

19 November 2009

TO: Issuers of HPAs
FROM: Hal Beecher, Instream Flow Biologist
SUBJECT: Coordination of HPAs and water rights processing

Please coordinate any HPAs for changes in water rights or parts of water rights (e.g., points of diversion) with Steve Boessow (Olympia, Steven.Boessow@dfw.wa.gov, 360-902-2410) or Paul LaRiviere (Pasco, Paul.LaRiviere@dfw.wa.gov, 509-545-2057). Different constraints apply to HPAs and water right transfers. We need to be certain that our actions are consistent with requirements of both permits.

Water rights are issued by Ecology for a specific point of diversion, place of use, and purpose of use, as well as an annual (Qa) and instantaneous maximum (Qi) amount of water. Changing any of these attributes of a water right requires a change application and change process. (There are some exceptions if the water is used in an irrigation district.) Change applications are reviewed by WDFW just the way new water right applications are reviewed under RCW 77.57.020. WDFW reviewers are members of the instream flow and water group (Water Team) in the Habitat Program Science Division (for now). We have a limited time by statute to review water right applications, just as we have a limited time by statute to review HPAs. Water rights are issued in perpetuity and the application process is slow, even though WDFW's window for comment is small, so changes are not assumed to be reversible.

We have a standard form for review of a water right application (or change application). The form has a box to check stating that an HPA will be required as one of the conditions of the water right. This box is checked when the application is for surface water or for an infiltration well (Ranney well, etc.) that is in the channel of a stream or lake. As WDFW does not issue the water right and it could be years before a water right is finally issued or denied, Steve Boessow does not generally contact area habitat biologists concerning every water right reviewed that may require an HPA. It is the responsibility of the water right applicant to contact the area habitat biologist if the applicant receives a water right for which an HPA is required.

Cc: Steve Boessow
Paul LaRiviere