

WAC 173-152-050 Criteria for priority processing of competing applications. At ecology's discretion, the department may approve an application for priority processing that addresses one of the criteria below:

(1) Within each regional office and among applications processed under chapter 90.90 RCW, the department may prioritize an application ahead of competing applications if the application resolves or alleviates a situation under either (a) or (b) of this subsection.

(a) A public health or safety emergency exists for a public water system currently providing potable water to existing users.

Inadequate water rights for a public water system to serve existing hook-ups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must specifically propose to correct the actual or anticipated cause(s) of the emergency. An emergency must meet one or more of the following conditions:

(i) A public water system has failed to meet state board of health standards for the delivery of potable water to existing water system users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs.

(ii) The current water source has failed or will fail within one year so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable water use efficiency and conservation efforts have been implemented.

(iii) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is or will become unacceptable for human use.

(b) Any emergency exists, other than for a public water system, for which immediate action is necessary for preservation of public health or safety.

(2) Within each regional office and among applications processed under chapter 90.90 RCW, the department may prioritize an application ahead of all competing applications, but only after those applications prioritized in subsection (1) of this section, if the department determines the application:

(a) Is for a public water system or source in danger of failing within five years, and priority processing by the department may correct the anticipated cause(s) of the emergency prior to actual system failure.

(b) Was filed by claimants participating in an adjudication, and the court requires a prompt decision.

(c) Is for a proposed water use that is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment, such as:

(i) Donations to the trust program intended to enhance instream flows or groundwater preservation.

(ii) A change or transfer of water into the state trust water right program in accordance with chapter 90.38 or 90.42 RCW, if that transfer provides a substantial environmental benefit.

(d) Is for a change or transfer and, if approved, would result in providing for public water supplies including, but not limited to, consolidation of two or more public water systems, to meet general public needs for the regional areas.

(e) Is for a seasonal water right change effective for a term of one year or less.

(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).

(3) The department may prioritize ahead of competing applications, except as prioritized in subsections (1) and (2) of this section, a new application for diversionary rights into reservoirs that, if approved, would not conflict with adopted state instream flow rules, federal flow targets, or federal biological opinions, and is funded or supported pursuant to chapter 90.90 RCW.

[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), § 173-152-050, filed 12/20/10, effective 1/20/11. Statutory Authority: RCW 43.21A.064(8) and 43.27A.090(11). WSR 98-06-042 (Order 97-14), § 173-152-050, filed 2/27/98, effective 3/30/98.]