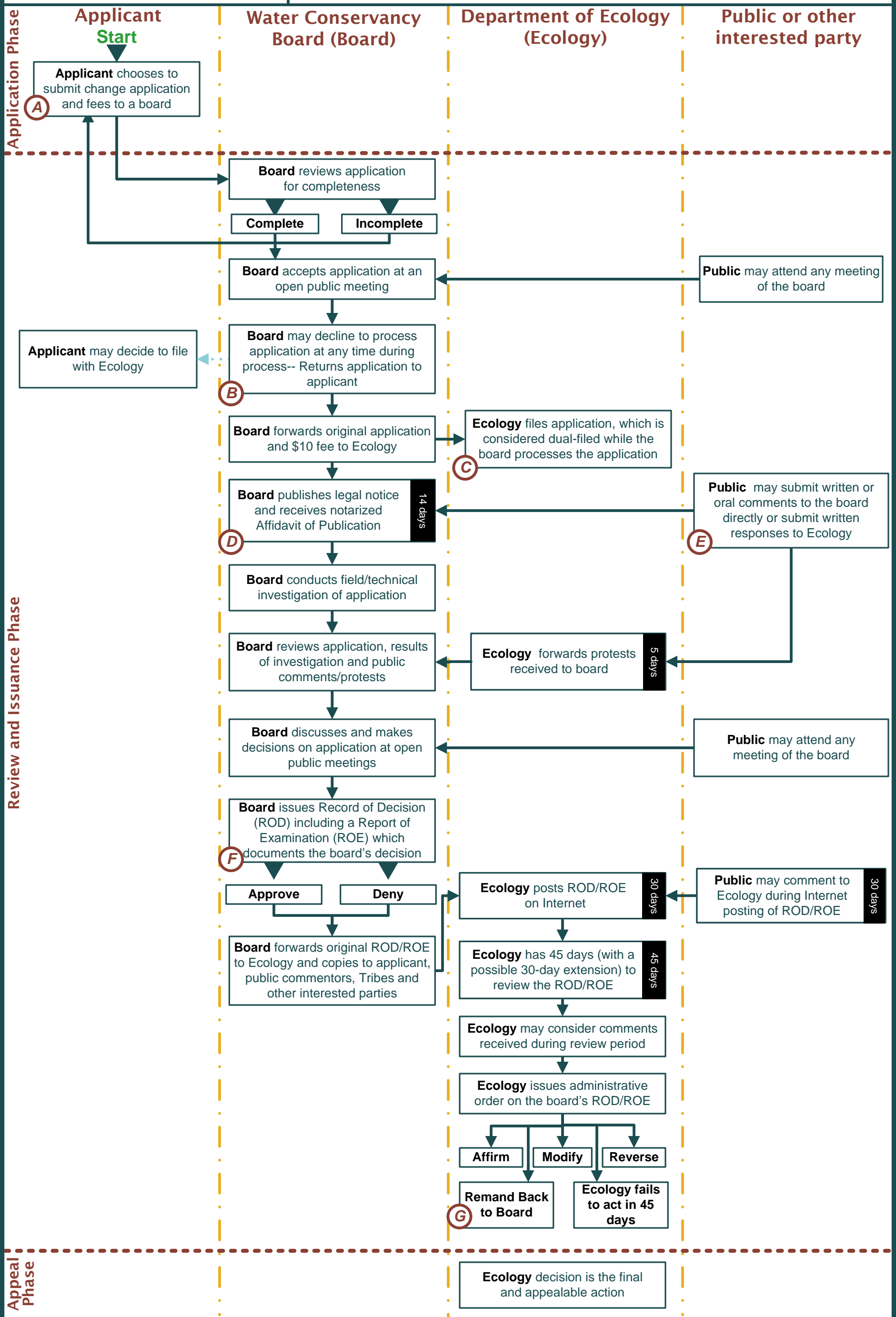


Water Conservancy Board Change Existing Water Right



Legend: (A) =Hyperlink → =Progression - → =Revision ▶ =Optional

Link A

Change water right – Water Conservancy Boards (WCB)

Note: the terms “change” and “transfer” can be used interchangeably in this context.

A. Basic Information on Water Conservancy Boards

The Legislature authorized the creation of water conservancy boards in 1997 to enable the processing of water-right change applications at the local level. All water conservancy board decisions are ultimately reviewed and affirmed, reversed, or modified by Ecology. Meetings and other board activities are open to the public.

Each water conservancy board consists of three or five commissioners. Board commissioners must receive initial training from Ecology, and remain current on annual continuing education, before participating in any decision on a water right change application. A water conservancy board can serve a single watershed, multiple watersheds, a county, or multiple counties.

- There are currently 17 boards statewide. A list of existing boards and the contact list can be found at <https://apps.wa.gov/ecology/docs/WaterRights/wrwebpdf/pcf.pdf>
- For more information about conservancy boards, go to Ecology's website: <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Water-conservancy-boards>
- **Submitting an application to the board:**
 - It is the applicant's decision as to whether to file a change application with a board or with Ecology. The applicant can file directly with a board or, if the applicant already has an application on file with Ecology, the applicant may request the application be transferred to the board for processing.

Each board may adopt fees for processing water right change applications to fund the activities of the board. Currently, the fees charged by conservancy boards vary from \$250 to \$1,450 per application. A state examination fee is not required with water right change applications submitted to a conservancy board.

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Link B

Board May Decline to Process an Application

- A board may decline to process or discontinue processing an application at any time. This decision must be made at an open public meeting.
- If a board decides not to process an application, it must inform the applicant and Ecology of its decision in writing within fourteen (14) business days of making the decision. The board must then return the application to the applicant and inform the applicant that the application may be filed with Ecology. The applicant then can choose whether to submit it to Ecology.

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Link C

Dual-filing of an application

- For every application filed with a board, a duplicate file is maintained at Ecology as a permanent record. When Ecology accepts the application, the application is considered to be filed with both the board and Ecology.
- Ecology will not act on the application unless Ecology:
 - 1) is notified by the board that the board has declined to process the application, and
 - 2) receives a written request from the applicant that Ecology process the application.
 - 3) the appropriate application fee is paid.

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Link D

Publishing Legal Notice (Affidavit of Publication)

- The board publishes a legal notice of the application in an approved newspaper with general circulation in the county (or counties) where water will be withdrawn, stored or used. The notice is published once a week for two consecutive weeks.
- The board is encouraged to require the applicant to review and confirm the information in the public notice prior to publication. If the board does so, the applicant assumes responsibility for any errors contained in the description in the public notice.
- The Board receives a notarized Affidavit of Publication of the notice from the paper after the publishing period is over.

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Link E

Public Comments and Protests

Members of the public may respond to the legal notice of the application in the form of comments (written or verbal), or more formally by submitting a written protest.

- Comments and other information may be submitted to the board regarding the application. The comments can be in writing, or verbally at any public meeting of the board to discuss or decide on the application. The comments must be considered by the board in making its decision.
- A protest against granting a proposed water right change can be submitted to Ecology within 30 days of the last date of publication of the public notice. Ecology will provide a copy of the protest to the appropriate board within 5 days of receipt of the protest. A board will thoroughly investigate all pertinent protests of a change application before the board.

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Link F

Record of Decision and Report of Examination

- The record of decision is the board's decision to approve or deny an application, subject to review by Ecology. In making its record of decision, the board must consider, among other things, whether the proposed change can be made without harming existing water rights, including rights established for instream flows. The record of decision may include conditions.
- The basis for the board's record of decision must be documented in a report of examination. However, the applicant cannot begin to take action on the requested change until final approval is given by the Ecology.

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Link G

Conflict of Interest

Ecology can remand a record of decision to a board without action if it is determined that a member of the board has a conflict of interest in conjunction with a given application.

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