



# WATER CONSERVANCY BOARD

## Application for Change/Transfer – Report of Examination

***Do Not Submit these Instructions with your Application***

### Instructions and Form

**IMPORTANT NOTE:** These instructions are provided as a guide to water conservancy boards when writing a report of examination regarding a water right change application. *“It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board’s evaluation process, are thoroughly evaluated and discussed in the board’s deliberations. These discussions must be fully documented in the report of examination.”* [WAC 173-153-130(5)] It is also the responsibility of the board to ensure that the final report complies with the minimum requirements as provided in the Water Conservancy Board rule, WAC 173-153-130(6).

### INTRODUCTION

There are two distinct sections within the report of examination (ROE) form.

1. **Front page** – All information found on page 1 including the demographic and application identification information, “Background and Decision Summary”, “Description of proposed work”, and “Development Schedule”. *Each separate decision requires a unique and separate record of decision (ROD form) and report of examination front page form.*
2. **Report** (narrative) – All information found under the section “Report.”

### FRONT PAGE

#### *Demographic and Application Identification*

1. Check a box to identify whether the application is for surface water or ground water.
2. Application received – Enter the date the application was accepted by the board.
3. Water right document number – Enter the water right document number, e.g., certificate, claim, permit number, etc.
4. Water right priority date – Enter the priority date of the water right, when water was first put to use.
5. Board assigned change application number – Enter the board assigned application number as described in WAC 173-153-070(11).
6. Name, address, city, state, zip – Enter the name and address of applicant.
7. Changes proposed – Check all box(es) that apply to the changes proposed in the application.
8. SEPA – Check a box identifying whether the application is exempt or non-exempt from SEPA. This section relates to the application only. How SEPA relates to the *project* will be addressed in the narrative report section.

## *Background and Decision Summary*

1. Existing right (tentative determination) – Complete these boxes based on what is actually being used *right now*. Make a tentative determination as to the validity and extent of the right as it is currently being beneficially used.
2. Proposed use – Complete these boxes with the exact information as it is written on the application.
3. Board's decision – Complete these boxes based on the board's final decision. The board should determine what exactly is available for transfer including the instantaneous and annual quantities, place of use, point of diversion or withdrawal, and purpose of use and season of use.

## *Description of Proposed Works*

Describe the water system the applicant intends to use with the proposed change such as irrigation system, pump type, etc.

## *Development Schedule*

1. Begin project by this date – Identify the date when the applicant may begin the project. The board must consider that the applicant cannot begin until a final decision is made by Ecology. Potentially, this could be a minimum of 45 days or 75 days. It is recommended that the board also consider the 30 day appeal period when determining the beginning construction date. [WAC 173-153-130(8)]
2. Complete project by this date – Identify the date when the project and works must be completed.
3. Complete change and put water to full beneficial use by this date – Identify the date when the applicant must complete the change and put all water to beneficial use as approved in the change application.

## **REPORT (NARRATIVE)**

### *Writing a report of examination for more than one water right application*

It is important that each water right file is able to stand alone. **Each separate decision requires a separate map reflecting existing and proposed point(s) of diversion or withdrawal and place of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c)).**

However, when writing an ROE for more than one related water right change, the narrative “Report” section of the ROE, including background, comments/protests, investigation, conclusions, and decision, may summarize all the related rights in one report. The narrative can then be copied to accompany the related form. But, there cannot be just one document for all the applications; each file is required to have a separate document.

### *Writing a report of examination*

#### **Refer to WAC 173-153-130**

The Water Conservancy Board rule is clear regarding the minimum information required when writing a report of examination. The information requested on the form is copied from the rule verbatim. *More information may be necessary than what is required in the rule and the need must be determined by the board on a case-by-case basis.* WAC 173-153-130(5) states, “It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [Emphasis added]

1. WAC 173-153-130 (6) requires the report of examination to consist of a form provided by Ecology and identified as Water Conservancy Board Report of Examination, form number 040-106, documenting and summarizing the basic facts associated with the decision.
2. Describe all information as required in each narrative section on the report of examination form as follows:
  - a. **Background** – Complete the background section as described on the form and also include any other information pertinent to the application.
  - b. **Comments and protests** – Complete the comments and protests section as described on the form and also include any other information pertinent to the application.
  - c. **Investigation** – Complete the investigation section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
    - i. The applicant's ownership interest in the water right, if multiple owners, describe how right is apportioned;
    - ii. The information the board used to quantify beneficial use under the right, including meter records, power data, aerial photos, crop type, crop irrigation requirement and efficiency estimates, declarations, etc;
    - iii. For claims, discuss historic beneficial use and when the beneficial uses were perfected;
    - iv. For permits, discuss the current development schedule and whether the water right is in good standing;
    - v. If a portion of the right is proposed for change, a tentative determination must be completed for the entire water right. The portion being changed should be described on the front sheet of the ROE;
    - vi. For changes where additional acres or new purposes of use are being added, calculate the annual consumptive quantity. Describe the years used to determine the ACQ and the source of the data;
    - vii. Water rights in the vicinity that may be impaired by the proposed transfer, including an evaluation of impacts on the closest/relevant water rights;
    - viii. If groundwater rights have the potential to be impaired by the proposed transfer, reference and attach appropriate well logs;
    - ix. For surface to ground transfers, discuss continuity between sources.
  - d. **Conclusions** – Complete the conclusions section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
    - For surface to ground transfers where the surface sources was not always available (e.g. some tributary streams), discuss the potential for enlargement of the right.
  - e. **Decision** – Complete the decision section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as:
    - When only a portion of the right is changed, include a description of how superseding documents should issue to each owner including the characteristics of each right, e.g. place, purpose, quantities.
  - f. **Provisions** – Complete the provisions section as described on the form. Also, consider the unique characteristics of each application and include other information that may be pertinent to the decision such as measurement/metering, screening, etc.

ECY 040-106 Instructions

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Board Name: \_\_\_\_\_

**WATER CONSERVANCY BOARD**  
**Application for Change/Transfer**  
 OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF  
 THE STATE OF WASHINGTON

**REPORT OF EXAMINATION**

**NOTE TO APPLICANT:** Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

**NOTE TO AUTHOR:** *Read the instructions for completing a water conservancy board report of examination. [Use the Tab key to move through the form or with your mouse, select the fields to enter information.](#)*

Surface Water                       Ground Water

Date Application Received		Water Right Document Number (i.e., claim, permit, certificate, etc.)	
Water Right Priority Date		Board-Assigned Change Application Number	
Name:		Phone:	Email:
Address (street):	City:	State:	Zip:
<b>Changes Proposed:</b>			
<input type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input type="checkbox"/> Add point of diversion/withdrawal <input type="checkbox"/> Change place of use <input type="checkbox"/> Other (Temporary, Trust, Interties, etc.)			
<b>SEPA:</b>			
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the <u>application</u> is: <input type="checkbox"/> Exempt <input type="checkbox"/> Not Exempt			

**BACKGROUND AND DECISION SUMMARY**

**Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c)).**

Existing Right (Tentative Determination)							
Maximum cub ft/second		Maximum gal/minute					
Maximum acre-ft/yr		Describe Type(s) of use, and period(s) of use					
Source	Tributary of (if surface water)						
At a Point Located: Parcel No.		1/4		1/4		Section	
Township N.		Range		WRIA		County	
<b>LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED</b>							
Type detailed legal description of the place of use:							
Parcel no.		1/4		1/4		Section	
Township N.		Range		WRIA		County	

Proposed Use							
Maximum cub ft/second			Maximum gal/minute				
Maximum acre-ft/yr			Describe Type(s) of use, and period(s) of use				
Source				Tributary of (if surface water)			
At a Point Located: Parcel No.		1/4		1/4		Section	
Township N.		Range		WRIA		County	
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use:							
Parcel no.		1/4		1/4		Section	
Township N.		Range		WRIA		County	

Board's Decision on the Application							
Maximum cub ft/second			Maximum gal/minute				
Maximum acre-ft/yr			Describe Type(s) of use, and period(s) of use				
Source				Tributary of (if surface water)			
At a Point Located: Parcel No.		1/4		1/4		Section	
Township N.		Range		WRIA		County	
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use:							
Parcel no.		1/4		1/4		Section	
Township N.		Range		WRIA		County	

Description of Proposed Works
Description of water diversion/withdrawal, conveyance, and distribution system:

Development Schedule	
Begin project by this date (At least 75 days after Board's ROD issuance):	
Complete project by this date:	
Complete change & put water to full use by this date:	

ECY 040-106 (03/2017) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

# Report

**NOTE TO AUTHOR:** This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

## BACKGROUND [See WAC 173-153-130(6)(a)]

On Month \_\_\_\_\_, day \_\_\_\_\_, year \_\_\_\_\_.  
Name of applicant: \_\_\_\_\_ of City: \_\_\_\_\_ State: \_\_\_\_\_ filed an application for change (to do what e.g., POU, POD, POW, etc) \_\_\_\_\_ under (Water right number, e.g., certificate, permit, claim, superseding document #, cert of change #): \_\_\_\_\_. The application was accepted at an open public meeting on Month: \_\_\_\_\_, day: \_\_\_\_\_, year: \_\_\_\_\_, and the board assigned application number (XXXX-YR-##): \_\_\_\_\_.

## *Attributes of the water right as currently documented*

Name on certificate, claim, permit: \_\_\_\_\_  
Water right document number (e.g., cert #, claim #, permit #, superseding document #): \_\_\_\_\_  
As modified by certificate of change number: \_\_\_\_\_  
Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : \_\_\_\_\_  
Water quantities: Qi (Instant qty): \_\_\_\_\_ Qa (Annual qty): \_\_\_\_\_ acre ft./ year  
Source ( well, river, etc): \_\_\_\_\_  
Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM): \_\_\_\_\_  
Purpose of use: \_\_\_\_\_ Number of Acres if Irrigation: \_\_\_\_\_  
Period of use: \_\_\_\_\_  
Place of use: \_\_\_\_\_  
Existing provisions (family farm act, interruptable, etc.): \_\_\_\_\_

## *Tentative determination of the water right*

The tentative determination is provided on the front page of this report.

## *History of water use*

Describe the historical water use information that was considered by the board:

***Previous changes***

Describe any previous change decisions associated with the water right:

***SEPA***

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

***Other***

Provide any other pertinent information relative to the background of this water right:

**The information or conclusions in this section were authored and/or developed by (Name of Person): \_\_\_\_\_**



**COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]**

Public notice of the application was given in the (Name of Publication(s): \_\_\_\_\_

on Dates Published: \_\_\_\_\_. Protest period ended on (end date of protest period):

\_\_\_\_\_. There were # \_\_\_\_\_ or no  protests received during the 30 day protest period. In addition, no  or # \_\_\_\_\_ oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received): \_\_\_\_\_

This was recognized by the board as a  Protest  Comment

Name/address of protestor/commenter: \_\_\_\_\_

Issue (describe issues raised): \_\_\_\_\_

Board's analysis (board's response to the protest/comment):

**NOTE to author:** Repeat this table as necessary to describe each protest or comment  
(attach a separate sheet if needed)

**Other**

Provide any other pertinent information relative to the comments and protests receive:

**The information or conclusions in this section were authored and/or developed by (Name of Person):** \_\_\_\_\_

**INVESTIGATION** [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by (person(s)): \_\_\_\_\_ on (date of field exam): \_\_\_\_\_, technical reports, research of department records (list other references, if any) \_\_\_\_\_ and conversations with the applicant and/or other interested parties.

***Proposed project plans and specifications***

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

***Other water rights appurtenant to the property (if applicable)***

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

***Public Interest (groundwater only)***

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

***Tentative Determination***

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

***Geologic, Hydrogeologic, or other scientific investigations (if applicable)***

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions.

***Other***

Provide any other pertinent information relative to the investigation of this application.

**The information or conclusions in this section were authored and/or developed by (Name of Person): \_\_\_\_\_**

**CONCLUSIONS** [See WAC 173-153-130(6)(d)]

***Tentative determination (validity and extent of the right)***

Describe whether, and to what extent, a valid water right exists.

***Relinquishment or abandonment concerns***

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

***Hydraulic analysis***

Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

***Consideration of comments and protests***

Discuss the board's conclusions of issues raised by any comments and protests received.

***Impairment***

Describe how or if the transfer proposal will impair existing rights of others.

***Public Interest***

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

**Other**

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Provide any other pertinent information relative to the board's conclusions.

**DECISION** [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

Provide any other pertinent information relative to the board's decision.

**The information or conclusions in this section were authored and/or developed by (Name of Person):** \_\_\_\_\_

**PROVISIONS** [See WAC 173-153-130(6)(f)]

*Conditions and limitations*

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

*Mitigation (if applicable)*

Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

*Construction Schedule*

Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.



Other

Provide any other pertinent information relative to provisions

**The information or conclusions in this section were authored and/or developed by (Name of Person):** \_\_\_\_\_

The undersigned board commissioner certifies that he/she understands the board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at \_\_\_\_\_, Washington  
(City)

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Date (Day) (Month) (Year)

Name of Board Representative: \_\_\_\_\_

Name of Water Conservancy Board: \_\_\_\_\_

Signature: \_\_\_\_\_