

WAC 173-152-035 Organization and management of workload under chapter 90.90 RCW. The department will organize and manage the daily workload as established in subsections (1) through (6) of this section for applications processed under chapter 90.90 RCW.

(1) The department implements chapter 90.90 RCW in counties or portions of counties in the central, eastern, and southwest regional offices, as shown in the map by counties on map B.

(2) The department processes the following types of applications under chapter 90.90 RCW:

(a) New applications proposing to divert surface water from the Columbia River between the border of the United States and Canada and the Bonneville Dam.

(b) New applications proposing to divert surface water from the Lower Snake River downstream of Lower Monumental Dam.

(c) New applications associated with a voluntary regional agreement proposing to divert or withdraw water from the Columbia River mainstem or Lower Snake River mainstem.

(d) New applications proposing to divert surface water within the Columbia River basin for storage or net water savings funded in whole or in part by the Columbia River account.

(e) New applications proposing to withdraw groundwater within the Columbia River basin for storage or net water savings funded in whole or in part by the Columbia River account where the proposed well(s) and use(s) can be mitigated using the same source as that of the withdrawal.

(f) Applications for water rights and trust water within the Columbia River basin associated with a project funded by the Columbia River account.

(3) Criteria for selecting a water source for processing new applications from water supplies developed in whole or in part by the department include, but are not limited to:

(a) The priorities outlined in RCW 90.90.020(3).

(b) The funding agreements and environmental reviews used to develop a project.

(c) The number and age of pending applications, and the quantities of water requested.

(d) Existence of distressed or endangered fish stocks.

(e) The location of the source to be developed.

(f) Whether the place of use must stay within the WRIA as limited under RCW 90.90.010 (2) (a).

(4) The department may, based on the criteria identified in subsection (3) of this section, conduct investigations and make decisions on one or more applications for the use of water from the same water source. The department may investigate more than one water source at the same time.

(5) When numerous applications for water from the same water source are investigated, the department may make decisions on one or more water right applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in subsection (4) of this section and WAC 173-152-050.

(6) For purposes of chapter 90.90 RCW, if the water source developed is:

(a) On the Columbia River between Bonneville Dam and Canada, the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in WAC 173-152-050:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new groundwater applications where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iii) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(b) On the Snake River downstream of Lower Monumental Dam, the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in WAC 173-152-050:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new groundwater applications where the proposed well(s) can be mitigated by the developed source of supply.

(iii) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(c) On the Columbia River mainstem or Lower Snake River mainstem under a voluntary regional agreement, the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in WAC 173-152-050:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new groundwater applications within one mile of the high water mark where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iii) Applications for change or transfer to trust water applications associated with development of the source if funded by the Columbia River account.

(d) On a tributary in the Columbia River basin for a source of supply developed using Columbia River account funds, the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in WAC 173-152-050:

(i) All new downstream tributary surface water applications.

(ii) All new surface water applications on the Columbia River within the same pool and downstream of the developed source of supply.

(iii) All new groundwater applications within the Columbia River basin where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iv) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(e) Upstream of Lower Monumental Dam or on a tributary to the Lower Snake River for a source of supply developed using Columbia River account funds, the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5) (c), and except as provided for in WAC 173-152-050:

(i) All new downstream tributary surface water applications.

(ii) All new surface water applications on the Lower Snake and Columbia rivers within the same pool and downstream of the developed source of supply.

(iii) All new groundwater applications within the Lower Snake and Columbia river basins where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iv) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(f) In the Columbia River basin using funds from the Columbia River account through acquisition or transfer of water rights in accordance with RCW 90.90.010 (2)(a), the department will collectively process the following applications in the order in which the applications are received, except as allowed under RCW 90.03.380 (5)(c), and except as provided for in WAC 173-152-050:

(i) All new downstream tributary surface water applications within the same WRIA.

(ii) All new surface water applications on the Lower Snake or Columbia rivers within the same WRIA.

(iii) All new groundwater applications where the proposed well(s) can be mitigated using the same source as that of the withdrawal within the same WRIA.

(7) The department will consider each application individually under the requirements of chapters 90.03, 90.38, 90.42, and 90.44 RCW.

(8) Before expediting an application for new storage pursuant to WAC 173-152-050(3), the department shall provide written notification to:

(a) County legislative authorities.

(b) Watershed planning groups with jurisdiction in the location of the reservoir.

(c) The department of fish and wildlife.

(d) Affected tribal governments and federal agencies.

(9) Any notified entity identified in subsection (7) of this section may raise concerns, either verbally or in writing, to the department about the department's decision how to prioritize an application. The concern must be raised within thirty calendar days of receiving the department's notification. The department will consider the concerns as it processes the application.

[Statutory Authority: RCW 43.21A.064(9), 43.27A.090(11), chapters 90.03, 90.44, 90.54, and 90.82 RCW. WSR 11-01-126 (Order 09-05), § 173-152-035, filed 12/20/10, effective 1/20/11.]