

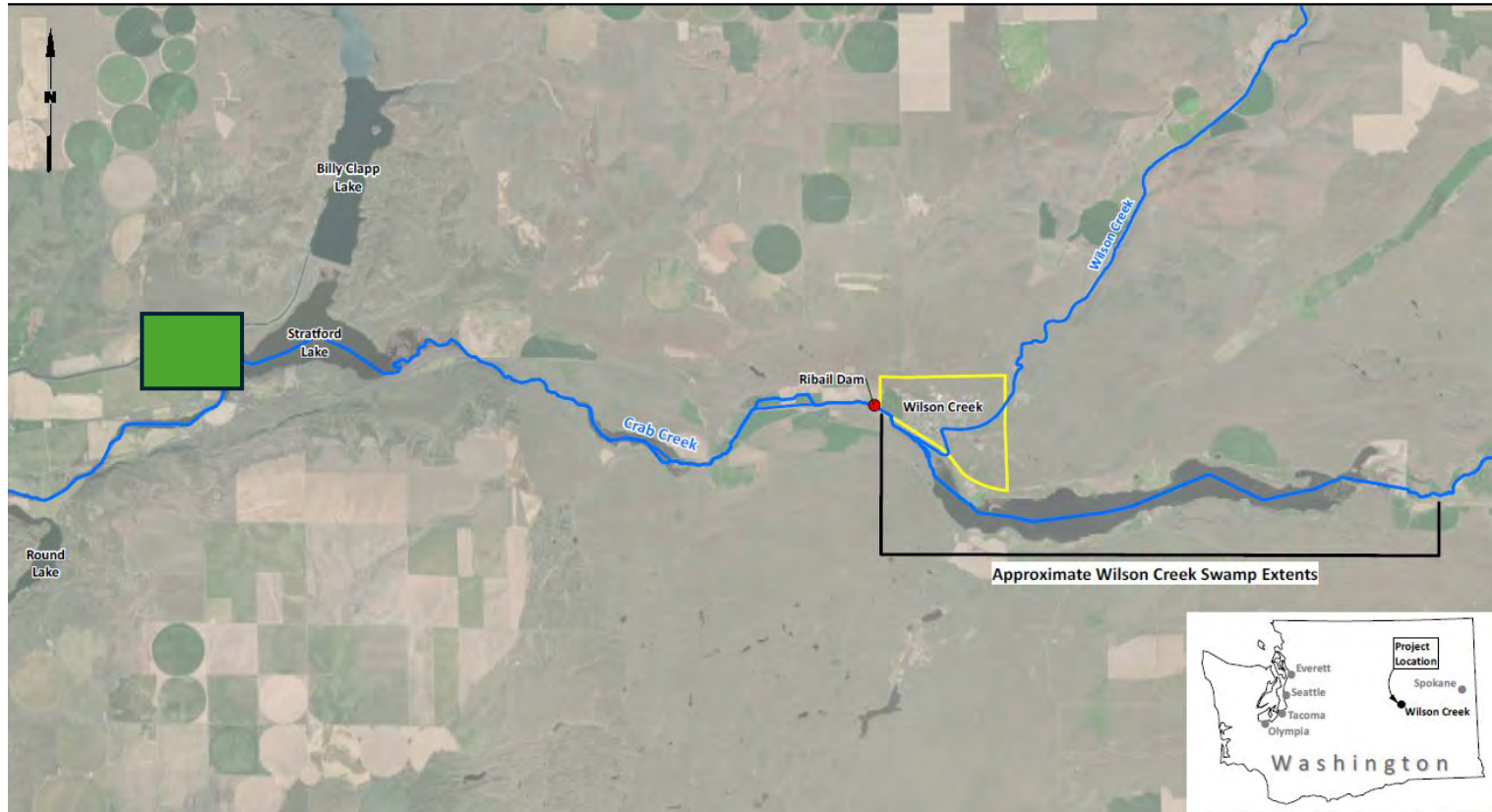
# Transfer Headaches

- 1) **Change to a Supplemental Water Right  
(Limited Opportunity for Communication with Ecology)**
- 2) **Drilling a Replacement Well  
(Errors in certificate and publication)**

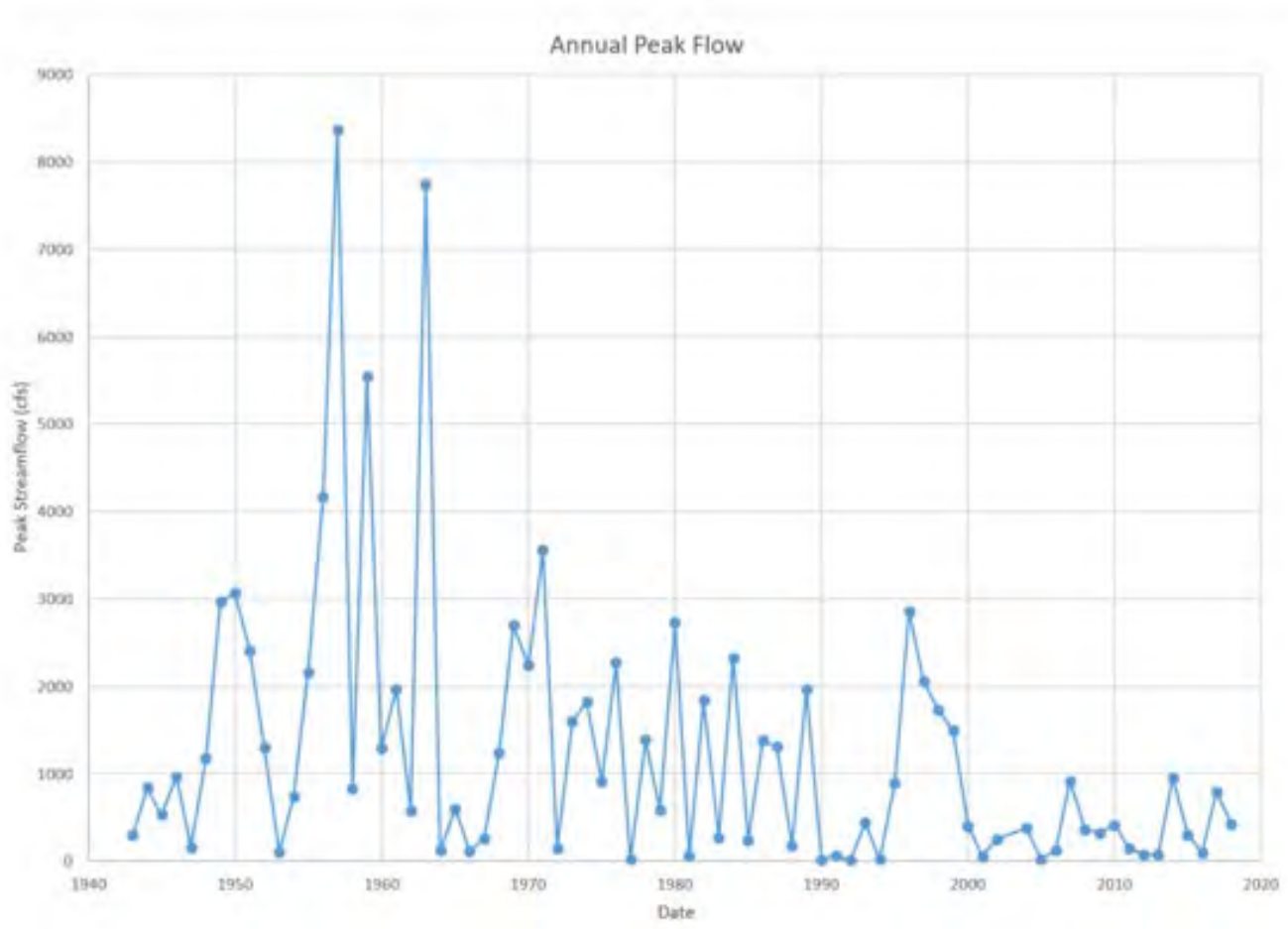
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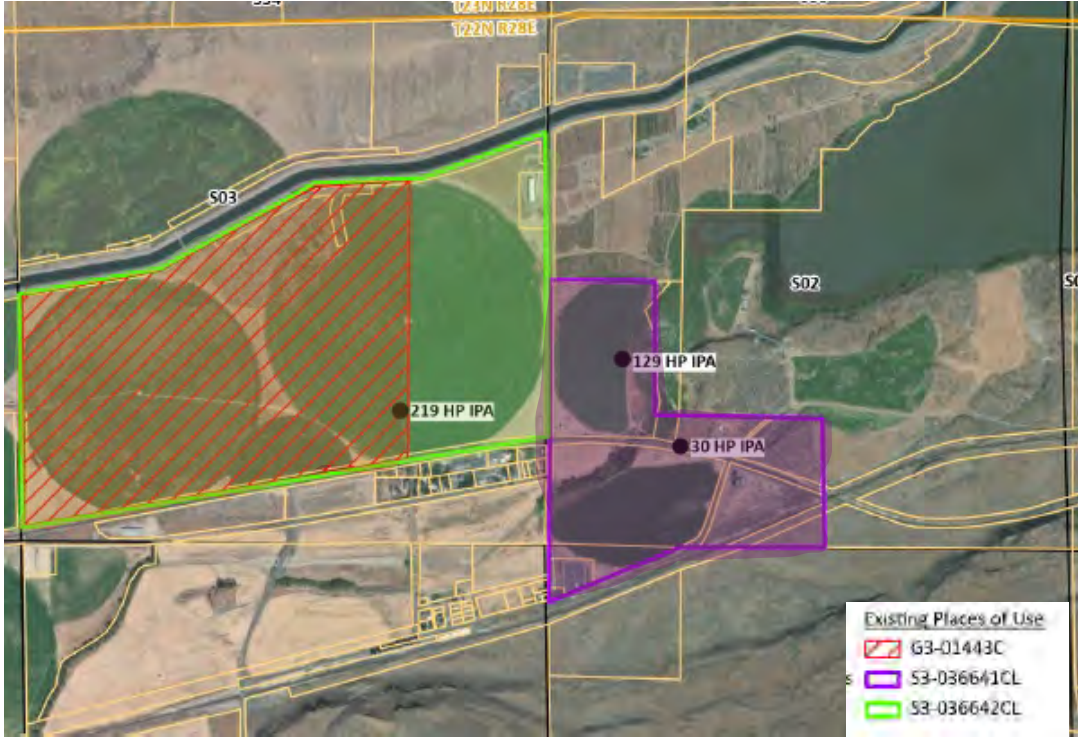
# Change to a Supplemental Water Right



# Upper Crab Creek



# Change the PoU of a Supplemental GW Right Spreading



# What is a Supplemental Water Right?

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## PROVISIONS

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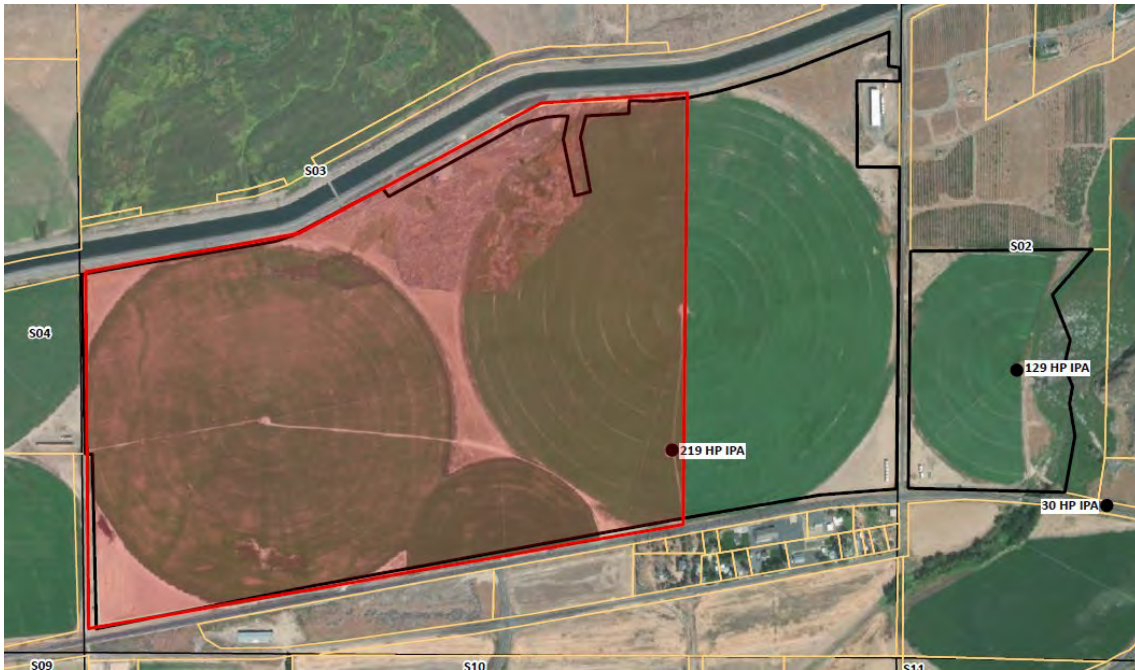
This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Certificate holder shall maintain an access port as described in Ground Water Bulletin No. 1.

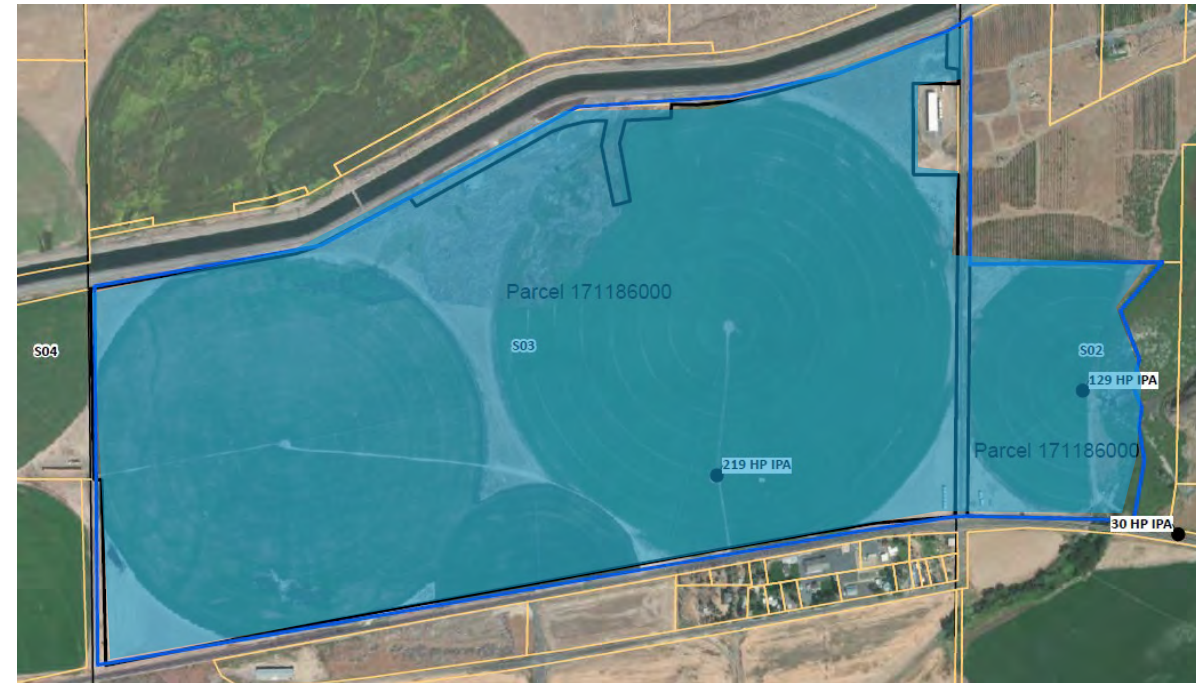
Because the applicant claims vested rights from Brook Lake, the annual withdrawal shall be limited to 600 acre-feet less any amount which may be utilized on these lands under existing rights.

# The Application for Change

200 Acres  
3AF/acre



300 Acres  
2 AF/acre



# Spreading

- Applying the same amount of water to more acres
- Can not increase the annual consumptive quantity
- Must decrease the water duty (conserve) to add acres

# Change to a Supplemental Water Right

- **County Water Conservancy Board: 6 Months**
  - Board must agree to accept application
  - Board decision must be approved by Ecology
- **Cost Reimbursement: 9 Months**
  - Ecology must agree to accept application into program
  - Consultant works for Ecology to prepare ROE
  - Applicant pays for Ecology review time and consultant time
- **Regular Ecology Queue: Years**



# The Water Conservancy Board Process

## **1) Application**

- Prepare Application
- Present Application in Person
- Publish Application

## **2) Report of Examination**

- Prepare ROE
- Present ROE in Person

## **3) Decision**

- Final ROE Presentation – signatures and fee
- WCB Record of Decision

## **4) Final Review**

- Ecology Review
- Ecology Final Decision

# Headache Summary

- Unique Process Not Delineated in Statute, Rule, or Policy
- Requires Assumptions
- Work closely with the WCB
- Ecology Final Decision without Consultation
- Change to Final Decision typically requires litigation
  
- Headache Remedy – Include another step in the process.

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# Adding a Well – Showing of Compliance

- Originally hoped to do a Showing of Compliance
- RCW 90.44.100 (3) - replacement or new additional well at the location of the original well allowed without application for an amendment
  - a) Same body of water
  - b) Decommission old well
  - c) Do not enlarge water right
  - d) No impairment of senior water rights
  - e) Well spacing
  - f) Well construction
  - g) Showing of Compliance
- RCW 90.44.100 (3) – the location of the original well is the PoW in the original publication.

# Adding A Well

- Farmer needed to add a Point of Withdrawal
- Losing capacity
- Time was of the essence
- Certificate and Publication listed the PoW in the NE Quarter of **Section 5**
- Actual well is in **Section 32**
- Also, the full circle extended beyond the PoU



# Adding A Well – file search

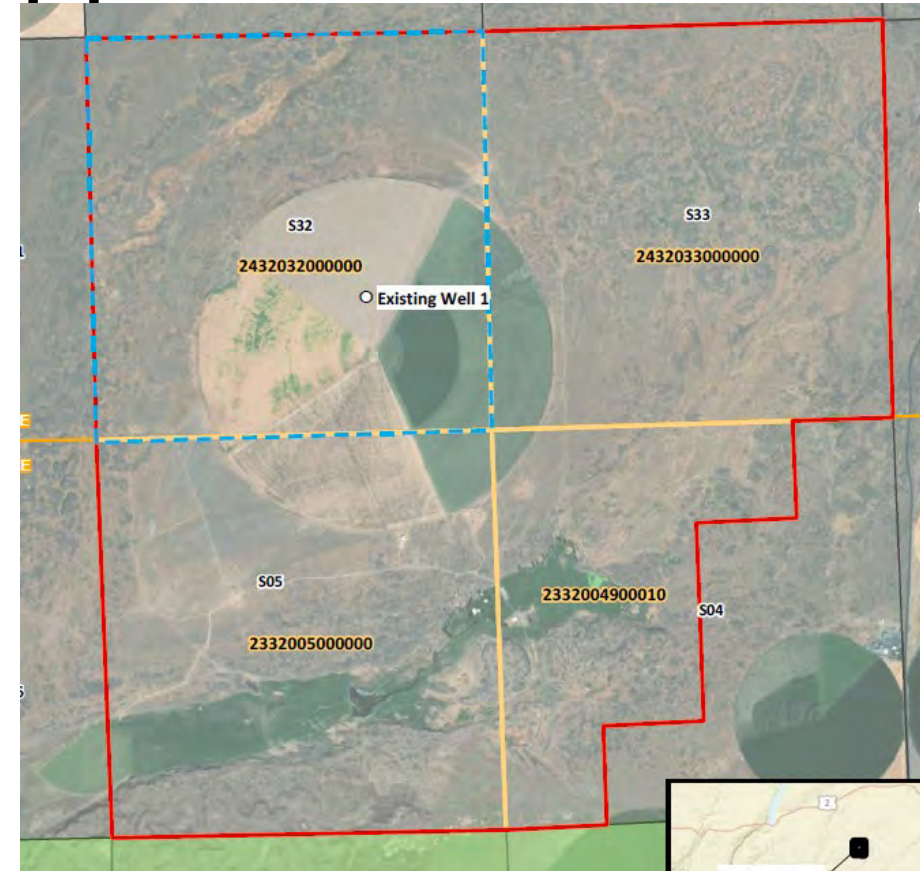
- Well drilled in August 1977
- Note in Ecology file approving well location in October 1977

RECORDED PLATTED PROPERTY	
BLOCK	(IF GIVE NAME OF PLAT OR ADDITION)
L DESCRIPTION OF PROPERTY ON WHICH WATER IS USED	
<p>505 -91 414</p> <p>well location OK NO Access Port NO AIRLINE Pump off Rode well head 1823.94 4004.0...</p> <p><i>Circle is outside of legal see map enclosed from SCS photo.</i></p> <p><i>OK. for Lewis same as proof</i></p>	



# Adding a Well - Change Application

- Pre application meeting
- Filed a change application to update the PoW and the PoU



# Adding a Well – Temporary Permit

- Happy Ending
- Change application being processed through the regular queue
- Ecology wrote a temporary permit
  - RCW 90.03.390
  - Policy-1035 Temporary and Emergency Drought Permits
- Allowed drilling of the new well in a timely manner
- Headache Remedy
  - Good communication with watermaster
  - Carefully review all file documents



# Thank You

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