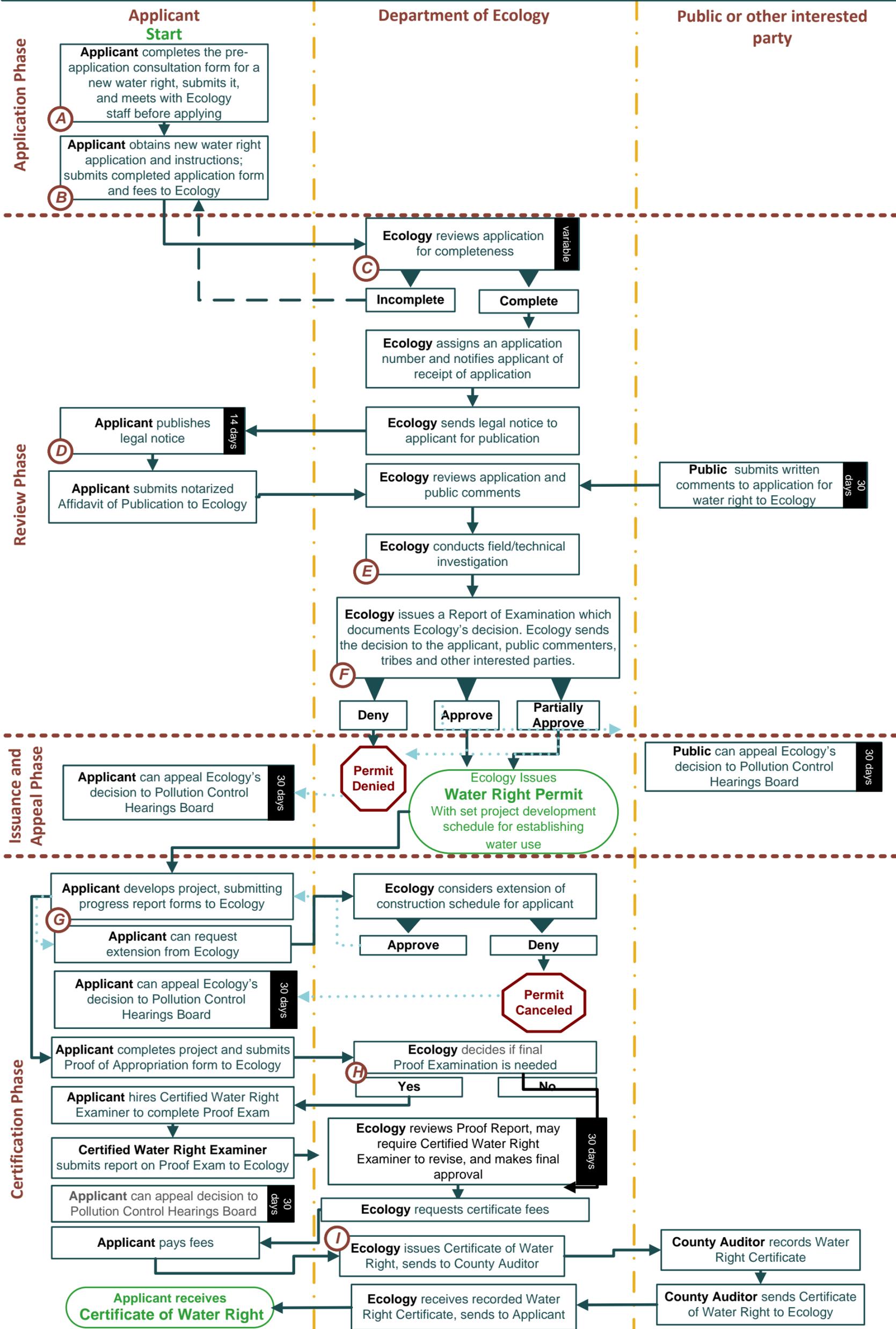


# New Water Right Permit Process



## Link A

### Basic Information on Water Rights

Under state law, the waters of Washington collectively belong to the public and cannot be owned by any one individual or group. Instead the Department of Ecology, in its role managing the state's water resources, may grant individuals or groups the right to use these resources.

- Washington water law requires users of public water to receive approval from the state prior to the actual use of water. Approval is granted in the form of a water right permit or certificate.

A water right is a legal authorization to use a certain amount of public water for a designated purpose. The water must be put to "beneficial use," which refers to a reasonable quantity of water applied in a non-wasteful manner to a use such as irrigation, domestic water supply, industry and power generation, to name a few.

- **A water right permit is necessary if you plan to divert or withdraw any amount of water for any use from:**
  - Surface waters (water located above ground) such as lakes, river, streams and springs.
  - Ground waters (water located under the ground), if you plan to withdraw more than 5,000 gallons per day or irrigate more than a half-acre of lawn or noncommercial garden.
- A permit is permission by the state to *develop* a water right. It is not a *final* water right. A permit allows you to proceed with construction of a water system and to put the water to use, in accordance with the conditions specified in the permit.
- There is *one exception* to the water right permitting requirement. You do not need to apply for a water right if you use a total of 5,000 gallons or less of ground water from a well each day for any of the following combination of uses:
  - Providing drinking and cleaning water for livestock.
  - Single or group domestic purposes, such as drinking, cooking and washing.
  - Industrial purposes.
  - Watering a lawn or noncommercial garden that is a half-acre or less in size.
- Since much of the water in Washington has already been allocated or claimed, new water rights are increasingly difficult to obtain. Depending on the complexities of water availability, the number of applications before yours, and water use within your watershed, *a decision on your water right application may take anywhere from months to years*. As a result, more and more people are choosing to make changes to existing water rights rather than apply for a new one.
- For more detailed information about water rights, [refer to Ecology publication #96-1804-S&WR, "Frequently Asked Questions about Water Rights in Washington."](#) You can find it online, along with other publications about water rights on Ecology's Publications Web site.

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## Link B

### Submit Application

- Fill out an “Application for a Water Right” form; instructions are included. The minimum fee required to file an application is \$50, but other fees may be required. Return the completed application, along with the application fee in the form of a check or money order, to the Water Resources Program at the appropriate regional Ecology office. (see map below)
- Application forms are available from Ecology offices, or you can [download the Application for a New Water Right Form from Ecology's Internet site](#).

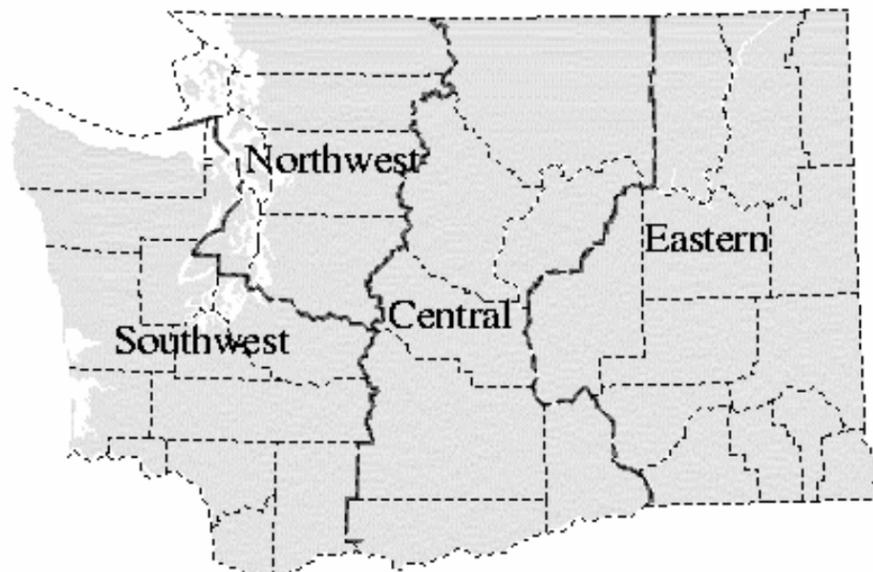
### Ecology office locations:

**Northwest Regional Office**  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452  
(425) 649-7000

**Southwest Regional Office**  
P.O. Box 47775  
Olympia, WA 98504-7775  
(360) 407-6300

**Central Regional Office**  
15 W. Yakima Ave., Suite 200  
Yakima, WA 98902-3452  
(509) 575-2490

**Eastern Regional Office**  
N. 4601 Monroe  
Spokane, WA 99205-1295  
(509) 329-3400



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## Link C

### Review the Application Form for Completeness

- Applications are stamped on the day they are received. This date will normally become the “priority date,” that is, the effective date of the water right.
- Once received, Ecology staff review your application for completeness. If there are missing elements, the application will be returned to you with an explanation of what is needed. Usually you can retain the original priority date if you complete and return the application within 30 days.
- The priority date is important because it establishes the seniority of a water right application. Washington water law is based on the principle of “first in time, first in right,” which means that in times of shortage, holders of senior, or earlier, water rights have their water needs satisfied first. Therefore, it is to your advantage to be sure the application is complete and the necessary filing fee is attached before mailing.

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## Link D

### Issue Legal Notice (Affidavit of Publication)

- Ecology will send you a legal notice of the application to publish in an approved newspaper with general circulation in the county (or counties) where water will be withdrawn, stored or used. The notice must be published once a week for two consecutive weeks. It will include:
  - The basic facts of your request.
  - Information regarding the 30-day public protest period. Anyone who feels that your proposed water use would have a negative effect on other uses of the resource can submit a written protest to Ecology.
- After final publication of the notice, you must send Ecology the original, notarized Affidavit of Publication that you get from the publishing newspaper. Ecology cannot take action on your water right request until the Affidavit is submitted.
- The applicant is responsible for all costs associated with publishing, notarizing and returning the legal notice to Ecology.

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## Link E

### Conduct Field/Technical Investigation

- Ecology staff review the application and conduct field and technical investigations.
- The review includes a “four-part test.” The proposed use must meet four requirements in order for Ecology to issue a water right permit:
  1. The water will be put to a beneficial use.
  2. There will be no impairment (harmful effects) to existing rights.
  3. Water is available.
  4. The water use is not contrary to the public welfare.

In applying this four-part test, Ecology will consider aspects of the particular water source and watershed. These include the existence of instream flow rules, whether and how much ground water is connected to surface water and the availability of alternative water supplies.

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## Link F

### Report of Examination

- The results of the field and technical investigations are summarized in a document called a Report of Examination (ROE). The report is Ecology's decision on your water right request. Ecology can deny, approve, or approve the permit with conditions.
- Ecology sends you, anyone who filed a protest, and identified interested parties a copy of the final decision. All parties have 30 days to appeal Ecology's decision. The state Pollution Control Hearings Board (PCHB) handles appeals.
- For information on appeals, refer to the [Pollution Control Hearings Board](#).

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## Link G

### Develop the Water Right

- Your water right permit will include a development schedule, which specifies the dates (on or before) by which you must:
  - Begin construction of your water system.
  - Complete construction of your water system.
  - Put the water to full use.
- As you complete each phase, you must submit a progress report to Ecology on the appropriate form. An appropriate construction schedule form will be mailed to you with your permit. These forms are also available from any Ecology office.
- You can request an extension to the schedule, however you must show diligence in developing the water right. A request for an extension should be done in writing, and show good cause as to why the development schedule needs to be modified. There is a non-refundable \$50 fee that must accompany each extension request.
- When the water is put to full beneficial use, your water right is considered “perfected.” You must now complete and submit a notarized Proof of Appropriation of Water form. The form is available from any Ecology office or you can [download the Proof of Appropriation of Water form](#) from Ecology’s website.

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## Link H

### Proof Examination

Ecology reviews your Proof of Appropriation of Water form to determine if a Proof Examination is needed. A Proof Examination is a field examination to verify your water use and other conditions of the water right. Ecology will notify you if you need to hire a certified water right examiner (CWRE) to complete a Proof Examination and prepare a Proof Report on their findings.

Ecology has 30 days to determine if the CWRE Proof Report is adequate and may return the report to the certified water right examiner for correction. The certified water right examiner has up to 60 days to make the corrections and resubmit their revised report. Ecology then has another 30 days to make a final decision on the extent of your perfected water right.

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## Link I

### Issue Certificate of Water Right

- Once Ecology staff determine that the water right has been perfected and you have paid the appropriate statutory and auditor fees, a Certificate of Water Right will be issued.
- The Certificate is recorded at the county auditor's office in the county where the property lies, and at Ecology. A certificate may issue for less than what was authorized in the permit.
- The county auditor will forward your certificate to you. It becomes part of the legal record of your water right.
- The water right, once perfected, attaches to the land and is transferred along with the land when the property is sold.

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