

Extensions for Water Right Permits and Change Authorizations

Focus on

DEFINITIONS

Beneficial use: A key term related to water rights. It has dual aspects, referring to developing the water use (such as irrigation and domestic water supply) and also that the water is applied without waste.

Change authorization: Permission from Ecology to modify an element of a water right. Transferring a water right is also referred to as a change.

Water right certificate: A Certificate of Water Right is the legal record of your water right, recorded at your county auditor's office. Ecology issues a certificate after confirming that all the conditions of the permit have been met.

Water right permit: 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 start putting the water to beneficial use, in accordance with the terms of the permit.

Special accommodations

If you need this document in a format for the visually impaired, call the Water Resources Program at (360) 407-6872.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Water right permits and change authorizations often contain a development schedule specifying when you must begin and complete your project and put the water to full beneficial use. The Department of Ecology (Ecology) works with you to determine this schedule before issuing the permit or change authorization.

You must meet the development schedule or your permit or change authorization may be cancelled. Since delays are sometimes unavoidable, state law allows you to request an extension when you need more time.

Ecology issues extensions when unforeseen conditions delay a project. We do not issue extensions when there is a lack of careful and persistent work or effort in developing the project.

You are responsible for ensuring that your permit or change authorization is in good standing. This includes requesting an extension when needed. If you do not meet your development schedule and fail to request an extension, Ecology may attempt to contact you by mail or telephone.

Requesting an extension

You must request an extension in writing and include a fee of \$50. Your request should be in letter format and must contain the following information:

- The reason you need an extension, with details and reasons why the development schedule should be extended. (You may also provide any other information or materials that support your request.)
- A description of efforts made since the permit or change authorization was issued or the last extension was granted.
- The new schedule you propose for completing the project.

Ecology may request other information before processing your request.

Send the extension request letter and \$50 fee to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia WA 98504-7611

Extension approval

Ecology may approve extensions when appropriate information is submitted. When setting a new development schedule, Ecology considers the complexity of your project and why you failed to meet the development schedule. Development schedules may be extended for good cause as needed.

When Ecology grants an extension, you may be required to meet specific goals within the extension period. These may include construction goals or gaining financing or needed permits. These may have scheduled deadlines to ensure you make progress towards completing your project.

New provisions

As a condition of an extension, Ecology may add new provisions based on current information. These provisions may include, but are not limited to:

- Metering and reporting of water use (see RCW 90.03.360, RCW 90.44.450, and WAC 508-12-030).
- Conservation planning.
- Other provisions to protect the public interest.

If granted, you will receive a decision authorizing the extension. This decision will:

- Outline the reasons for granting the extension.
- Include any goals and provisions imposed as a condition of the approval.
- List any information that you must provide.
- Include appropriate appeal language.

Reasons for denying an extension

Some reasons Ecology may deny your request for an extension include:

- If you have not shown good cause or good faith in diligently meeting the development schedule.
- The project cannot be pursued further, even with added conditions or provisions.
- The original intent of the project has changed, including the stated future water use.
- It is otherwise prohibited by law or rule [See WAC 173-130A-160 and WAC 173-134A-080 (2)(i)].

If you do not request an extension or Ecology denies your request, we will:

- Cancel your permit or change authorization. Before Ecology cancels your permit or change authorization, you will receive a 60-day show-cause letter. This show-cause letter will be followed by a Cancellation Order. This is an appealable action.

--OR--

- Issue a water right certificate for the amount of water that has been put to full beneficial use.

Appeals

You or another interested party may appeal these types of decision to the Washington State Pollution Control Hearings Board. Information concerning the appeal process will be provided in the extension document or Cancellation Order.

More information

If you have additional questions, please contact the Ecology regional office nearest you:

Northwest Regional Office

(Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties)

PO Box 330316

Shoreline WA 98133-9716

206-594-0000

Southwest Regional Office

(Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties)

PO Box 47775

Olympia WA 98504-7775

360-407-6300

Central Regional Office

(Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties)

1250 W Alder Street

Union Gap WA 98903-0009

509-575-2809

Eastern Regional Office

(Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties)

4601 N Monroe

Spokane WA 99205-1295

509-329-3400