

# STEVENS COUNTY WATER CONSERVANCY BOARD

215 S. Oak St., Colville, WA 99114

## The Application Process

Approved May 21, 2007  
Amended June 15, 2009  
Amended May 17, 2010  
Amended May 21, 2012  
Amended February 17, 2014

### Applications:

Applications, the Application Process, and the Application Check List are available from any member of the Stevens County Water Conservancy Board (SCWCB):

Mick Schwartz	72-3382	Jim Gleaton	935-4580	7
Wes McCart	258-4041	Kris Bellini	684-4783	

### Submitting Applications:

The SCWCB will receive applications in person at their monthly meetings held on the third Monday of each month, or by mail at 215 S Oak St., Colville, WA 99114. All applications must be accompanied by a \$1,000 application fee. When the SCWCB has completed their preliminary review of the application, they will invite the applicant to attend the next SCWCB meeting to discuss the merits of the application and to field questions and concerns.

### SCWCB Role:

State law requires the SCWCB to evaluate the application, including the entire water rights record to determine if the transfer, or proposed change, is in accordance with the applicable laws, rules, and case law. The three main things the SCWCB must determine are:

1. The extent and validity of the water right proposed for change or transfer;
2. If the proposed transfer or change will injure or be detrimental to existing water rights; and
3. If the proposed transfer or change is detrimental to the public interest. (Not applicable for surface to surface water changes.)

To make this determination, the SCWCB may request technical assistance from Ecology and they are entitled to require applicants, at their own expense, to provide pertinent technical information. The SCWCB may contact the applicant at any time for clarification or for more information.

### Application Acceptance:

At an open public meeting, SCWCB will decide to accept or deny the application. If the SCWCB denies processing the application for a water right change, they will refund \$700 of the \$1,000 application fee.

Upon acceptance of the application, the applicant is responsible to provide all applicable documents related to the validity and extent including relevant data and technical interpretations to support the completion of the transfer application inclusive of preparation of the draft Report of Examination. An applicable stamped hydrogeologic report may be requested to support the Report of Examination.

### Application Fees:

If the application is accepted, the applicant will be subject to additional costs including:

#### Additional Costs:

Additional costs may include, but are not limited to, publishing fees, SEPA, hearing/intervention fees, legal advice, engineering considerations, or other technical requirements.

#### Publishing Fees:

The applicant is responsible for publication fees for the SCWCB to publish the water change/transfer for two weeks in a news paper legal notice section. Re-publication is sometimes necessary. The newspaper will bill the applicant direct for all publication fees.

#### Official Protest Hearing/Out of County Transfer Hearing Fees:

In the event an official public hearing is required, the applicant will be required to pay all expenses for the hearing such as travel and WA State per diem for SCWCB members, alternates and staff; publication, copy,

and printing fees; and facility rental fees. If the hearing is held in conjunction with regular monthly SCWCB meetings, travel fees may be reduced by one half.

**SEPA Fees:**

Transfers involving less than one cubic foot per second for surface water, or less than 2,250 gallons per minute of ground water, are generally exempt under SEPA rules. If the SCWCB determines that a SEPA check list or full SEPA process is required, they may contract with Stevens County to provide that service. The applicant is responsible for the costs that will be determined at the time the service is provided.

**Application Decision Process:**

Within five business days of official acceptance of the application, the SCWCB will submit the application to Ecology. Copies of the application will be sent to affected Indian tribes, watershed planning units, or other governmental entities involved in planning or managing the source of water (and others upon request). Tribes and watershed planning units have 60-days to comment on the application.

**Public Notice:**

The SCWCB will publish a Public Notice regarding the proposed water transfer or change for two consecutive weeks in the legal notice section of a paper of general circulation in the area of the water right to be transferred. Republication may be required. The applicant is responsible for all publication costs.

**Field Examination and Research:**

SCWCB members will conduct a field examination of the site and they may require detailed hydrological or hydro-geological information.

**Public Comments, Letters of Concern, Protest:**

Anyone may attend a SCWCB meeting to publicly comment on the proposed project or they may express their concerns in letters to the SCWCB. For clarification and discussion, the SCWCB will attempt to contact persons submitting their concerns in writing. Anyone may file a formal protest with Ecology accompanied with the statutory protest fee (\$50.00) within 30-days of the last publication date.

**SCWCB Decision:**

After all relevant information is collected and considered, the SCWCB will make a decision to accept, modify, or to reject the application at an open public meetings. Their written decision will meet the requirements of state law and copies will be sent to the applicant, Ecology and interested parties.

**Ecology review of SCWCB Decision:**

Upon receipt, Ecology has 45-days to affirm, reverse, or modify the SCWCB decision after consideration of agency and Tribal comments, any protest or objections filed by parties claiming impairment, and any other comments they may have received. If Ecology fails to act within 45-days, the SCWCB decision will become final. However, Ecology may add a 30-day extension to their 45 day review process.

**Appeals:**

Any person aggrieved by Ecology's decision regarding SCWCB recommendations may appeal to the State Pollution Control Hearings Board and/or appropriate court.