

Certified Water Right Examiners

RCW 90.03.665 authorizes certified water rights examiners to conduct proof examinations to support Ecology decision-making on issuing water right certificates. To become a certified water right examiner, each person must qualify in at least one of five ways:

- Professional engineer
- Professional land surveyor
- Registered hydrogeologist
- Water conservancy board commissioner
- Five years applicable experience

Once qualified, each person must pass a written exam, and be bonded for at least \$50,000 pursuant to RCW 90.03.665 (8). Ecology will establish and maintain a list of certified water right examiners that will be available on our internet site.

These are answers to the most commonly asked questions:

Q: How do I become a certified water right examiner?

A: The first step to becoming a certified water right examiner is submitting an application showing that you meet at least one of the qualifications described above. Ecology will assess applicable experience based on WAC 173-165-050.

You can download and complete the application online at: <http://www.ecy.wa.gov/programs/wr/rights/cwre>. The application must be complete and signed when you submit it to Ecology's CWRE Coordinator. No fee is required to apply.

Q: What about the written exam?

A: RCW 90.03.665 (2) requires CWRE applicants to pass a written exam to show knowledge and competency regarding:

Why is This Important

The adoption of RCW 90.03.665 created the Certified Water Right Examiner Program. Adoption of Chapter 173-165 WAC, to implement the statute, allows qualified individuals to gain certification to perform proof examinations for water users under private contract. This speeds the process for water users to receive a certificated water right for their permitted use.

Contact information

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Special accommodations

If you need this document in a format for the visually impaired, call the Water Resources Program at (360) 407-6872.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

- Water law in the state of Washington;
- Measurement of the flow of water through open channels and enclosed pipes;
- Water use and water level reporting;
- Estimation of the capacity of reservoirs and ponds;
- Irrigation crop water requirements;
- Aerial photo interpretation;
- Legal descriptions of land parcels;
- Location of land and water infrastructure through the use of maps and global positioning;
- Proper construction and sealing of well bores; and
- Other topics related to the preparation and certification of water rights in Washington state.

If on review of your application you appear qualified, Ecology will inform you of opportunities for testing, and how to pay your \$300 examination fee. The fee is due at least two weeks before the testing date.

A study guide is available at www.ecy.wa.gov/programs/wr/rights/cwre.html#onlinestudyguide. If you fail the written exam, you may retake it after 30 days have passed, but you must pay a \$300 examination fee for each time you take the test.

Q: What does it cost to become certified?

A: If you pass the CWRE examination the first time, it will cost you \$500 to become certified. There is no cost to apply, but the examination fee is \$300, and once you pass the written exam, the initial certification fee is \$200.

Q: Are there other costs or fees?

A: There are other costs associated with certification as a water right examiner:

- \$100 annual certification renewal fees.
- \$50 late fee for certification renewal up to 30 days past the expiration date.
- \$100 late fee for renewing a certification 31 to 90 days past the expiration date.
- Costs to maintain your \$50,000 surety bond.
- Potential costs to complete required continuing education annually.

Q: How can I complete the continuing education requirements?

A: Each certified water right examiner must complete at least eight hours of continuing education hours related to the water resources field each year. Ecology will maintain a list of appropriate



training opportunities on our CWRE web site. You may also request credit for other training, at the discretion of Ecology's CWRE Coordinator. Ecology cannot renew your certification until you have submitted proof of the continuing education hours required.

Q: Do I need to maintain my original qualification while I am a certified water right examiner?

A: You must meet at least one of the minimum qualifications throughout the period of your certification as a water right examiner. Once you have established five years of applicable experience, Ecology will no longer require proof of professional licensure or commissioner status to renew your certification.

Q: What are the authorities and responsibilities of a CWRE?

A: The primary authority of a certified water right examiner is to conduct proof examinations to verify a water appropriation is complete and beneficial use of water is established. Once Ecology accepts a proof of appropriation form, Ecology will instruct the water user to request the services of a certified water right examiner to conduct the proof exam. The certified water right examiner must then prepare and submit to Ecology an accurate, complete, timely, and detailed report supported by the data collected during the proof examination. The certified water right examiner works as an independent contractor and is liable for civil actions between themselves and their clients.

Q: What happens to the final proof report of examination after I submit it?

A: Ecology has up to 60 days to review the report submitted by a certified water right examiner. Ecology may return it to the certified water right examiner for correction within the first 30 days of review. At its discretion, Ecology may issue a certificate based on the final CWRE recommendations or decide that other action is required. Ecology retains the sole authority to issue a water right certificate under RCW 90.03.330. The resulting decision is appealable to the Pollution Control Hearings Board.

Q: How much do I get paid and who pays me?

A: The amount of payment is dependent on the current market and the contractual agreement between the water user and the certified water right examiner. The client is responsible for paying your fees. Any disagreement about the fees is a civil issue between you and the client.

