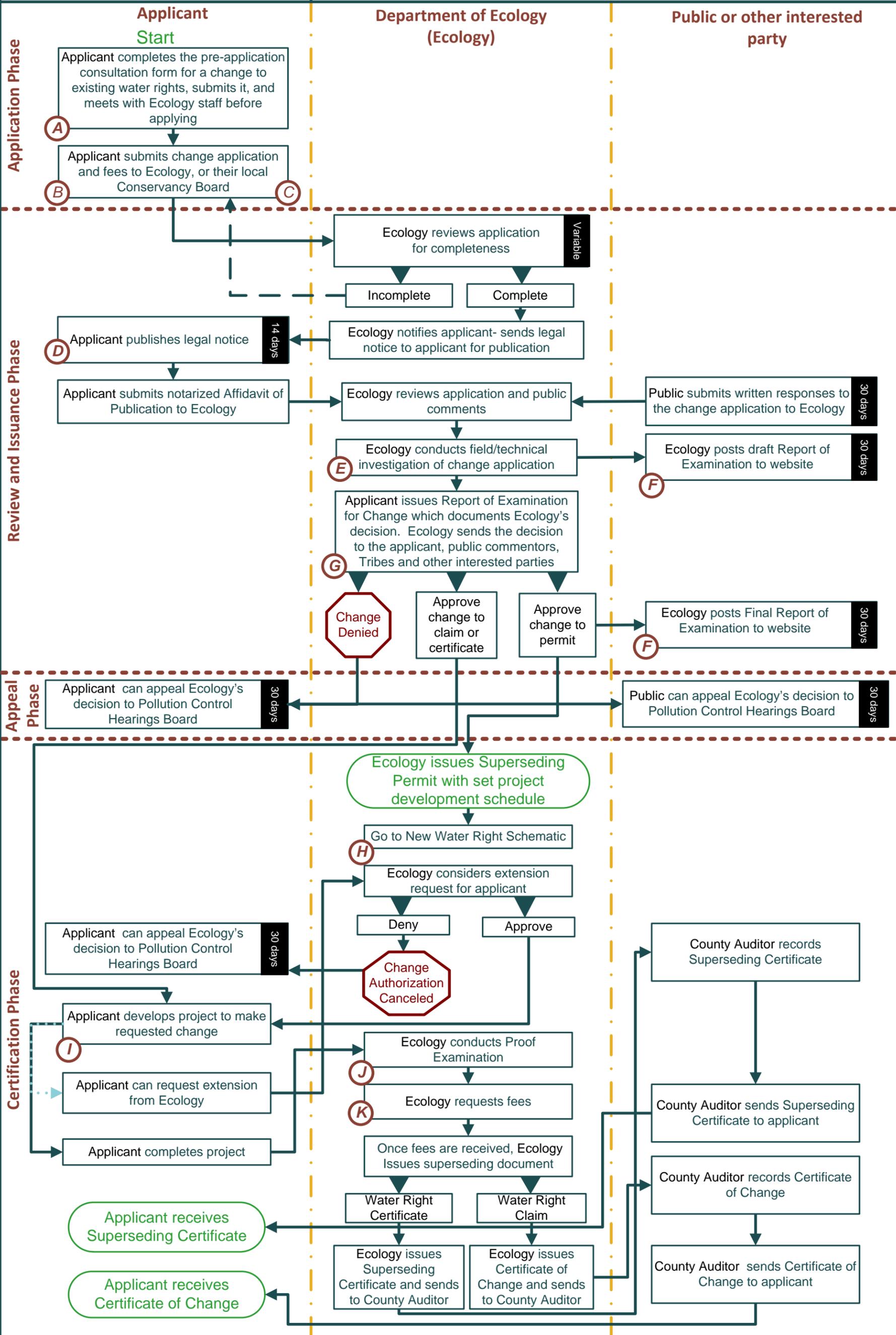


Change Existing Water Right Permit Process



Legend: (A)-(H) = Hyperlink → = Progression ⇄ = Revision ⋯ = Optional

Link A

Change to an Existing Water Right

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

Since much of the water in Washington is already allocated or claimed, it is increasingly difficult to obtain new water rights. As a result, many individuals are choosing to make changes to existing water rights in order to meet new water needs. Changes can be made to existing water right claims, permits or certificates.

The Department of Ecology may consider changes to the following elements of an existing water right:

- Place of use.
- Point of diversion or withdrawal.
- Additional point(s) of diversion or withdrawal.
- Purpose of use (including season of use).

Certain elements of a water right cannot be changed through the change process, such as increasing the instantaneous withdrawal rate or annual quantity. Washington water law is complex, and the specific requirements for changing existing water rights can vary considerably across projects. It is not possible to describe all the possible circumstances and considerations here. Therefore you may want to contact an attorney and/or Ecology representative to discuss your proposed project and clarify your options before deciding to apply for a water right change.

In addition to the conventional change application process described in this schematic, two additional approaches have been added in recent years. These alternative processes provide applicants with timelier water right changes than Ecology would otherwise be able to provide, given staffing limitations.

- *Water Conservancy Boards* can process water right change applications, including generating the Report of Examination, at the local level. Refer to Link-B of this schematic for a detailed look at the conservancy board process.
- Cost reimbursement contracting allows you to pay for the cost of processing the application yourself, and any senior applications ahead of yours in the processing line, in order to allow Ecology to get to your application. For further information, contact your nearest Ecology office (see Link-C of this schematic for locations).

For more detailed information about changes to water rights, [refer to Ecology publication #96-1802-WR, “Changing or Transferring an Existing Water Right.”](#)

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Link B

Submit Application

- Fill out an “Application for Change/Transfer of 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 Change/Transfer of a Water Right form](#) from Ecology’s Internet site.

Ecology Office locations:

Northwest Regional Office

3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7000

Southwest Regional Office

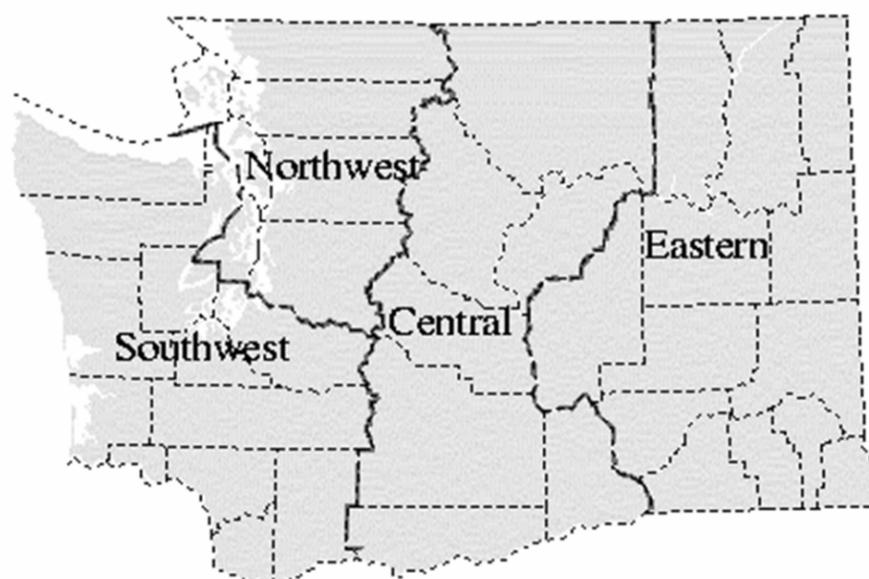
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6300

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 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 change application and conduct field and technical investigations.
- Ecology performs a tentative determination of the extent and validity of the water right. With this information, staff then determine whether the change can be authorized without impairing existing water rights.

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Link G

Report of Examination Change

- The results of the field and technical investigations are summarized in a document called a Report of Examination of Change. The report is Ecology's decision on your water right request. Ecology can deny, approve, or approve the change 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](#).
- An ROE with an approval (once any appeals are settled) is your official authorizing document. You can begin developing the water right change.

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Link H

Superseding Permit

Changes to permits go through a different process than changes to claims or certificates. A superseding permit is issued shortly after the change decision (documented in the Record of Examination for Change, or ROE), assuming there is no appeal. The process of developing a superseding permit is the same as that of a new water right permit, since the right has never been perfected. (A perfected water right is established by the continuous beneficial use of water.)

To review the remainder of the change process for a permit, refer back to the New Water Right Permit Process schematic. Begin at the circle with the text "Ecology issues Water Right Permit with set project schedule for establishing water use."

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Link I

Developing the Authorized Change to the Water Right

- Once you receive authorization (a positive decision documented in the Record of Examination for Change, the "ROE"), and if no appeals are filed, you can begin taking action on the requested change. This could be, for example, drilling a replacement well or implementing a change in the purpose of use.
- The ROE will include a *development schedule*, which specifies the dates (on or before) by which you must:
 - Begin construction of the change to the water system.
 - Complete construction of the change to the 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. Appropriate construction schedule forms will be mailed to you as you progress with your project. 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. A non-refundable fee of \$50 must accompany the extension request.
- When the water is put to full beneficial use, you must 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 J

Conduct Proof Examination

A water right is established by the continuous beneficial use of water. Such rights are considered “perfected.”

- Ecology will conduct a second field examination when:
 - Your project is complete: the change to the water right is developed, all the conditions of the water right change authorization are met and your water right is now perfected.
 - You fill out, notarize and submit to Ecology a notarized Proof of Appropriation of Water form.

This second field examination is called a Proof Examination. Its purpose is to verify your water use and other conditions of the water right change authorization.

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Link K

Certificate of Change or Superseding Certificate

Once Ecology confirms that all the conditions of the water right change authorization are met, you will be asked to submit statutory filing and county auditor fees to Ecology. The county auditor will forward your Superseding Certificate (if you made a change to an existing certificate) or Certificate of Change (for a change to an existing claim) to you.

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