

State of Washington  
 Joint Legislative Audit and Review Committee (JLARC)



## JLARC's Review of Water Conservancy Boards

- In 1997, the Legislature authorized the creation of local *water conservancy boards* as one way to address a growing backlog of water right transfer applications.
- Counties have the option to create water conservancy boards; so far, 21 counties have done so.
- Counties appoint board members, who serve as **volunteers**.
- The water conservancy boards in the central part of the state have processed more water right transfer applications than the boards in the other parts of the state, combined.

### 16 of the State's 21 Water Conservancy Boards Are in Eastern Washington



# Conservancy boards' work extends beyond

## What Water Conservancy Boards Do

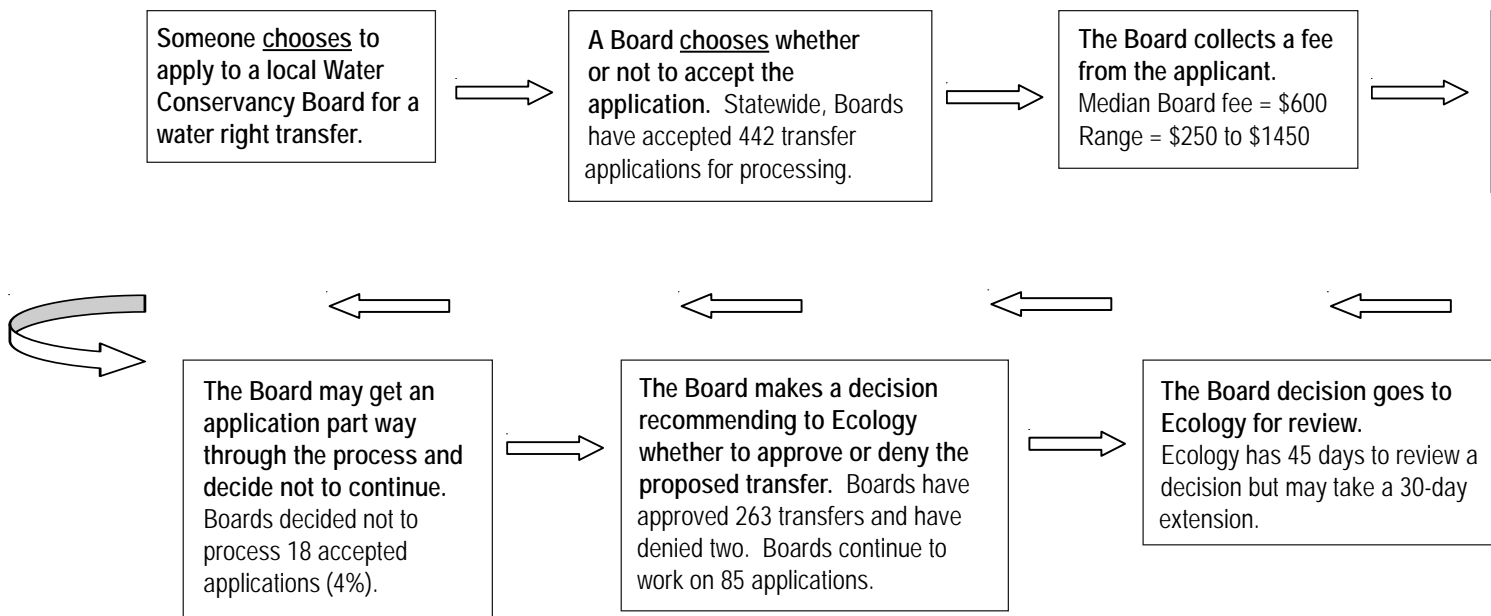
- Review applications for water right *transfers*;
- Continue to offer this service to potential applicants even as Ecology moves into or out of an area to process similar transfer requests;
- Act as an educational resource for people in their communities about water law and water right transfers;
- Provide a place for information exchange for people interested in buying or selling water rights; and
- Use the appeal process as an avenue for airing interpretations of state water law that are different from Ecology's interpretations.

## What Water Conservancy Boards Don't Do

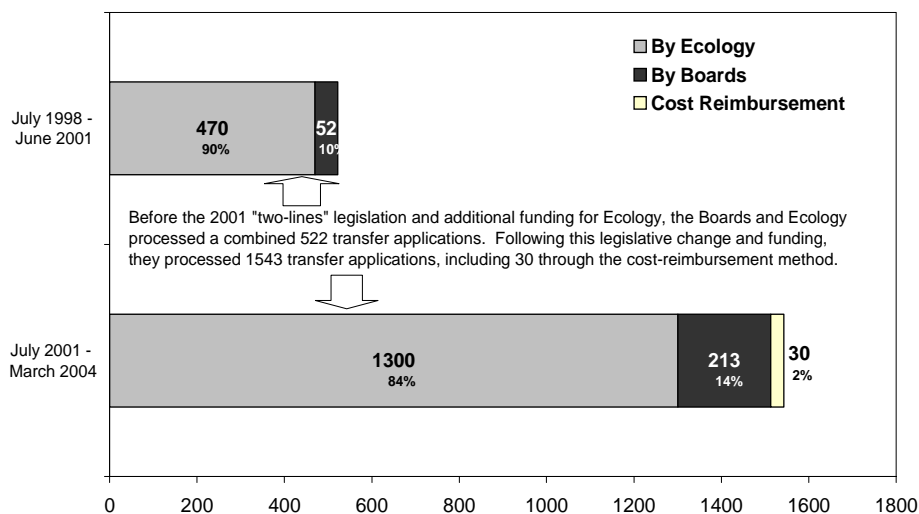
- Issue decisions on applications for *new* water rights (Ecology does this);
- Conduct formal water right adjudications (courts do this); and
- Investigate complaints and/or take enforcement actions against illegal water uses (Ecology does this).

## The Water Conservancy Board

Snapshot from the Boards' Inception

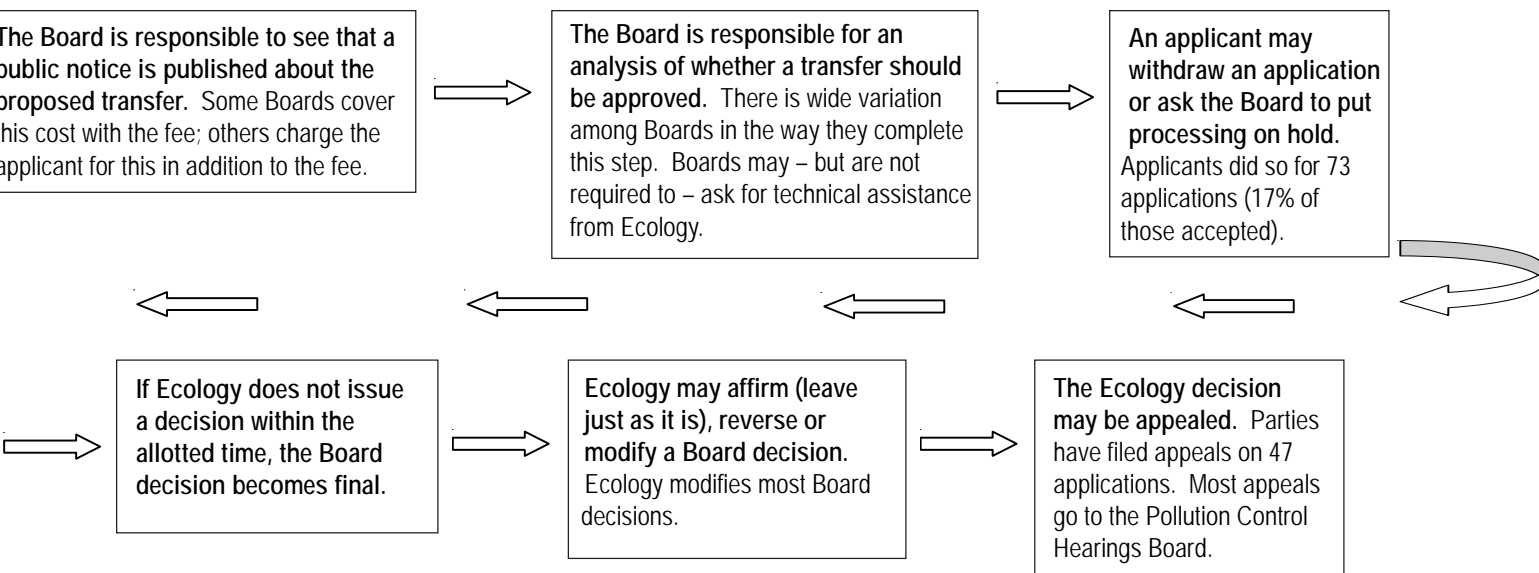


➤ **Boards help, but Ecology processes most transfers** — While the water conservancy boards have contributed to getting water right transfers processed, the Legislature has gotten the most volume from its 2001 “two lines” legislation and increased funding to Ecology.



## Board Application Review Process

on through the First Quarter of 2004



# Remaining Issues and Recommendations

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**Issue #1:** Potential inconsistency among Ecology's four regional offices in interpretation of state laws, rules, and policies in reviewing water right transfer applications.

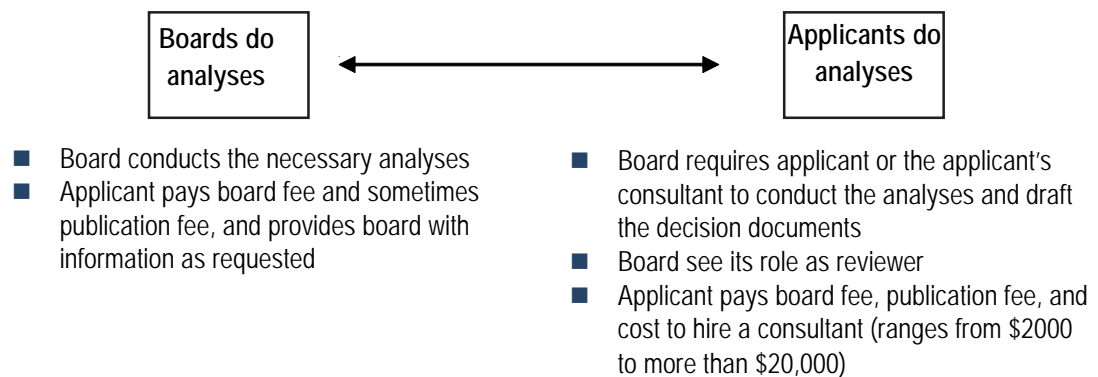
**JLARC Recommendation:** Direction to Ecology to design and implement a test for such inconsistency, and to take steps to correct these inconsistencies if the test reveals them.

**Ecology/OFM Response:** Skip the test and move directly to develop a plan to implement consistency improvements, reporting to JLARC on this plan by July 2005.

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**Issue #2:** Disparity among the local water conservancy boards as to what analyses board members conduct themselves vs. what they require an applicant or an applicant's consultant to do. The choice a board makes can have a significant financial impact on applicants:

## Water Conservancy Boards Operate on a Continuum



**JLARC Recommendation:** Shed light on this disparity by Ecology sponsoring a continuing education session for boards on the subject and inviting county commissioners to participate.

**Ecology/OFM Response:** Ecology will conduct this session and include the county commissioners.

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**JLARC's report includes a profile of each individual water conservancy board, the first time this information has been compiled. See Appendix 3 of the report!**

Full copy of the JLARC report can be found at: <http://JLARC.leg.wa.gov>



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