

Application for a Surface Reservoir Permit



Form No. ECY 040-1-60 (Rev 8-2022)

- Schedule a pre-application meeting before you apply.
- Refer to accompanying guidance to complete this form.
- Incomplete applications will be returned.
- All fees are non-refundable (RCW 90.03.470(13)).

Processing option you are choosing:

- Standard Processing (Department of Ecology).** A minimum \$50 fee is required to apply. Additional fees may apply.
- Cost Reimbursement Processing (Ecology approved contractor).** Contact Department of Ecology to obtain information on this option.

Submit all applications and fees to:

DEPARTMENT OF ECOLOGY
CASHIERING SECTION
PO BOX 47611
OLYMPIA, WA 98504-7611

Check the box for the region/office where your project is located.

- Central Region
 Eastern Region
 Northwest Region
 Office of Columbia River (OCR)*
 Southwest Region

Guidance to Applicants for a Surface Reservoir Permit

Instructions for Form No. ECY 040-1-60

August 2022

Publication No. ECY 040-1-60A

Publication and Contact Information

This [guidance document](https://apps.ecology.wa.gov/publications/SummaryPages/ECY040160A.html) is available on the Department of Ecology's website at: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY040160A.html>

For more information contact:

Water Resources Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6872

[Washington State Department of Ecology](http://www.ecology.wa.gov) – www.ecology.wa.gov

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

To request [ADA accommodation](#) including materials in a format for the visually impaired, call Ecology at 360-407-6872 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

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Instructions for Form No. ECY 040-1-60

Water Resources Program
Washington State Department of Ecology
Olympia, Washington

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Additional Information:

- [Dam Safety](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-175)
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-175>
- [Reservoir Permits](https://apps.leg.wa.gov/WAC/default.aspx?cite=508-12-260)
<https://apps.leg.wa.gov/WAC/default.aspx?cite=508-12-260>
- [Reservoir Permits, Secondary Permits](https://app.leg.wa.gov/RCW/default.aspx?cite=90.03.370)
<https://app.leg.wa.gov/RCW/default.aspx?cite=90.03.370>

Guidance to Applicants for a Surface Reservoir Permit

Instructions for use with Form No. ECY 040-1-60 (Rev. 8-2022)

Introduction

This document provides guidance to applicants as they prepare the *Application for a Surface Reservoir Permit*. The application process can be lengthy and complex, and wait times can be significant. Therefore, we strongly encourage applicants to read through this guidance document before preparing the surface reservoir application.

A reservoir requiring a permit is defined in [WAC 508-12-260](#) as any dam or dike storing water to a depth of ten or more feet at its deepest point, or one that is retaining ten or more acre-feet of water. The permit requirement is also applicable to any impounding structure that will increase the depth or capacity of an existing reservoir such that it equals or exceeds the above jurisdictional limits.

In this guidance, “Ecology” and “the department” refer to the Department of Ecology unless otherwise qualified. The intent of this document is to ensure that the applicant provides the information an investigator needs (whether from Ecology or a cost reimbursement contractor) to make a decision based on the science, laws, and administrative rules related to reservoir permitting in Washington state.

The intent of this document is to ensure that the applicant provides the information an investigator needs (whether from Ecology or a cost reimbursement contractor) to make a decision based on the science, laws, and administrative rules related to reservoir permitting in Washington state. If, in using this guidance document, you are unsure of how to proceed, contact the Ecology’s regional office where your proposed project is located for assistance.

A completed *Application for a Surface Reservoir Permit* consists of the application form, required fees, an attached report addressing application requirements, and various attachments such as maps and other reports. This information is covered in the guidance that follows.

How to use this guidance

We have added references to applicable laws, rules, policies, and guidance in several sections in the application. We use these documents when we review and process your application. These references are intended to provide transparency to our process, and to aid you in understanding why we ask for certain material.

NOTE #1: This guidance document is focused on application requirements for a surface reservoir permit, and does not include authorization needed to legally divert, withdraw, or use water. If you intend to divert water from the proposed reservoir, you will need to obtain a new water right (also known as a secondary use permit). We recommend discussing this during your pre-application consultation.

- [New Water Right – Use Form No. ECY 040-1-14](#)
(<https://apps.ecology.wa.gov/publications/summarypages/ECY040114.html>)

NOTE #2: If you intend on filing an application for an Underground Artificial Storage and Recovery (ARS) reservoir permit, use the following form:

- [Underground Artificial Storage and Recovery – Use Form No. ECY 070-634](https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070634.html)
(<https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070634.html>)

Processing option you are choosing

There are two processing options available for surface reservoir applications:

Option 1: Standard Processing

Under standard processing, Ecology staff review and process the application and issue the permit decision. Processing time depends on the complexity of the application, the number of competing applications filed before yours, and staff resources.

Option 2: Cost-Reimbursement Processing

You may choose a contractor from a list of cost-reimbursement contractors to process your application, or Ecology will assign one at your request. Ecology must agree to enter into a cost reimbursement contract with you before a contractor will be retained.

Under cost reimbursement, the applicant pays the full cost of processing their application. Typically, costs are paid to an approved consultant and Ecology. In some cases, you must pay to process any applications filed earlier than yours (senior applications) for the same body of water. If you decide to have your application processed under [cost reimbursement](#), the \$50 application fee is waived.

Information about this process is available on our website at <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Cost-reimbursement>.

Date of pre-application consultation with Ecology

We strongly recommend pre-application consultation prior to filing your application. Pre-application consultations offer an opportunity to get questions answered and obtain advice on application requirements in order to prevent unnecessary work and expense.

If you have completed a pre-application consultation with Ecology prior to submitting your reservoir application, your application should include the date and staff contact for the pre-application meeting. To request a pre-application consultation, fill out the following form and submit to Ecology via email:

- [Pre-Application Form No. ECY 070-440](https://apps.ecology.wa.gov/publications/summarypages/ecy070440.html)
(<https://apps.ecology.wa.gov/publications/summarypages/ecy070440.html>)

Fees

Fees are non-refundable: [RCW 90.03.470\(13\)](#)

For standard processing, a minimum fee of \$50 is required to be submitted with your application. For larger impoundments, additional examination fees are required and will be requested by Ecology. You may estimate the total fee by using the [Fee Estimator](#) (<https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Fee-estimator>).

For cost reimbursement processing, the \$50 application fee is waived. See [RCW 90.03.265](#).

For the examination of an application to store water, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than \$50 or more than \$25,000 dollars.

In addition to the examination fee, the applicant is required to bear other costs and fees. For example, publication of a legal notice is required for all applications, and the applicant must bear these publication costs. Additional fees are also required at the time a permit or certificate is issued by Ecology.

Section 1. Applicant Information

Enter the name of the person, organization, or water system for which the surface reservoir permit is requested. For instance, if the permit is required for a public water system, enter the name of the system (e.g., Green Acres Water Works). Enter a mailing address, including zip, daytime telephone, an alternate or cell phone number, and an email address.

Provide the name of a contact person (if different from above) to contact in case Ecology has questions about the application or proposed project. If the contact is the same as the applicant, enter “same.” Examples of a contact person could include an attorney, consultant, or representative of the applicant’s business.

Incorrect applicant or contact information may result in missing important instructions and deadlines that could result in the cancellation of your application.

Section 2. Reservoir Storage and Capacity

Project Name

Enter the name of your surface reservoir project. This should be consistent with existing maps and local terms. If on private land, it is the project owner’s discretion to name. For example, Irrigation Pond #3.

Dam Name (if applicable)

This should be the same as currently used, or to be used, as part of any applicable Dam Safety Permit, and the Dam Safety Permit File Number.

- Example: Saint Barbara Dam, File #AD41-4523.

Maximum Reservoir Capacity

- For a new reservoir project, provide the volume and depth.
- For a project that increases existing reservoir storage, provide both the existing storage and depth, and the proposed additional storage and depth.

Provide the storage volume in acre-feet, and depth in feet. Include cross-sections and plans for the impoundment to demonstrate how the volume and depth were calculated.

Section 3. Water Right Information

List all water rights (applications, permits, certificates, or claims) related to the storage or beneficial use of water from this reservoir.

Water right information and water right records can be searched on Ecology's Water Resources Explorer. Searches can be conducted by the water right document/record number (explained below), the name of the person to whom the water right was issued, or the name of the claimant if it is a water right claim.

- [Water Resources Explorer](https://apps.wr.ecology.wa.gov/waterresources/map/WaterResourcesExplorer.aspx)
(<https://apps.wr.ecology.wa.gov/waterresources/map/WaterResourcesExplorer.aspx>).

In addition to water right documents obtained from the Water Resources Explorer, which is sometimes only a portion of the water right record, we recommend that you submit a public records request to Ecology to obtain the complete water right file.

- [Public Records Requests and Disclosure](https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests)
(<https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>).

Water right or claim number

Enter the most recent water right document number. This number can be the number from the water right document itself, or it can be the water right tracking number from the Water Resources Explorer.

Recorded name(s)

This is the name that appears on the water right document and is the person or business to whom the right/claim originally applied. This is the name to use in a search using the Water Resources Explorer discussed above. This information is obtained directly from the water right documents.

Has the water been used as described on your water right document in the last five years?

Check yes or no.

Water right owner

This is the name of the person or organization that owns the water right. Ownership can be shown by having a name identified on a permit, through a legal agreement such as a quit claim deed or purchase and sale agreement, through ownership of the place of use such as with an irrigation water right certificate, or through ownership of the water system such as with municipal water rights.

In the case of multiple ownership, all of the water right's owners must sign the application in Section 9. If a water right is owned by multiple parties due to property ownership within the place of use, not all of the owners may be interested in changing their portion of the water right. The applicant can work with the other owners to file a [Request for Administrative Confirmation of Division of a Water Right](https://apps.ecology.wa.gov/publications/SummaryPages/ECY07088.html)

(<https://apps.ecology.wa.gov/publications/SummaryPages/ECY07088.html>) to better define ownership of each portion of the water right. Once Ecology has processed the request for

administrative division, all associated fees have been paid, and superseding water right certificates issued, you may then file the reservoir application applicable to only the property owners interested in taking part.

The water right information table below provides an example of how the requested water right information can accompany the narrative, and the water right summary table provides an example summary of multiple water rights.

Water right information

Water right or claim number		Recorded name(s)	
Has the water been used as described on your water right document in the last five (5) years? <input type="checkbox"/> yes <input type="checkbox"/> no			
Water right owner		Phone no.	Alt phone no.
Address			
City		State	Zip code
Email address (if available)			

Water right summary

Existing Water Right Number	Rate (CFS) Additive*	Rate (CFS) Non-Additive**	Volume (AFY) Additive	Volume (AFY) Non-Additive	Irrigated Acres Additive	Irrigated Acres Non-Additive
S2-22222C	1.5	0	500	0	250	0
S2-22223P	1.5	0	500	0	250	0
Subtotal	3.0		1,000	-	500	-
Pending Water Right Applications	Rate (CFS) Additive	Rate (CFS) Non-Additive	Volume (AFY) Additive	Volume (AFY) Non-Additive	Irrigated Acres Additive	Irrigated Acres Non-Additive
S2-33333A	1.0	0	0	1,000	0	500
Proposed Total	4.0	0	1,000	-	500	-

* Non-additive: A water right for either annual or instantaneous quantities of water that does not increase the water available in existing water rights

** Additive: A water right for either annual or instantaneous quantities of water that are added to an existing water right.

Explain how the water rights listed above have been used and how that use relates to the reservoir use proposed.

- If no water rights were identified, enter “NA.”
- If one or more water rights were identified, provide a narrative of how water use will be divided between different water rights within the overlapping places of use, if applicable.

- Distinguish between rates and volumes that are non-additive to other water rights and those which are additive to the total authorized rate or volume.

Provide a narrative of how water use from sources authorized under multiple water rights will be metered and differentiated, if applicable. Identify water rights listed above on a map. See Section 8 for items to include on your map.

Section 4. Proposed Reservoir Location

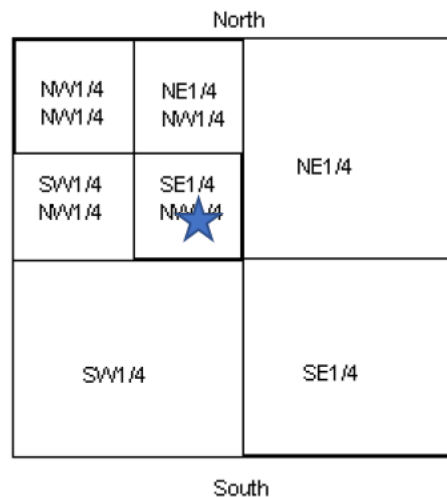
Include a map showing:

- Property boundaries
- LAT/LONG coordinates of the impoundment structure
- Description and location of the proposed inundated (submerged) lands
- Inflow/outflow, points of diversion or withdrawal, etc.

Provide the quarter/quarter, quarter, section, township, range, county, and parcel number of the proposed reservoir location. Include the LAT/LONG of the impoundment structure and a description of inundated lands where the reservoir will be located.

- **QTR-QTR, QTR, SEC, TWP, RGE** – These columns provide the legal description of the proposed point of diversion in terms of quarter-quarter section, quarter section, section, township, and range.

To assist with identification of the legal description of the point(s) of diversion, the following illustration shows how a Section of land is divided into smaller subsections. The entire square in this example is a Section which typically measures one mile on each side. Within each Section, the land is referred to as half and quarter sections. A one-sixteenth division is called a quarter-quarter section, as in the SE1/4 of the NW1/4. The descriptions are read from the smallest division to the largest.



The section above is divided into four quarter sections. Starting in the upper left corner and moving clockwise, the quarter sections are NW1/4, NE1/4, SE1/4, and the SW1/4. In this example, the NW1/4 is further divided into four quarter-quarter sections. These are labeled, in the same order, as the 1/4 sections. The star is located in the SE1/4 (QTR-

QTR), NW1/4 (QTR) of the Section, Township X North, Range Y (either West or East) of the Willamette Meridian.

If you do not understand how to use the Public Land Survey System, contact the appropriate Ecology regional office or seek professional assistance in completing your application.

- **PARCEL NO.** – This is the county parcel number on which the water source is located. If there is no parcel number associated with the location of the water source due to it being considered water, identify the parcel adjacent to the water. Many counties have online parcel maps available for determining this information.
- **GPS/LAT-LONG** – This is a reference to the geographic positioning system (GPS) latitude and longitude of the point of diversion. This can be obtained through use of a GPS unit, a cell phone with GPS capabilities, or through a mapping program like Google Maps/Earth™ if the location can be identified on an aerial photo. Latitude and longitude reported in decimal degrees (such as 47.0476 and -122.8087) is preferable to those reported in degrees, hours, and minutes (such as 47°02'51" North and 122°48'31" West).

Check the yes or no boxes next to your responses to the following questions:

- Do you own the property?
 - If no, have you secured authorization for the lands to be inundated?
- Are any of lands to be inundated owned by the state of Washington?
 - If yes, has the state granted overflow rights (see [RCW 79.36.570](#))?

Section 5. Proposed Point(s) of Diversion or Withdrawal used to fill the Reservoir

Identify the source name, facility name, and location information for each point of diversion or withdrawal on accompanying plats or maps. Identify the proposed point(s) of diversion and/or withdrawal associated with your proposed project on attached maps.

For in-channel projects, indicate whether the project will be operated as run-of-the-river after the initial fill. Run-of-river operation means that after a period of initial fill, the project will be operated such that project outflow usually equals the volume of natural inflow.

An in-channel project means a dam or weir will be constructed across the stream channel, impounding and storing water within (or upon) the original channel.

An off-channel project refers to a project where water will be diverted to a location away from the original channel (e.g., a pond located a few hundred feet away from the source stream). It is common for off-channel projects to convey water back to the source stream at a downstream location. The segment of stream between the point of diversion and the point of return is called the by-pass reach.

Type and capacity of diversion or withdrawal works if water would be diverted to fill the reservoir. Describe the equipment and process that will be used to divert water into the reservoir.

This might include pumps and pipes. Specify anticipated number, size, and capacity. If runoff is used, identify the source. Describe when diversions will occur.

- Months of year the reservoir will be filled:
- Number of times the reservoir will be filled:

[RCW 508-12-270](#) limits filling the reservoir to once annually, unless specified otherwise.

Example table for proposed points of diversion or withdrawal

SOURCE:	QTR	QTR	SEC	TWP	RGE	LATITUDE	LONGITUDE
Little Pilchuck Creek	QTR	QTR					
Little Pilchuck Diversion	SW	SW	4	29N	6E	48.027352	-122.052328
SOURCE:	QTR	QTR	SEC	TWP	RGE	LATITUDE	LONGITUDE
Catherine Creek	QTR	QTR					
Catherine Ck. Diversion	SW	SE	5	29N	6E	48.023713	-122.062057
SOURCE:	QTR	QTR	SEC	TWP	RGE	LATITUDE	LONGITUDE
Groundwater	QTR	QTR					
North Cove Well Well Tag # ABC 215	NE	SW	8	29N	8E	48.014383	-122.065766
Sunset Cove Well Well Tag # ABC 216	SE	NW	17	29N	8E	48.00805	-122.072999
DESCRIBE HOW YOU PROPOSE TO CONVEY WATER FROM THE SOURCE TO THE RESERVOIR: 6-foot wide concrete lined ditch from Little Pilchuck Creek and Catherine Creek 12-inch diameter pipe line from each well							

The table above asks for the surface water body or groundwater source and location information of each point of diversion or withdrawal you propose to use. Each point of diversion or withdrawal is identified separately, in its own row in the table.

If you have additional points of diversion (surface water) or withdrawal (groundwater), attach the same information as in the table for those additional points of diversion or withdrawal.

- **SOURCE** – This is the name of the water body from which water will be diverted or withdrawn. Examples for surface water include Lake Whatcom, Spokane River, Anderson Creek, unnamed stream, unnamed pond, and Eddie’s Spring. If you are proposing to use a well, enter “groundwater” only.
- **DIVERSION/WITHDRAWAL** – Below each source of stored water provide the name and location data for each diversion or withdrawal facility. For surface water, the facility name will be the name of the dam (e.g., Upriver Dam). For groundwater provide the unique well ID number.

- **Public Land Survey System (PLSS) Data** – This includes the quarter section (QTR), quarter-quarter section (QTR-QTR), section (SEC), township (TWP), and range (RGE) relative to the Willamette Meridian (W.M.) survey grid.
- **GPS/LAT-LONG** – See description in Section 4.

Section 6. Project Description

6.1 Describe your project, including any new uses, or changes to existing uses

Provide a brief narrative of how you intend to use the water from the reservoir if your application is approved.

Describe your proposed operation plan for managing periods of refill and drawdown. If this is a change, describe whether refill and drawdown practices will change.

Describe your proposed method of controlling and measuring the diversion and project releases.

If a consumptive water right for any purpose is also required for the successful completion of this project, an application for a new water right permit (Form ECY-040-1-14) should be filed in conjunction with the reservoir application.

A reservoir permit and/or water right permit is not required if the water is not put to beneficial use. Examples of projects where water is stored but not beneficially used include silt retention, single-purpose flood control and stormwater retention. These would not require a water right permit, but may require a dam permit (see Section 6.12).

6.2 Provide a timeline for your development schedule

Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.

If your application for a new water right permit is approved, describe how long it will take for you to:

- Start the project
- Construct all infrastructure to allow for full use of the water right
- Fully use the rate and volume of water authorized under the water right

Do not include specific dates in this response, but instead identify how many months/years it will take to achieve each development step from the date you are notified you can proceed. For instance, you might enter one year, two years, and five years, if it will take one year to begin the project, another year to construct the project, and three more years to put the water to full use, which equals five years total). Your schedule should present the amount of time necessary to fully complete your project, including time to address unforeseen circumstances.

If you are issued a permit but cannot meet the project development deadlines, you may be able to request an extension under RCW 90.03.320. If you do not complete your project according to the timelines indicated in your permit and do not request or receive an extension of these deadlines, your permit may be cancelled.

6.3 Provide documentation of any third-party mitigation agreements including plans.

If you have reached agreement with any other parties to mitigate or compensate for the impacts of your project, list and summarize the agreements here.

6.4 Describe the length of bypass reach (if any).

The bypass reach represents the “by-passed” segment of river between the diversion or impoundment and point where water is returned to the river after having been beneficially used. Examples include the distance between a dam and a downstream powerhouse, or a diversion that conveys water through a hatchery facility and then back to the river at a downstream location.

6.5 Describe how you plan to maintain instream flows below the impoundment.

Project operators must maintain base flows below the diversion and point of return or discharge to protect and preserve fish and wildlife habitat, water quality and environmental values, and to avoid impairment of other water rights. Describe the studies and methodologies you will use to quantify an appropriate instream release throughout the year. Indicate whether you have consulted with fish and wildlife managers, including affected Tribes in the project area. Describe the measures you will take to ensure these instream flow releases will be controlled, measured, and reported to the Department of Ecology.

6.6 Describe the ramping rates during initial fill and during periods of refill.

Rapid increases in river stage below a project can cause scouring or create public safety issues, while rapid decreases can strand fish along the channel margins. Ramping rates refer to changes in flow through a project, such as when flow is increased through a hydroelectric turbine to meet peak power demand. Document that you have or plan to consult with state and federal fish and wildlife agencies and affected Tribes, and how you plan to meet appropriate ramping rate restrictions.

6.7 Describe plans for development and related water uses around the reservoir.

If you have plans to develop the property around the reservoir, e.g., for commercial, recreational or residential purposes, describe your development plans. Provide a timeline, and describe the water source to supply the development plan (e.g., individual wells, water system, and diversion from the reservoir). Describe how the water uses for the related development will be managed in conjunction with the reservoir.

6.8 Provide documentation of other required permits (local, state, and federal).

List and summarize other permits (local, state, and federal) you have obtained, or for which you intend to apply.

Project Considerations

6.9 Expedited processing

Your project may qualify for expedited processing described in [RCW 90.03.370\(1\)\(b\)](#) if one of the following conditions are met:

- **Development of storage facilities that will not require a new water right for use of the stored water.** Example: If you already have an irrigation right, your application to store that water can be expedited if you will continue to use the water for irrigation.
- **Adding or changing one or more purposes of use of stored water.** Example: A municipality may wish to add power production to an existing reservoir used for the storage of drinking water.
- **Adding to the storage capacity of an existing storage facility.** Example: a municipality intending to store more water in order to adapt to a greater frequency of precipitation falling as rain instead of snow.
- **Applications for secondary permits to secure use from existing storage facilities (application for secondary permit required).** Example: An existing reservoir used for power production may also supply water for irrigation of landscaped areas managed for visitors.

6.10 Consideration as a resource management technique

If your project includes provisions for any water impoundment or other resource management technique described in [RCW 90.03.255](#), provide your analysis of the following:

- The benefits and costs, including environmental effects
- Whether the project will recharge groundwater
- Whether the impoundment will offset the impact of a proposed surface water diversion

6.11 For hydroelectric projects

Most non-federal hydroelectric projects fall under the jurisdiction of the Federal Energy Regulatory Commission (FERC). Applicants are required to participate in a lengthy consultation and licensing application review with FERC and other federal and state agencies and interested parties. Applicants for state water rights should determine whether their project is subject to FERC jurisdiction before or soon after filing for a state water right because that determination will substantially influence the timeline and legal requirements of the project. Studies performed pursuant to the FERC licensing process will be used to inform the state's water right review. The state may also adopt a federal National Environmental Policy Act (NEPA) environmental assessment or impact statement to meet State Environmental Policy Act (SEPA) requirements. Ecology staff are also likely to intervene in a federal licensing process to represent state interests.

Determining if FERC has Jurisdiction

Private and public utilities are likely to be aware of the need for federal licensing, but residents and farm owners may not be aware that FERC may have jurisdiction even in cases where the project consists of installing a micro-turbine unit to supplement power used on their property.

Unless a project has a valid pre-1920 federal permit, non-federal hydroelectric projects are subject to FERC's jurisdiction (<https://www.ferc.gov/industries-data/hydropower/administration-and-compliance/jurisdiction-determination>) if:

1. The project is located on navigable waters of the United States.
2. The project occupies public lands or reservations of the United States.
3. The project utilizes surplus water or waterpower from a federal dam.

4. The project is located on a body of water over which Congress has Commerce Clause jurisdiction, project construction occurred on or after August 26, 1935, and the project affects the interests of interstate or foreign commerce.

6.12 Certain projects require a dam construction permit.

Regardless of the need for a reservoir permit, a dam safety construction permit is required before constructing or modifying any dam or controlling works for storage of 10 or more acre-feet of water, liquid waste, or mine tailings ([RCW 90.03.350](#)).

The jurisdictional limits for a dam safety permit are different than those for a reservoir permit. Unlike the reservoir permit jurisdictional trigger of 10 acre-feet or 10 feet deep, the dam permit jurisdiction is only dependent upon volume.

Furthermore, the dam safety jurisdictional limit only applies to storage above natural ground level. Reservoir permit jurisdiction applies whether the stored water is above or below natural ground level.

Also note that the dam safety jurisdictional trigger considers the maximum volume that could be stored in the impoundment (above natural ground level) which means the volume must be calculated to the dam crest, not to an operational height.

The requirements for a dam safety permit and other dam requirements are contained in the State Dam Safety Regulations at [Chapter 173-175 WAC](#) (<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-175&full=true>). Detailed guidance and explanations can be found at the [State Dam Safety Office webpage](#) (<https://ecology.wa.gov/Water-Shorelines/Water-supply/Dams>). The webpage also provides dam safety contacts should you wish to discuss these requirements and whether they are applicable in your case. There is also information on the fees for dam permitting and inspections.

Section 7: Environmental Assessment

7.1 Describe the aquatic uses of any related surface water bodies (i.e., fish and wildlife, recreation and aesthetic, water quality, etc.).

In describing the aquatic uses of any related surface water bodies, applicants are encouraged to contact the Washington Department of Fish and Wildlife (WDFW) and Native American Tribes who collectively make up the co-managers of the fishery resource in Washington State. The description needs to specifically address whether the reservoir, if approved, would negatively impact aquatic resources. If available, attach evidence of consultation and any resulting agreements with the co-managers.

7.2 Indicate whether the related surface water is fish-bearing, including whether it is inhabited by salmonids. List species and the times of year they are present.

In addition to using the link to the WDFW [SalmonScape](#) (<https://apps.wdfw.wa.gov/salmonscape/>) website, applicants are encouraged to work closely with regional office staff of WDFW and/or to retain the services of a professional fishery biologist in making the required determinations and conducting the environmental assessment.

7.3 A copy of SEPA Threshold Determination.

Attach a copy of any SEPA determinations, checklists, or environmental analyses related to this project with this application.

The State Environmental Policy Act (SEPA) includes categorical exemptions for certain water rights, which can be found in the following references. It is unlikely that a reservoir would be exempt from SEPA.

- [WAC 197-11-800 \(4\)](https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-800)
<https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-800>
- However, even if a project is categorically exempt, it can still require a threshold determination under [WAC 197-11-305](https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-305)
<https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-305>

Section 8. Maps and Other Documentation

8.1 A map of the proposed reservoir and all associated points of diversion and/or withdrawal, and the associated place(s) of use.

- The proposed places of use for all rights related to this reservoir application, including water rights for the places of use, or multiple rights that share the same point(s) of diversion/withdrawal, the historical points of diversion, and means of conveyance. Identify related rights by water right number.
- The county parcel numbers for the proposed place of use, unless the place of use is for a large service area such as that served by an irrigation district or municipal water system. Identify the name of the irrigation district or the water system, if applicable.
- The location of the proposed reservoir.
- The proposed location of the bypass reach and intake.
- The names, informal or formal, used to identify each point of diversion/withdrawal (e.g., Well No. 1, River Well, S01, Smith Dam, etc.).
- A grid layer referencing Section, Township, and Range of the area.
- The location of the water delivery system and other such features relevant to your proposed application (e.g., mainlines, reservoirs, booster pumps, etc.)
- Recent aerial photo as the base map.

8.2 A copy of the legal description of property where the reservoir is located.

Provide the description from a real estate contract, property deed, or title insurance policy. Do not use the summarized description from your property tax statement.

8.3 If platted property, provide a copy of the plat map.

If the property is platted, provide a complete copy of the plat map.

8.4 The site address, and detailed driving directions to the project site.

Provide a site address that can be entered into navigation software to obtain driving directions to the site. In addition, provide driving directions from an interstate to the project site. Identify necessary turns and distances between turns.

8.5 Cross-sections and plans for the impoundment reservoir to demonstrate how the volume and depth were calculated.

Provide the drawings and plans that support your calculations used to estimate the reservoir storage capacity.

Section 9. Signatures

The following parties must sign the surface reservoir permit application:

- Applicant (or authorized representative)
- Legal Owner or Part-Owner Place of Use

All **property** owners within the footprint of the reservoir (proposed place of use) must sign the application. If you do not have the signatures of all property owners, do not submit the application.

If there are multiple owners such as with an LLC, include supporting documents (such as corporation ownership information from the Washington Secretary of State’s [Corporations and Charities Filing System](https://ccfs.sos.wa.gov/#/) (<https://ccfs.sos.wa.gov/#/>)) to explain the relationship between the legal land owners and applicant, if any.

The table below is provided as an example of how the requested parcel ownership within the proposed place of use information can be displayed to accompany the narrative:

Parcel Number	Parcel Owner	Relationship to Applicant
12345678	John Doe	Applicant
23456789	John Doe LLC	Applicant is Governor of LLC
34567890	Doe LLC	Applicant is Governor of LLC
98765432	Jane Smith	None – Signature on Application

Attachment A: Mitigation Plan

If the proposed reservoir, without a mitigation plan, would impair an existing water right, you must complete all sections in this attachment ([RCW 90.03.290](#)). We highly recommend that you schedule a pre-application consultation with us before preparation of a mitigation plan.

Section A1. Identify any existing water rights permits, certificates, claims, minimum instream flows, or permit-exempt wells that may be impaired and the expected nature and extent of that impairment. Describe the methodology used to estimate the extent of impairment.

For the purposes of this analysis, an existing water right is a water use being carried out under authority of a water right permit, certificate, a water right claim, a permit-exempt well, or a minimum instream flow or base flow established by rule.

Section A2. Identify the source of supply for the proposed mitigation water.

Identify the source of supply for your mitigation water that will be used to offset the impairment of the water right(s). Also, identify the authority to use the water, such as an existing water right, water service contract, or trust water right agreement.

Section A3. Describe how the proposed mitigation would offset the impacts of the reservoir.

Describe how the mitigation water source will offset the impacts of the proposed new water right. This should specifically address how the change in the amount of water in Section A.2 will be offset by the source identified in Section A.1.

A4. Describe actions that will be taken to ensure mitigation will be maintained for the duration of the reservoir operation.

Provide assurances that the mitigation measures will remain in effect as long as water is being used under the terms and conditions of the water right, which is assumed to be in perpetuity, unless specified. These assurances could be in the form of legal contracts between the parties, property easements, or other binding conditions.

Section A5. Provide copies of any agreements between you and other parties regarding mitigation for impacts, if applicable.

Provide copies of any agreements described in Section A.4.

Section A6. If you intend to offset your new use, describe how and when non-consumptive water returns to ground water or surface water, and explain how this volume was estimated. Specifically describe how the quantity, timing, and location of return flow would change if the proposed reservoir permit is approved.

Because the information in this section will be reviewed and evaluated by a licensed engineer or hydrogeologist at Ecology, the services of a professional engineer or hydrogeologist are highly recommended for this section.

For additional information, contact the Ecology office where your project is located:

Region/ Office	Counties served	Mailing Address	Phone
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
Office of Columbia River	OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.	1250 W Alder St Union Gap, WA 98903	509-457-7141
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Thurston, Skamania, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300