

Hiring a Certified Water Right Examiner

Water permit holders who have fully developed their water project can now take advantage of a new program that speeds up the final project review before receiving a certificate. The Washington State Legislature directed the Department of Ecology (Ecology) to implement a program to certify qualified individuals as water right examiners. These examiners conduct the final inspection of fully developed water right permits and change authorizations.

Ecology adopted a rule, WAC 173-165– Certified Water Right Examiners (CWRE) in 2012 to support implementation of the CWRE Program. Ecology certified the first set of water right examiners in 2013.

Q: What is a water right certificate?

A: A water right certificate is the final step in fully developing a water right. The certificate is issued when Ecology confirms that all conditions of the water right permit or change authorization have been met. A Certificate of Water Right is the legal record of your water right, and is recorded at your county auditor's office. Once Ecology issues a certificate, the water right is considered appurtenant (attached) to the land on which the water is used.

Q: How do I get a water right certificate?

A: When Ecology issues you a water right permit or change authorization, it is granting you permission to develop a new water use—creating a new water right or changing an existing right to a new use. You may then construct your water system and start using the water.

After completing your project and meeting all the requirements of your permit or change authorization, you

MORE INFORMATION

For more information on the Certified Water Right Examiner Program visit www.ecy.wa.gov/programs/wr/rights/cwrep.html.

Contact information

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CWRE Coordinator
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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.

must complete and submit a notarized Proof of Appropriation of Water form. On this form, you confirm the quantity of your water use, the facilities and equipment you use, and that you have met all the terms of your permit or change authorization.

After receiving your Proof of Appropriation of Water, Ecology reviews it and confirms that your project is complete and that all the terms of the permit or change authorization have been met. This often requires an on-site final inspection of your project called a proof examination. Ecology will notify you if this is necessary to process your water right certificate.

To help keep the process of getting a certificate moving along, the Legislature developed the CWRE Program to have qualified professionals do the proof examination and report this information back to Ecology. Only certified water right examiners can now do proof exams. After reviewing the report, Ecology may then issue the water right certificate (or superseding certificate for a water right change or transfer).

Q: Who is responsible for hiring a certified water right examiner?

A: The water right holder is responsible for contacting and hiring a licensed certified water right examiner. Ecology maintains a list of those currently certified as water right examiners, which provides contact information and identifies their service areas. The CWRE list is available on our website and directly from our offices. The water right holder negotiates and pays for the CWRE services directly. Ecology is not involved in the selection and hiring, and cannot recommend specific individuals.

Q: What will a certified water right examiner do for me?

A: The certified water right examiner reviews your water right file, visits your project site, measures water use, verifies the purpose and place of use, and confirms all other requirements of water use authorization have been met. The examiner summarizes the findings in a proof report of examination that is sent to Ecology.

Q: What happens after the CWRE proof report of examination is sent to Ecology?

A: Ecology has a total of 60 days to review the proof report of examination and issue a final decision. During the first 30 days, Ecology must review the CWRE proof report of examination for errors or deficiencies. If necessary, the clock stops while the certified water right examiner corrects and resubmits the report. Ecology then has another 30 days to review the report and issue a final decision.

Q: What if I dispute the work of the certified water right examiner or I have a complaint?

A: If you disagree with the information in the proof report of examination, you have the authority to withdraw the report during Ecology's review period if Ecology has not yet issued a decision. You must submit your request in writing to the regional office where the report is under review.

Each certified water right examiner must also adhere to a professional code of conduct. Ecology has the authority to temporarily suspend or fully revoke the certification of a water right examiner who fails to comply with the code of conduct or for performing inadequate or shoddy work. If you believe the work of the CWRE was not done properly or have other complaints, you can file those with Ecology's CWRE Coordinator.

Q: What do I do if aspects of my water use are inconsistent with my permit?

A: Before you hire a certified water right examiner you should ensure that your project is fully developed and that the authorization is consistent with actual use. Aspects you should consider include:

- If the permit or change authorization is not in your name, an Assignment of Application or Permit to Appropriate or Store Water (ECY 040-1-61) must be filed.
- If your project is not fully developed, you should file for an extension of your development schedule rather than submit your Proof of Appropriation form. For example, this would be appropriate in situations where only a portion of a planned housing development has been constructed and further development is likely; or you are irrigating only a portion of the acreage you intend to irrigate.
- Some time may have lapsed since you filed your proof of appropriation. Has your point of withdrawal or diversion changed? Is your place of use consistent with your authorization? Have you altered the purpose of use? In any of these cases, you may need to file a change application or modify water use to conform to the permit requirements before the proof examination is performed.

If your project is complete, but you are consistently using less water than originally authorized, no change or extension is necessary but your certificate will reflect your project's actual water demand. In no instance should you be using more water than authorized in your permit or change authorization unless you have a separate water right that covers it.

Q: How can I get more information?

A: In addition to the CWRE Program website and contact information on page 1 for the CWRE Coordinator, you may contact the Water Resources staff at the Ecology Regional Office serving the area in which your water use project is located. Please see the regional map and contact information below.



Department of Ecology
 Central Regional Office
 15 W Yakima Avenue, Suite 200
 Yakima, WA 98902-3452
 Phone: (509) 575-2490

Department of Ecology
 Eastern Regional Office
 N. 4601 Monroe, Suite 202
 Spokane, WA 99205-1295
 Phone: (509) 329-3400

Department of Ecology
 Northwest Regional Office
 3190 - 160th Avenue SE
 Bellevue, WA 98008-5452
 Phone: (425) 649-7000

Department of Ecology
 Southwest Regional Office
 PO Box 47775
 Olympia, WA 98504-7775
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