

Water Right Permitting for Irrigation of Riparian Plantings

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Need a water right?

- All surface water use requires a permit (1917)
- Groundwater use exceeding the exemption requires a permit (1945)



Short-term Permit Requests

- Surface water
 - Dust abatement
 - Road construction
- Groundwater
 - Temporary use above exemption
 - Exemption: RCW 90.44.050 “...noncommercial garden not exceeding one-half acre...”



Ecology Regional Offices



Priority Processing

- WAC 173-152-050(2): “...the department may prioritize an application if it...

(f) Proposes temporary water use for an identified period such as:

- (i) A public project such as road building.
- (ii) A private project directly related to renewable energy or environmental enhancement.

(g) Proposes a water budget neutral project as defined in WAC [173-152-020](#)(18).”



Short-term/Temporary Permits

- Circa 1992: Ecology Policies 1035 and 1037
- Notice in the Paper
- 4 Part Test:
 - Beneficial Use
 - Availability (physical and legal)
 - No detriment to public interest
 - No Impairment
- Policies don't contemplate mitigation



Impairment

- Closed source?
- Adopted minimum instream flows?
- Impact to other water right holders?



Photo: Brian Walsh



Short-term/Temporary Permits

- Letter authorization includes:
 - Applicant name
 - Application number
 - Source name
 - Point of diversion/withdrawal legal description
 - Place of use legal description
 - Quantity of water (cubic feet per second and acre-feet/year)
 - Period of use
 - Expiration date
 - Provisions



Provisions

- Letter authorization provisions may include:
 - Metering
 - Requiring valid mitigation
 - Revocation
 - Curtailment



Regional Differences

- CRO/Yakima
 - Workload and staffing issues
 - Will consider mitigation for impacts to closures and minimum instream flows
- ERO/Spokane:
 - Rely on SWSLs for availability
- SWRO/Lacey:
 - Permit writers specialize by geography
- NWRO/Bellevue:
 - Same as SWRO



Evaluating Mitigation Plans

Policy 2035

“....adverse effects to the state’s water resources are best mitigated in-kind, in-time, and in-place.”



Acquisitions Program

- Potential mitigation
 - Purchases by Ecology
 - Rights conveyed to Ecology to offset of new uses (ex. water banks)



Acquisitions Program

- Plan for irrigation of riparian plantings during the water right change process...
 - Continue irrigating in the authorized place of use
 - Simultaneously request a change in place of use to irrigate out of the historic place of use



Suggestions

- Contact Ecology's Regional Office ASAP:
 - Determine if you need a permit
 - Identify the permit writer and make sure they have all the project info
 - Mock up a draft permitting letter



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