

Resource Contact: Policy and Planning Section

Effective Date: 1-21-04

PRIORITY PROCESSING—WATER BUDGET NEUTRAL PROJECTS

References: Chapter 173-152 WAC, Chapter 173-500 WAC

Purpose: To clarify the definition of nonconsumptive water use in the context of priority processing of competing applications under WAC 173-152-050.

Application: Ecology adopted Chapter 173-152 WAC in order to identify criteria for priority processing of competing applications. WAC 173-152-050(2) provides that an “application may be processed prior to competing applications if the department determines:

- (a) Immediate action is necessary for preservation of public health or safety; or
- (b) The proposed water use is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment.”

This policy clarifies when projects may be considered nonconsumptive in the context of priority processing ahead of competing applications, consistent with the “no diminishment” nonconsumptive use definition in WAC 173-500-050.

Definitions: The following definitions are intended within this policy:

1. “Nonconsumptive Use” is a type of water use where either there is no diversion from a source body, or where there is no diminishment of the source.
2. “Water Budget Neutral Project” means a project where diversions or withdrawals of waters of the State are proposed in exchange for discharge of at least an equivalent amount of water from other water rights, donation of water rights into trust, relinquishment of other water rights, or other mitigation projects that result in no diminishment of the source.

Nonconsumptive Water Use, Priority Processing under Chapter 173-152 WAC. The following examples are intended to clarify the Department’s policy in classifying a project as nonconsumptive pursuant to WAC 173-152-050(2)(b):

1. A project entailing the issuance of a nonconsumptive water right permit (i.e., where there is no diversion or diminishment of the source).
2. A project where the direct use of waters of the State is proposed in exchange for discharge of at least an equivalent amount of reclaimed water under a Chapter 90.46 RCW permit.

NEW: 1-21-04

3. A water budget neutral project (e.g., a project which includes a consumptive water use component that is offset by some other commensurate reduction in water use so that the project, as a whole, causes no diminishment of the source).



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Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.

NEW: 1-21-04