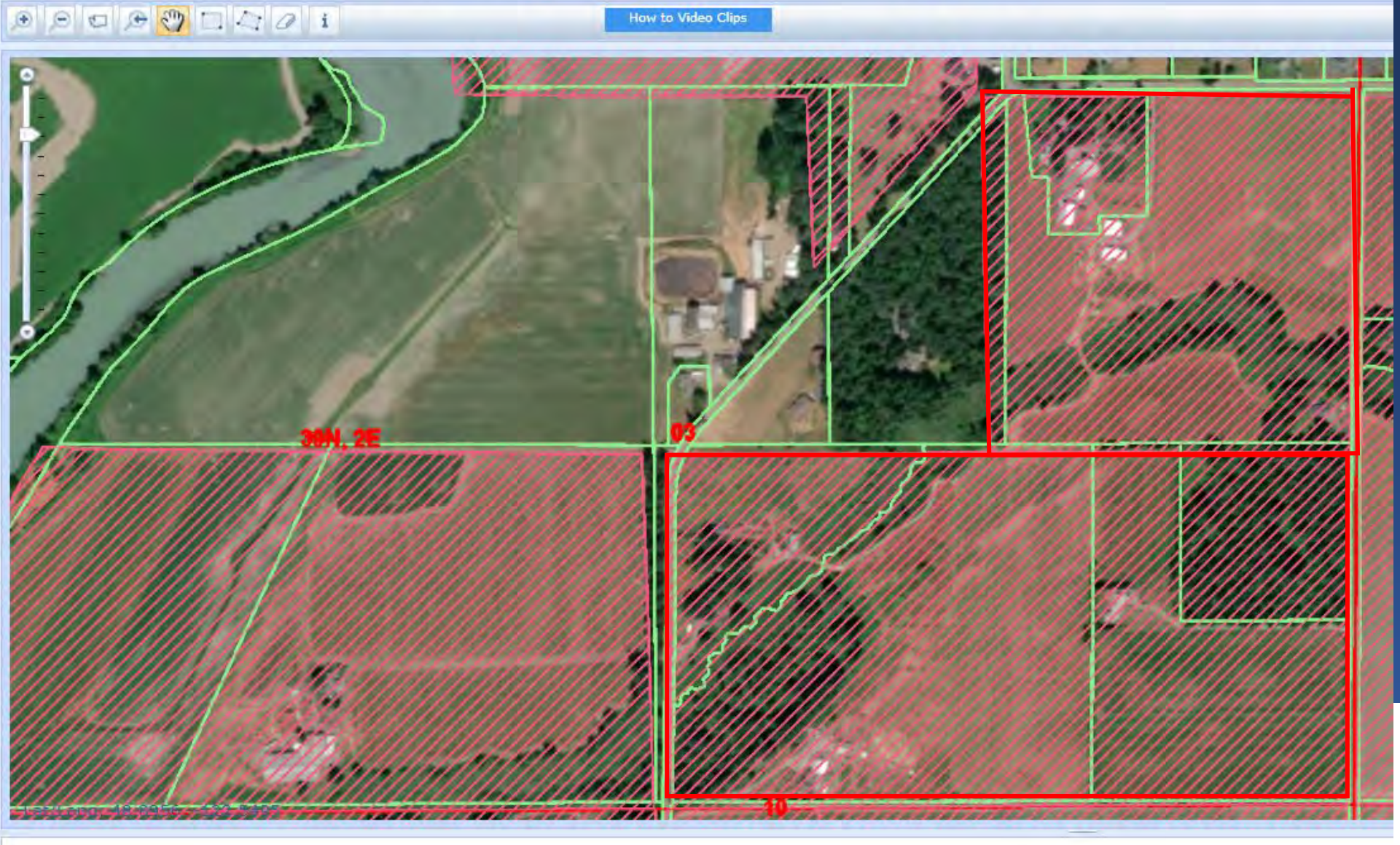


### Map Navigation Menu

Search Options Legend/Layers

#### Water Right Layers

- Water Device Points
- Unmapped Water Device Points
- Water Places of Use
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  - Certificate of Change
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  - Other
- Hydrographic Features
- Administrative Boundaries
  - Sections
  - Townships
  - Parcels
  - Watersheds (WRIA)
  - Sub-Watersheds





# Water Rights Research

## 2. TIPS

- Use “Legend/Layer” to turn on/off Water Right POUs:
  - See which types of water rights are appurtenant to your parcel
- Use Selection Tool (Polygon)
  - Identify which specific water rights are appurtenant to your parcel
- Select “Open Record in WRTS” specific water right information.

The screenshot displays the 'Water Rights Map Search' interface. The top navigation bar includes links for Home, Map Search, Record Search, GIS Spatial Data, Contact Us, Data Disclaimer, Help, Privacy Notice, and Water Resources. The 'Map Navigation Menu' on the left lists various layers, including 'Water Right Layers' (with sub-items like Water Device Points, Unmapped Water Device Points, Water Places of Use, etc.) and 'Administrative Boundaries' (with sub-items like Sections, Townships, Parcels, etc.). The main map area shows a satellite view with overlaid red and green lines representing water rights boundaries. A red box highlights a specific area on the map. Below the map, the coordinates 'Lat/Long: 48.8926, -122.5401' are displayed. At the bottom, there is a table with search results.

View Record	Record/Doc No.	WR Doc ID	Person or Organization	Priority Date/Claim First Use	Phase	Status	Images	Qi	Qa	Open in WRTS
<a href="#">View Details</a>	G1-118384CL	2241884	Hyink, Ben	...	Claim	Active	No	...	...	<a href="#">Open Record in WRTS</a>
<a href="#">View Details</a>	S1-03504CWRIS	2277712	Johnson S H	09/08/1931	Certificate	Active	No	0 8500 CFS	...	<a href="#">Open Record in WRTS</a>





# Water Rights Research

## 2. TIPS

- Click on “View Documents”
- Click on “Download Images”
  - This will download all the water right documents Ecology has electronically into a single .pdf file
  - Contact Ecology to get a copy of the complete water right file.

DEPARTMENT OF ECOLOGY  
Water Rights Search

Home Map Search Record Search More Info Water Resources

Record/Document Number S1-\*03504CWRIS

**At A Glance**

Record/Document Number	S1-*03504CWRIS	Phase	Certificate	Priority Date	9/8/1931
Application Number	03504	Stage	NA	WRIA	1
Permit Number	01890	Status	Active	County	Whatcom
Certificate Number	02460 S1*03504 C	WR Class	Surface Water	Region	NWRO
Constrv Bd Number					
WR Doc ID	2277712				

[View Documents](#) [View on Map](#) [Submit Record Correction](#)

**Persons or Organizations** [Click to Show Contacts](#)

Last or Organization Name	First Name	M1	Role	Address	Zip	Phone	Email
JOHNSON S H			Primary				

**Phase Quantities**

Phase	Q1	Units	Qa	Irr Acres
Certificate	0.85	CFS		85

**Assignment Groups** No assignment groups found.

**Provisions** No provisions found.

**Water Banks** No water banks found.

**Purposes of Use**

**Basic Information** [Additional Information](#)

Purpose	From	To	Q1	Units	Use Type	Qa	Use Type	Irr Acres	Use Type
Domestic Single Irrigation		01	0.85	CFS	Primary			85	Primary

**Sources**

**Basic Information** [Additional Information](#) [Latitude/Longitude Information](#)

Device Type	Source Name	Common Name	Tributary To	WRIA	County	Twp	Rge	Sec	QtrQtr	Qtr
Headworks (Gravity Flow)	WISER LAKE CREEK		NOOKSACK RIVER	1	Whatcom	39N	2E	3	SW	SE

CLICK ON “VIEW DOCUMENTS”



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DEPARTMENT OF  
**ECOLOGY**  
State of Washington

Water

Image Viewer

Document Number S1-\*03504CWRIS  
WR Doc\_ID 2277712

**Image Viewer**

DOCUMENT VIEWER - DATA AND IMAGES ARE "AS IS" WITH NO WARRANTY. See [General Disclaimer](#)

Image Type	Image File Name
<a href="#">View</a> Certificate	2277712_2_609601.pdf

[Download Images](#) [Close](#)

CLICK ON “DOWNLOAD IMAGES”

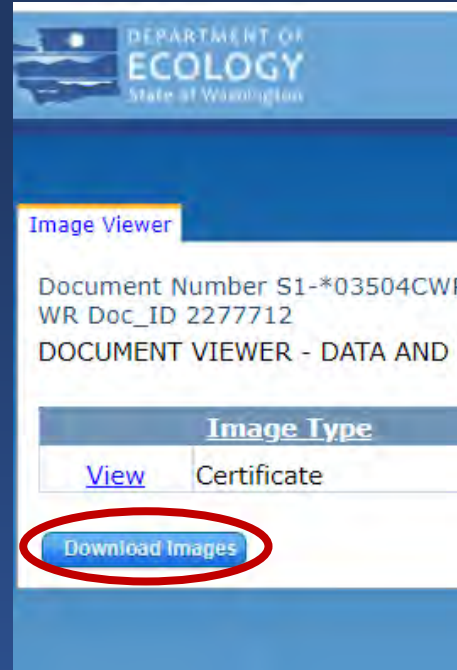


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# Water Rights Research

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S. P. No. 303-12-45-2M. 10968.

CERTIFICATE RECORD No. 5, PAGE No. 2460

STATE OF WASHINGTON, COUNTY OF Whatcom

### CERTIFICATE OF WATER RIGHT

(In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the State Supervisor of Hydraulics thereunder.)

This is to certify, that SPENCER H. JOHNSON  
of Ferndale, State of Washington, has made proof to the satisfaction of the State Supervisor of Hydraulics of Washington, of a right to the use of the waters of Weiser Lake Outlet Creek, a tributary of Nooksack River, with point or points of diversion within the Southwest quarter of Southeast quarter of Sec. 3, Twp. 39 N., Range 2 E., W. M., for the purposes of irrigation and domestic use under Appropriation Permit No. 1890 issued by the State Supervisor of Hydraulics, and that said right to the use of said waters has been perfected in accordance with the laws of Washington, and is hereby confirmed by the State Supervisor of Hydraulics of Washington and entered of record in Volume 5, at Page 2460, on the 17th day of April, 1946; that the right hereby confirmed dates from September 4, 1931; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.85 of a cubic foot per second.

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

PLACE OF USE			LEGAL SUBDIVISION	FOR IRRIGATION	
Section	Township	Range		No. Acres Described in Permit	No. Acres Actually Irrigated
<u>3</u>	<u>39 N.</u>	<u>2 E. W. M.</u>	<u>South half of SE<math>\frac{1}{4}</math></u>	<u>85</u>	<u>85</u>

**CONTACT ECOLOGY. ASK FOR A COPY OF THE COMPLETE WATER RIGHT FILE**





# Water Rights Research

## 2. TIPS

- Click on “View Documents”
- Click on “Download Images”
  - This will download all the water right documents Ecology has electronically into a single .pdf file
  - Contact Ecology to get a copy of the complete water right file.

Image Type	
<a href="#">View</a>	Application
<a href="#">View</a>	Application Supporting Documents
<a href="#">View</a>	Certificate Supporting Documents
<a href="#">View</a>	Certificate Supporting Documents
<a href="#">View</a>	Draft Report of Exam
<a href="#">View</a>	Meter Form 1
<a href="#">View</a>	Meter Form 1
<a href="#">View</a>	Miscellaneous Reports
<a href="#">View</a>	Miscellaneous Reports
<a href="#">View</a>	PA Supporting Documents
<a href="#">View</a>	Progress Sheet
<a href="#">View</a>	Proof of Appropriation
<a href="#">View</a>	Report of Exam
<a href="#">View</a>	Superseding\Amended Certificates
<a href="#">View</a>	Supporting Docs for ROE
<a href="#">View</a>	Supporting Docs for ROE

[Download Images](#) 728 PAGES

CLICK ON “DOWNLOAD IMAGES”





Photo: bellinghamweb.net

Photo: whatcom.wsu.edu/ag/



[www.aesgeo.com](http://www.aesgeo.com)

**Jay W. Chennault, L.G., L.Hg., P.E., CWRE**

Principal Hydrogeologist/Engineer

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425-827-7701





# Whatcom Water Week

September 13, 2023

## Documenting Current and Historic Water Use



**Tyson D. Carlson, LHG, CWRE**  
Principal Hydrogeologist





# Read the File...



- **Obtain Ecology file**
- **Interview Water User**
- **Focus on current water use, then research historic use**
- **Compare all Water Right Attributes**
- **Consider provision compliance**

# Water Right Attributes

CLAIMANT NAME: Kelley-Lowery Ditch Company COURT CLAIM NO. 01392  
(A)02989

Certificate Number: S4-83219-J

Subbasin: 19 Lower Naches

Source: Naches River

Use: Irrigation of 568.71 acres, which includes frost protection and spray water, and stock water

Period of Use: March 1 through October 31

Quantity: 11.5 cubic feet per second; 2843.55 acre-feet per year for irrigation, including frost protection and spray water; 0.02 cubic foot per second, 2 acre-feet per year for stock water; 19.5 cubic feet per second for conveyance

Priority Date: June 30, 1872

Point of Diversion: 175 feet south and 500 feet east of the west quarter corner of Section 4, being within the NW<sup>4</sup>SW<sup>4</sup> of Section 4, T. 14 N., R. 17 E.W.M.

Place of Use: That portion of the SW<sup>4</sup>SW<sup>4</sup> of Section 2 lying southwesterly of the Lowery Ditch; AND the SW<sup>4</sup>, the SW<sup>4</sup>NW<sup>4</sup>SE<sup>4</sup>, the S<sup>4</sup>SE<sup>4</sup> of Section 3; AND the SE<sup>4</sup>SE<sup>4</sup>NW<sup>4</sup>, the NE<sup>4</sup>NE<sup>4</sup>SW<sup>4</sup>, and that portion of the E<sup>4</sup>SE<sup>4</sup> lying northeasterly of the Naches River, Section 4; AND that portion of the NE<sup>4</sup> of Section 10 lying northeasterly of the Naches River; AND that portion of the NW<sup>4</sup> of Section 11 lying southwesterly of the Lowery Ditch, that portion of the SW<sup>4</sup> of Section 11 lying northeasterly of the Naches River, the NW<sup>4</sup>SE<sup>4</sup>, the S<sup>4</sup>SE<sup>4</sup>, and the SW<sup>4</sup>SW<sup>4</sup>NE<sup>4</sup> of Section 11; AND the NW<sup>4</sup>NW<sup>4</sup> of Section 13; AND that portion of the NE<sup>4</sup> of Section 14 lying northeasterly of the Naches River; ALL being with T. 14 N., R. 17 E.W.M., Yakima County.

Limitations Of Use: Parcel No. 17-14-03 43002 (Shareholder No. 16), which is 0.69 acres in size, uses both Kelley-Lowery and Wapatox Ditch Company water. The total water supply for this parcel shall not exceed the amount of water which can be beneficially used on the number of acres listed.

- Priority Date
- Source
- Purpose of Use
- Period of Use
- Annual Quantity; Instantaneous Quantity
- Point of Diversion/Withdrawal
- Place of Use
- Provisions

# How to Calculate Acreage?

## ■ Easiest Tools:

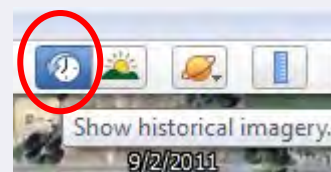
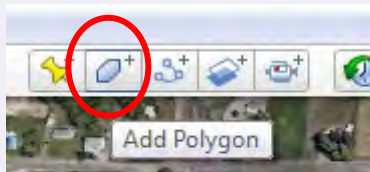


- **Google Earth Pro** (Free): maps place of use, draws polygon, measurements, and shows water use over time i.e., seasons and years
- **Earthpoint.us** (\$50 per year = full use): calculates acreage using Google Earth files; Township, Range, Section Coverage



# Steps to Calculate Acreage

1. Review aerial files in GE
2. Determine extent of irrigation
3. Use “Add Polygon” and draw polygon(s) around place of use
4. Review date range with “Show historical imagery”

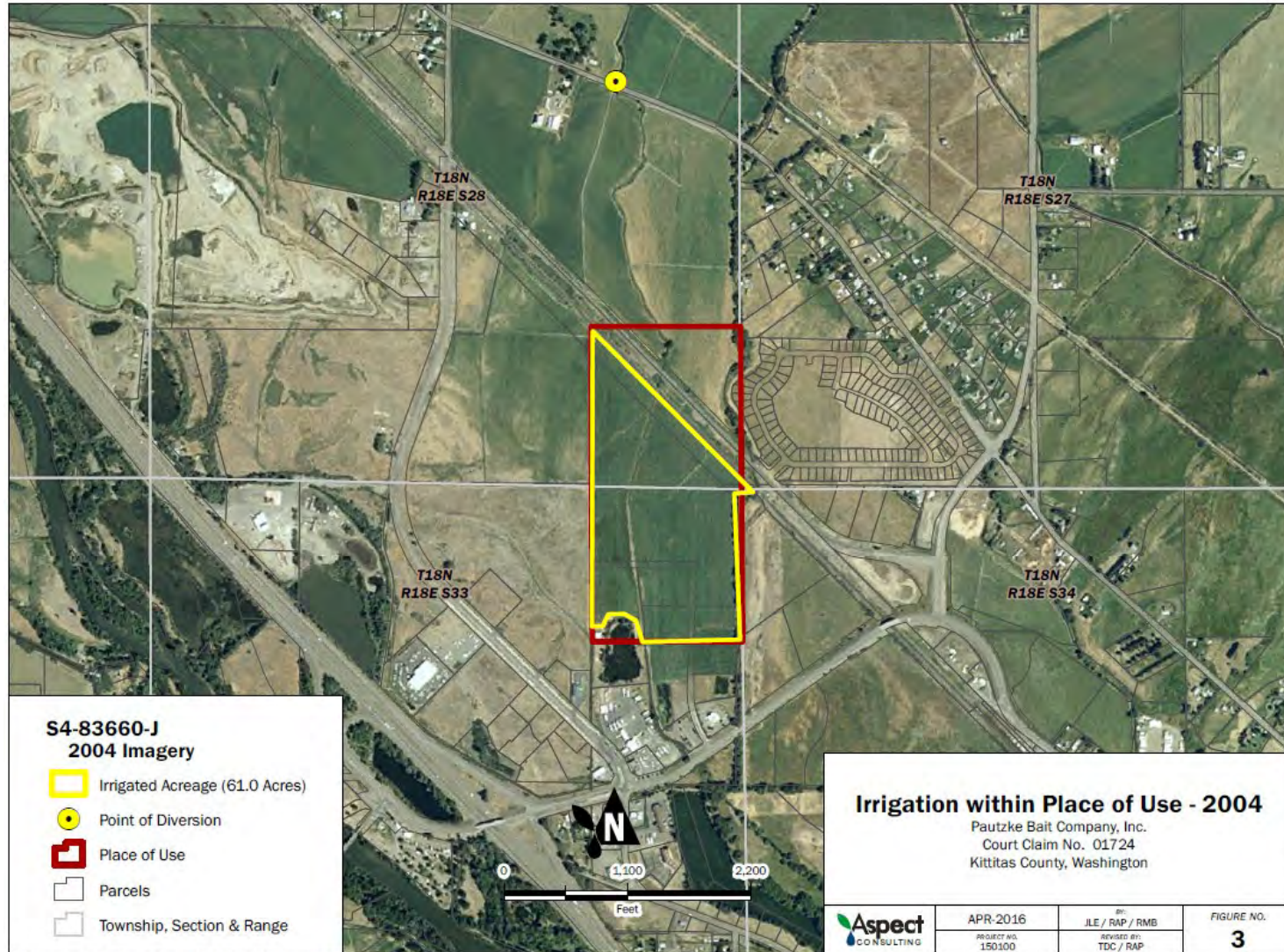


5. Copy polygon/.kml file (ctrl+c) in GE
6. Open Earthpoint.us
7. Click “Polygon Area”
8. Paste (ctrl+v) polygon/.kml file
9. Get acreage

A screenshot of the Earthpoint.us interface. On the left, a menu is open with 'Polygon Area' circled in red. On the right, a table displays the results of the area calculation. The 'Area (Acres)' value, '10.3554', is circled in red.

Name	Shape Type	Number of Points	Area (Acres)
Untitled Polygon	Polygon	5	10.3554

# Steps to Calculate Acreage





# Steps to Calculate Acreage

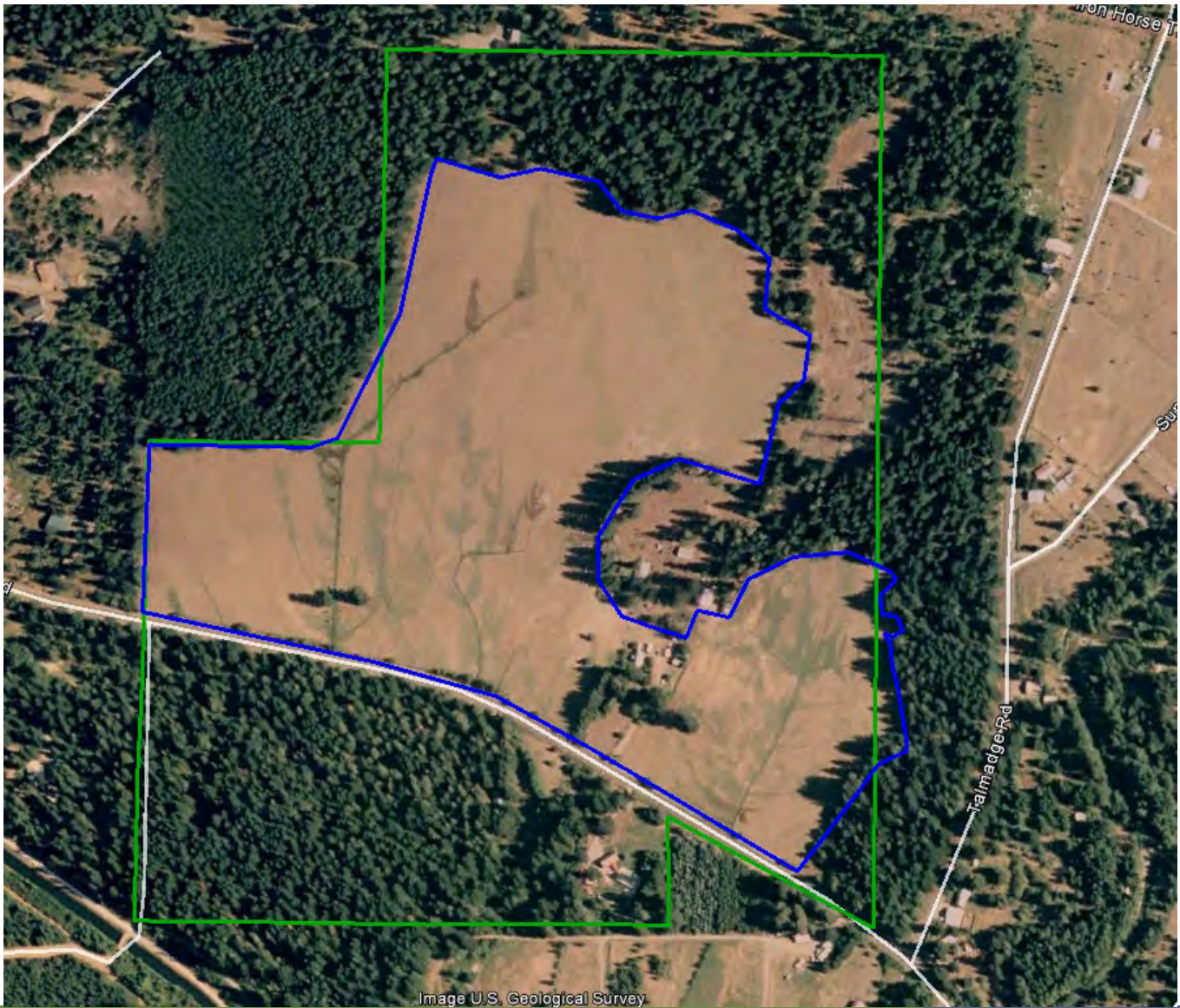


Image U.S. Geological Survey



# Water Right Quantities



# Estimating Annual Volume (Qa)

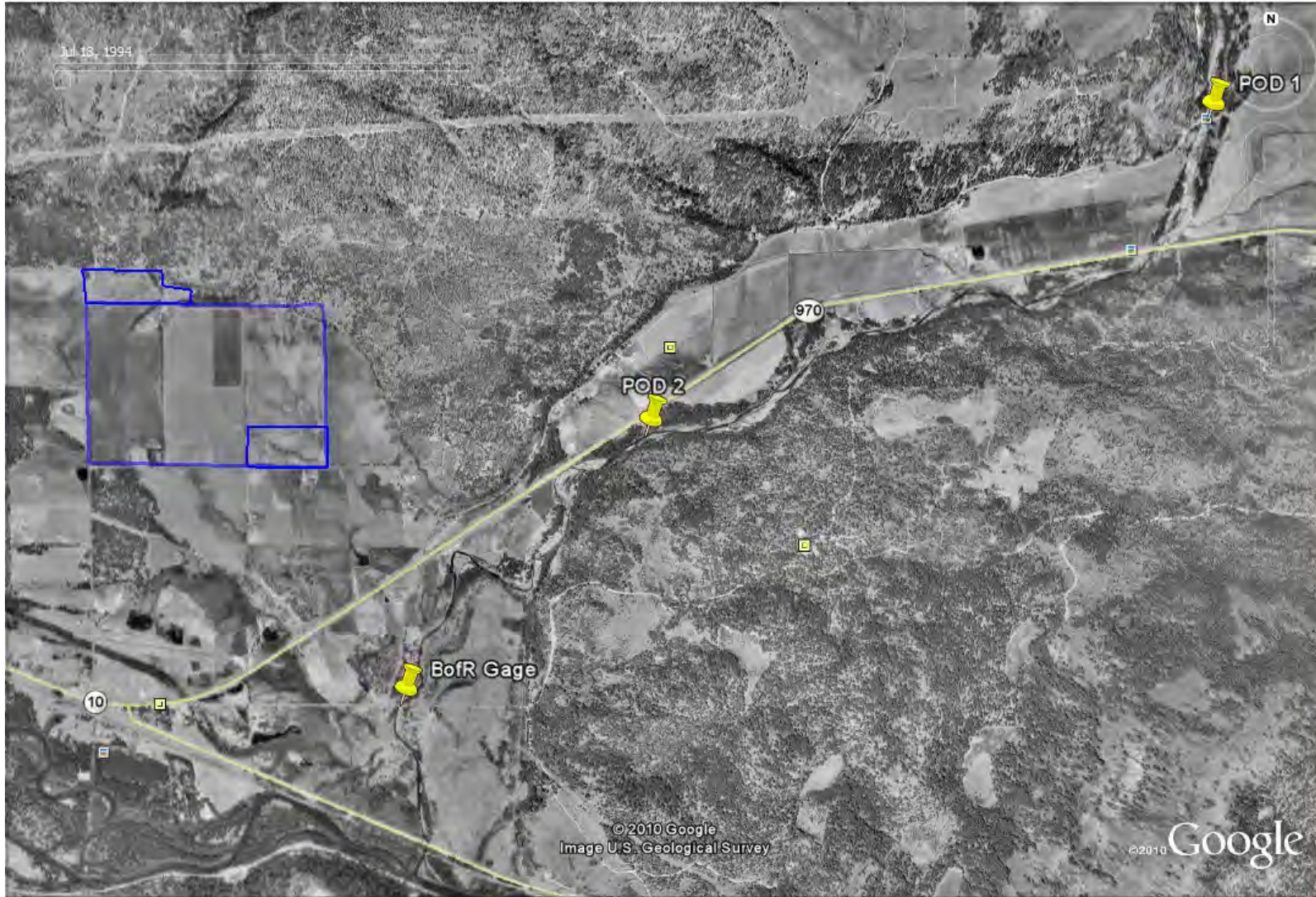
## Multiple Line of Evidence Approach:

- Aerial Photographs
- Landsat Imagery
- Capacity and Run-Time Data
- Power Meter Data (WAC 173-173-160)
- Crop Water-Use Estimates
  - Washington Irrigation Guide
  - Ecology's GUID-1210
- Farm Records
- Affidavits





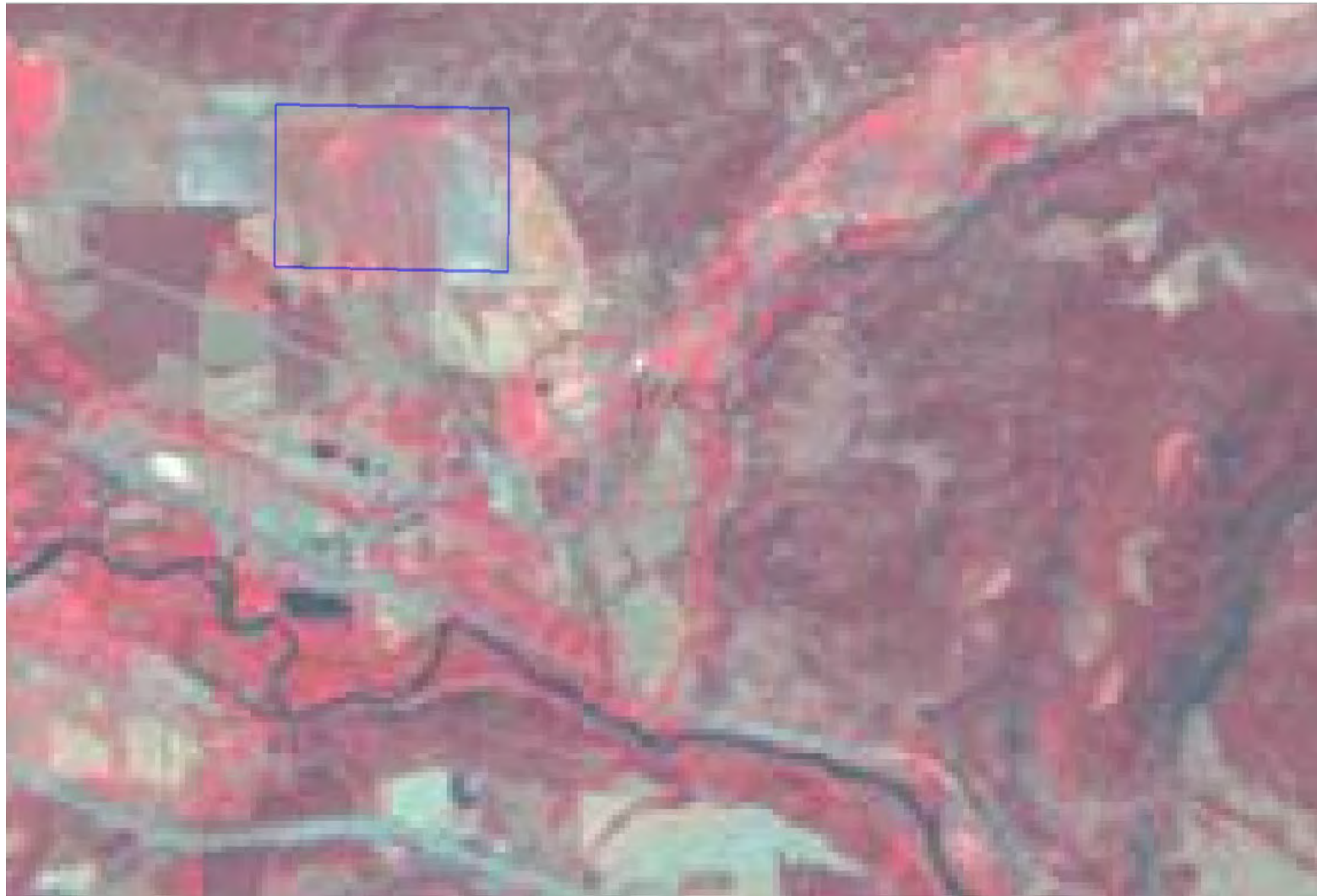
# Estimating Annual Volume (Qa)



August 1998



# Estimating Annual Volume (Qa)



August 1998

# Estimating Annual Volume (Qa)



July 1998

# What is the Irrigation Water Budget?

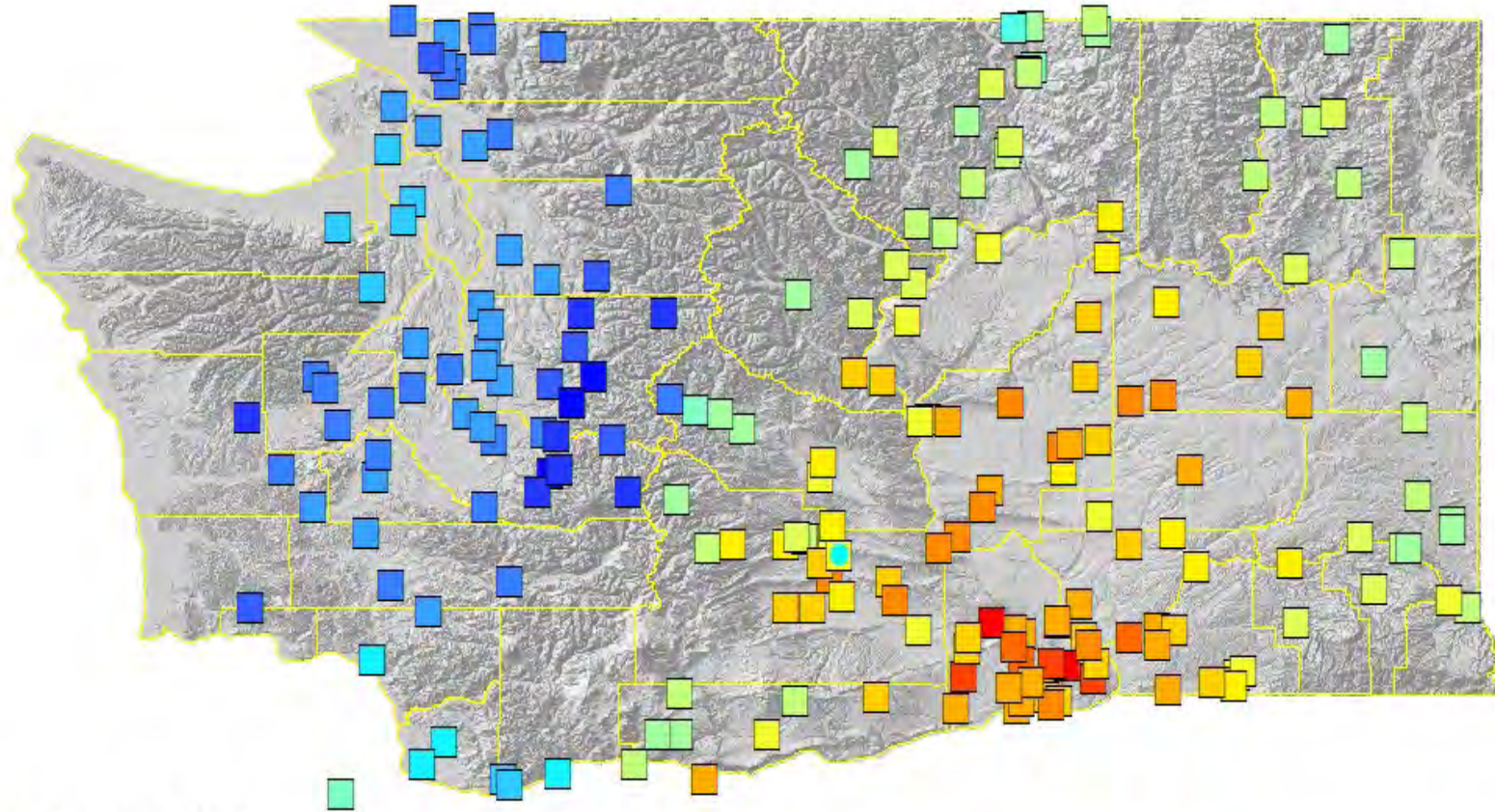


## Sources of ET data

- **WSU Irrigation Bulletin**
  - 39 crops; 1948 – 1973
- **Washington Irrigation Guide**
  - 60 crops; 1951 – 1980
  - Published in 1985, supplemented in 1997
  - SCS Blaney-Criddle Modified method and FAO 24 Blaney-Criddle method
  - Still in use today
- **AgWeatherNet (WSU)**
  - 177 automated weather stations
  - Limited data history (5 to 20 years)
- **Current Update to the Washington Irrigation Guide (WSU)**



# What is the Irrigation Water Budget?



## Grass Seasonal IWR



# What is the Irrigation Water Budget?

## Limitations of ET

- **ET is the theoretical maximum uptake of the plants based on the model assumptions**
  - WIG and Bulletin data sets increasingly outdated
  - WIG based on “average” conditions
  - Statewide coverage of monitoring locations incomplete (but getting better...)
  - AgWeatherNet
  - Recent study by WSU during WIG Update
- **Plants can use < Max ET with no change in yield**
  - Deficit irrigation
- **ET doesn't tell you what the farmer actually did**
  - Site-specific conditions





# Policies and Procedures

## **POL 1210 – Evaluation of Changes to Enable Irrigation of Additional Acreage or the Addition of New Purposes of Use to Existing Water Rights**

*“...a water right may be approved if...there will be no increase in Annual Consumptive Quantity (ACQ); there will be no impairment of other water rights.”*

## **PRO 1210 – Calculating and Applying the Annual Consumptive Quantity (ACQ)**

*“...required to determine that the ACQ under a water right proposed for a change to add acreage to an irrigation right or to add purposes of use is no greater after the change.”*

## **GUID 1210 – Determining Irrigation Efficiency and Consumptive Use**

*“...provide guidance to water resource staff for: 1) Determining irrigation efficiency; and 2) Determining consumptive use associated with irrigation.”*



## Using the Guidance Document to Determine Efficiency:

- **Determine Actual Use, then Calculate Efficiency**

- Metering Data
- Power Data
- Irrigation Schedule
  - (Flow x Time)
- Adjudicated Water Rights\*

- **$E_a = CIR / \text{Total Water Use}$**

CIR from WIG

Total Water Use from Actual Data\*

- **Assume Efficiency, then Estimate Use**

- CIR (WIG) /  $E_a$
- Status Quo for Permit Writers

# Ecology GUID 1210

Table 1: Summary of Application Efficiency Ranges, Consumptive Use, and Return Flows<sup>1</sup>

Method		Application Efficiency, Ea (%) <sup>2</sup>		% Total Evaporated	% Total Use Consumed	Return Flow
		Range	Average, Ea <sub>avg</sub>	%Evap	%CU, Average <sup>3</sup>	%RF, Average <sup>4</sup>
Surface:	Graded Furrow	50 – 80	65	5	70	30
	w/ tailwater reuse	60 – 90	75	5	80	20
	Level Furrow	65 – 95	80	5	85	15
	Graded Border	50 – 80	65	5	70	30
	Level Basins	80 – 95	85	5	90	10
	Flood	35 – 60	50	5	55	45
Sprinkler:	Periodic Move (Handline)	60 – 85	75	10	85	15
	Side Roll (Wheeline)	60 – 85	75	10	85	15
	Moving Big Gun	55 – 75	65	10	75	25
	Solid-Set—Overtree	55 – 80	70	15	85	15
	Solid Set--Undertree	60 – 85	75	10	85	15
	Pop-Up Impact	60 – 85	75	10	85	15
Center-Pivot	Impact heads w/end gun	75 – 90	80	15	95	5
	Spray heads w/o end gun	75 – 95	90	10	100	0
	LEPA <sup>5</sup> w/o end gun	80 – 98	92	5	97	3
Lateral-Move	Spray heads w/hose feed	75 – 95	90	10	100	0
	Spray heads w/canal feed	70 – 95	85	10	95	5
Microirrigation:	Trickle/Drip	70 – 95	88	5	93	7
	Subsurface Drip	75 – 95	90	0	90	10
	Microspray	70 – 95	85	10	95	5

1. Calculate the actual water use from water meter data, power meter, or run-time data. In the absence of such data, the TIR (total irrigation requirement) = CIR / Ea, where CIR is the crop irrigation requirement from the WIG (Appendix B) and Ea is the case-specific application efficiency above.
2. %Evap is the portion of the total irrigation requirement that is evaporated due to factors other than crop ET.
3. Select appropriate %CU based on type of irrigation system. If calculated Ea is greater or less than Ea<sub>avg</sub>, then %CU = Ea + %Evap. CU = TIR x %CU.
4. Select appropriate %RF based on type of irrigation system. If calculated Ea is greater or less than Ea<sub>avg</sub>, then %RF = 100 - %CU. RF = TIR x %RF
5. Low Energy Precision Application.

# Estimating Instantaneous Rate ( $Q_i$ )



- Pump Curves
- Irrigation System Demands
- Comparison with Water Duties
- Pumping Tests
- Well Log
  - Well Construction
  - Geologic Interpretation
  - Driller's Test
- Instantaneous vs. Average Rate



# What to Do with the Unexpected?

- What if a provision is not met?
- What if further changes have occurred?
- What if property ownership has changed?

Tools may include assignments, change applications, extensions, and other options.



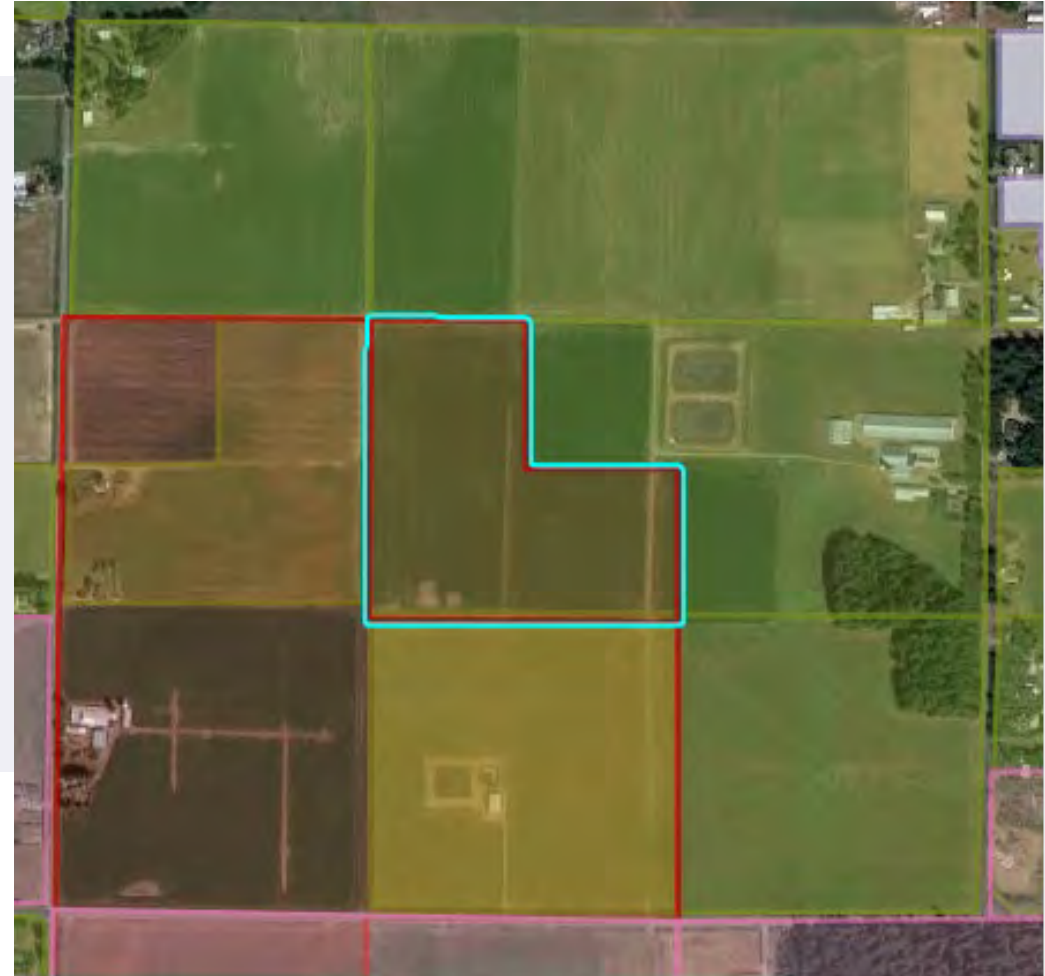
# Fixing what can be Fixed!

- Water right allows for 40 acres to be irrigated
- 40 acres ARE irrigated
- But 5 of the acres are outside of POU
- Consider a POU change



# Fixing what can be Fixed . . .

- **Water Right allows for 100 acres – of which you own 20 acres**
- **Consider an Admin. Division to subdivide water right**
- **Consider where the POW is and if other changes are needed**





# Water Right Holder “Musts”

- **Know your water right portfolio**
- **Know your water use**
- **Match your water use to your water rights**
- **Ensure water is fully used and documented every 5 years**
- **If water is not fully used, use temporary donations or relinquishment exemptions to eliminate risk**
- **Know what water rights are worth**

# Consider Beneficial Use Assessment

## Single document that includes:

- **Support for all water right attributes**
- **Copy of water right documents**
- **Photographs**
- **Supporting information – water use estimates, copies of manuals, descriptions of water conveyance systems.**

**Tyson D. Carlson, LHG, CWRE**

tcarlson@aspectconsulting.com

509-895-5923



Aspect Consulting, LLC

Bainbridge Island – Bellingham – Portland – Seattle – Wenatchee – Yakima





September 13, 2023

# Preparing for the Adjudication: Administrative Tools Water Right Changes and Transfers



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Whatcom Water Week 2023

# Outline

- Administrative Tools
  - Splitting Water Rights
  - Assigning Applications and Permits
  - Showing of Compliance for additional/new wells
  - Claim Amendments
- Water Right Changes and Transfers
- Cost Reimbursement Program
  - How it works



# Administrative Tools

- Administrative Split
- Documenting Permit Ownership
- Showing of Compliance with RCW 90.44.100(3)
- Claim Amendment





# Administrative Split



- Voluntarily Dividing Up a Water Right Between Multiple Owners



**Water Resources Program**  
**Request for Administrative Confirmation of Division of a Water Right**

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Complete the information required, attach referenced documents, and forward to the appropriate regional office address shown on the back of this form.

**WATER RIGHT INFORMATION:**

Water Right Certificate Number: \_\_\_\_\_

Name on Certificate: \_\_\_\_\_

- <https://apps.ecology.wa.gov/publications/SummaryPages/ECY07088.html>

# Administrative Split



- What needs to be decided?

## DESCRIPTION OF DIVISION OF THE WATER RIGHT AMONG PROPERTY OWNERS

*(Note: For more than 2 property owners, attach additional pages as necessary).*

### Property Owner No. 1:

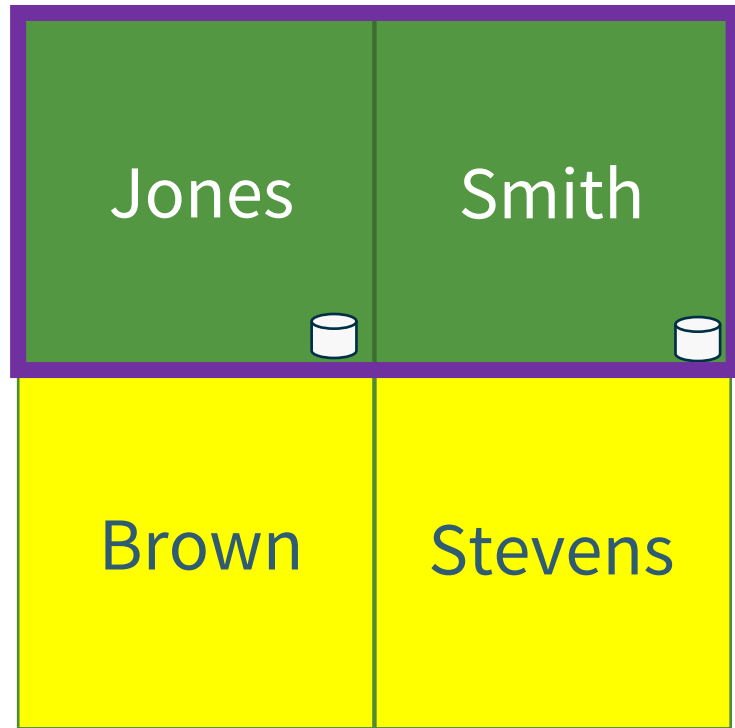
Property Owner Name:		Telephone No.:	
Property Owner Address:			
City:		State:	Zip:
Tax Parcel Numbers Owned within Authorized Place of Use:		Authorized Source:	
Share of Quantity Instantaneous (Qi), [gpm or cfs]:		Share of Quantity Annual (Qa), [acre-feet]:	
Share of acreage irrigated:		Authorized purpose(s) of use:	

### Check one of the following:

- The authorized point of diversion is on my property and will continue to be used.
- The authorized point of diversion is not on my property, but I have entered into a shared use agreement with the owner of the authorized diversion point.
- The authorized point of diversion is not on my property, and I plan to construct a new diversion point on my property. I plan to file a change application or submit a showing of compliance form to Ecology to cover this change in the point of diversion. I understand that if I plan to use the water for a different purpose or in a different location than described above, I must file a change application with Ecology.

Property Owner Signature  \_\_\_\_\_ Date: \_\_\_\_\_

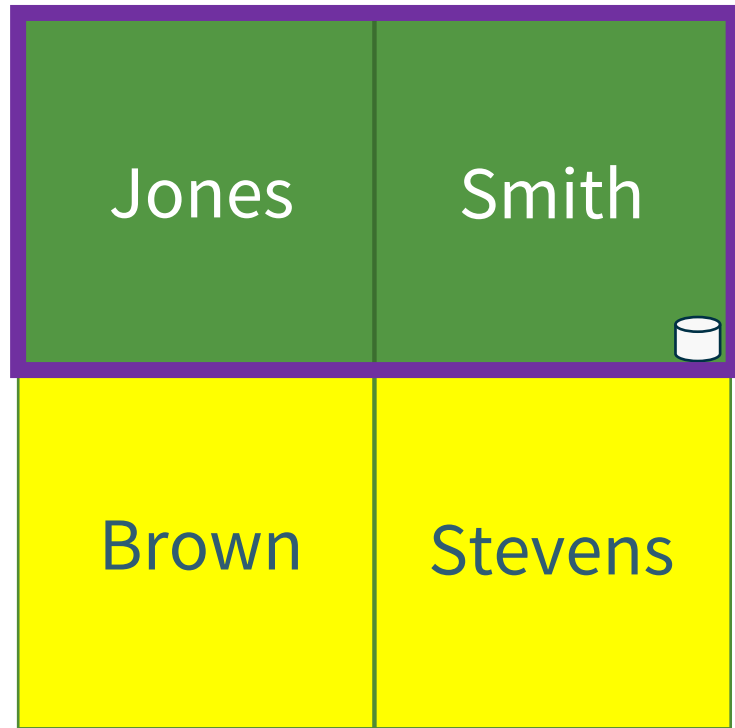
# Administrative Split - Easy



Attribute	Certificate	Jones (A)	Smith (B)
Wells	2	1	1
POU	80 acres	40 acres	40 acres
Irr. Acres	80 acres	40 acres	40 acres
Qi	240 gpm	120 gpm	120 gpm
Qa	160 afy	80 afy	80 afy



# Administrative Split – More Complex



Attribute	Certificate	Jones (A)	Smith (B)
Wells	1	Shared or Add Well?	1
POU	80 acres	40 acres	40 acres
Irr. Acres	40 acres	? acres	? acres
Qi	240 gpm	? gpm	? gpm
Qa	80 afy	? afy	? afy

# Application/Permit Ownership



- Applications and Permits are Personal Property
- Use the following form to inform Ecology who the owner is:

 **Water Resources Program**  
**Assignment of Application or Permit to Appropriate or Store Water**  
*(To change the ownership of an application or permit)*

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**A NON-REFUNDABLE \$50.00 FEE MUST ACCOMPANY THE FILING OF THIS FORM**  
*One Assignment per Application/Permit*

- <https://apps.ecology.wa.gov/publications/summarypages/ecy040161.html>

# Assignment Form

- Full or Partial Assignment
- If partial, decide on how it will be split up.
- Parties sign in front of a notary



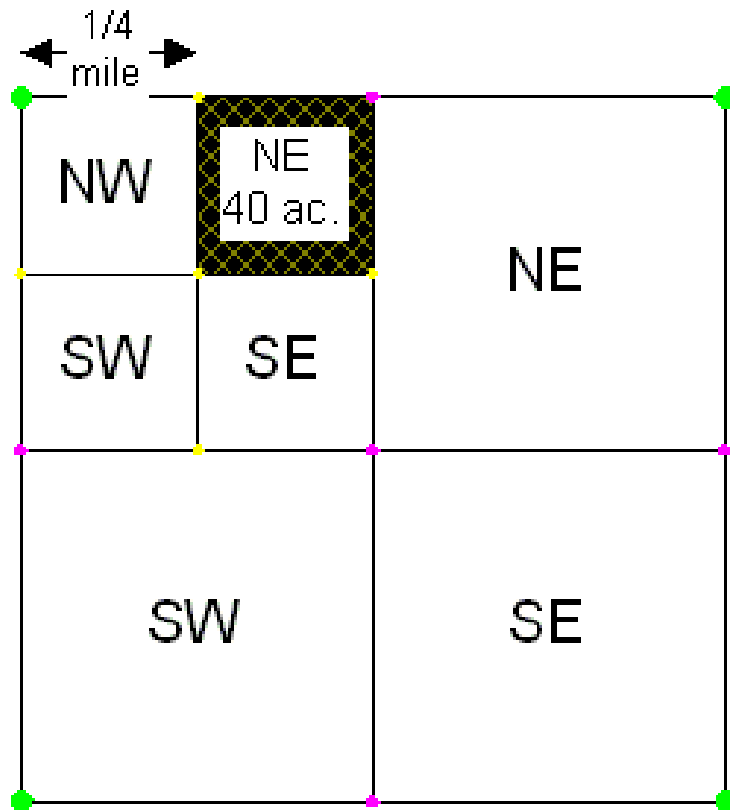


# When can I drill replacement or additional wells without having to file a change application?



- When the new well will be located in the same legal description as the original public notice (usually quarter-quarter section, but not always)
- Submit a Showing of Compliance with RCW 90.44.100(3) form
- Only applicable for ground water permits and certificates, not for claims.





**Legal Notice**  
 State of Washington  
 Office of Supervisor of Water  
 Resources, Olympia

**NOTICE OF GROUND WATER  
 RIGHT APPLICATION NO. 3843**

**TAKE NOTICE:**

That King County Water District No. 75 of Seattle, Washington, on January 19, 1955, filed application for permit to withdraw public ground waters through a well situated within the NE 1/4 of NW 1/4 of Section 4, Township 22 N., Range 4 E., W. M. in King County, in the amount of 750 gallons per minute, subject to existing rights continuously, each year for the purpose of domestic supply for community.

Any objections must be accompanied by a two dollar (\$2.00) recording fee and filed with the State Supervisor of Water Resources within thirty (30) days from March 10, 1955.

Witness my hand and official seal this 11th day of February, 1955.

(Seal) M. G. WALKER,  
 State Supervisor of Water  
 Resources.

(Publish: March 3, 10, 1955.)





## DEPARTMENT OF ECOLOGY



### Showing of Compliance with RCW 90.44.100(3)

Water Right Certificate or Permit Number: \_\_\_\_\_

Parcel tax identification number: \_\_\_\_\_

Landowner(s) name: \_\_\_\_\_

Part of complying with RCW 90.44.100(3) is for the project proponent to notify the Department of Ecology (Ecology) that the statutory criteria of RCW 90.44.100(3) have been satisfied. Please attach (to this document) the water well report for the additional or replacement wells and any additional information you have to support your affidavit.

<https://apps.ecology.wa.gov/publications/summarypages/ecy04074.html>



# Claim Amendment



- Amending a water right claim to fix a ministerial error



Water Resources Program  
**Amendment to Water Right Claim**

Water Right Claim Registry No. _____	
Please attach a copy of your Water Right Claim to this form and return with the required <b>\$50.00</b> fee to:	<b>Department of Ecology</b> <b>Cashiering Unit</b> <b>PO Box 47611</b> <b>Olympia, WA 98504-7611</b>

- <https://apps.ecology.wa.gov/publications/SummaryPages/ECY0406.html>

# Claim Amendment



- Amending a water right claim to fix a ministerial error
  - Error estimating the quantity
  - Ministerial error in information provided on claim form
- All requests must be supported by evidence
- Ecology guidance on claim amendments:
- <https://apps.ecology.wa.gov/publications/documents/2011066.pdf>

# Water Right Change Applications

- Things you generally can change:
  - Point of Withdrawal/Diversion
  - Place of Use
  - Purpose of Use
- Things you generally cannot change:
  - Priority Date
  - Instantaneous Rate
  - Annual Volume
  - Source
  - Provisions





# Water Right Change Applications

- Can only change a water right that has been maintained through beneficial use or sufficient cause for non-use.
- Tentative determination will be performed as part of this process. Similar in nature to the review that will be done by the adjudication court and Ecology during the adjudication.



# Water Right Change Applications

- Currently, the only way to have a change application processed is by utilizing the Cost Reimbursement Program.
- Timeline
  - Minimum of 1 year
- Cost
  - Minimum of \$10K



# Cost Reimbursement



- Paying for a decision, not necessarily an approval.
- Using a consultant from Ecology's pool to process your water right application.
  - The consultant is under contract with you directly.
  - You will enter into a Cost Reimbursement Agreement(CRA) with Ecology.
    - You select a consultant from the pool.
    - Paying for Ecology's review of the consultant's work.
    - Paying for defense of any appeals.



# Cost Reimbursement

- Prime Consultants in the Pool
  - Aspect Consulting, LLC
  - GeoEngineers, Inc.
  - Groundwater Solutions, Inc.
  - Landau Associates, Inc.
  - Mott MacDonald, LLC (aka Pacific Groundwater Group)
  - RH2 Engineering, Inc.
  - Robinson-Noble, Inc.
  - Water & Natural Resource Group, Inc.



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# Q&A PANEL

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