

WAC 173-165-030 Certified water right examiner responsibilities.

(1) Certified water right examiners must qualify and apply as individuals and maintain their qualification under WAC 173-165-050 and RCW 90.03.665(2) throughout the period of their application and certification.

(a) If a person qualifies as a certified water right examiner through a hydrogeology, professional engineering, or land surveyor license in the state of Washington, he/she must maintain that licensure to remain qualified as a certified water right examiner unless he/she satisfies another criterion in RCW 90.03.665(2).

(b) Certified water right examiners must notify ecology within two business days if:

(i) Notified their license as a professional engineer, land surveyor, or registered hydrogeologist is suspended or revoked; or

(ii) No longer a qualified water conservancy board commissioner.

(2) The certified water right examiner must follow the CWRE rules of professional performance. The applicant must review the rules of professional performance as provided by ecology and acknowledge by returning a copy with his/her signature.

(3) Certified water right examiners must maintain the validity of their CWRE certification throughout the period that they accept clients, perform proof examinations, and submit proof reports of examination, or ecology may revoke their certification. Maintaining a valid certification includes, but may not be limited to:

(a) Maintaining CWRE qualification under RCW 90.03.665 and WAC 173-165-050.

(b) Completing and showing proof of eight hours of approved continuing education annually, as defined in WAC 173-165-090.

(c) Paying CWRE certification renewal fees in a timely manner, as defined in WAC 173-165-080(4).

(d) Complying with the conditions of any suspension order or probation agreement.

(4) A CWRE certification applies only to an individual, and not to any associate, business, organization, or other entity. The certified water right examiner must perform all aspects of the proof examinations, including field visits and technical evaluation, and is responsible for the full content of the associated proof reports of examination.

(a) If an entity employs a certified water right examiner, other employees of the same entity cannot perform the duties under RCW 90.03.665 or this chapter using the certified water right examiner's certification.

(b) Two or more certified water right examiners, regardless of whether they share a common employer, may perform work related to the same permit or change authorization only with the written permission of the client.

(c) Certified water right examiners must make full disclosure to all parties concerned of any personal stake or conflict of interest in projects or properties on which the certified water right examiner performs work.

(d) A certified water right examiner who is a water right holder, the employee of a water right holder, or otherwise has a vested interest in a water right permit or change authorization may perform the associated proof examination, but must comply with all requirements of RCW 90.03.665 and this chapter, and must disclose to ecology the relationship when submitting the proof report of examination.

(5) Upon review of a client's beneficial water use under a permit or change authorization, certified water right examiners are responsible for submitting a proof report of examination to the appropriate ecology regional office for ecology's review and decision making. The proof report of examination must be complete and legible, and:

(a) In the form authorized by ecology. Ecology will not accept changes to the authorized forms.

(b) Compliant with permit or change authorization conditions, state water law, and other known local, state, or federal regulations.

(c) Adequately supported by data, calculations, computations, and photographs.

(6) Certified water right examiners are responsible for the billing of clients and collection of fees. The state of Washington shall not be liable for a person's compensation as a certified water right examiner. The client shall pay any charges directly to the certified water right examiner, or his/her employer or chosen representative.

[Statutory Authority: RCW 90.03.665(11), 43.27A.090(11), and 43.21A.064(9). WSR 12-24-031 (Order 11-03), § 173-165-030, filed 11/28/12, effective 12/29/12.]