



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO#11-03

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-10-089 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-165 WAC – Certified Water Right Examiners. The rule will implement RCW 90.03.665 to create the certified water right examiner program.

- Hearing location(s):** All hearings start at 6 pm.
- **July 16: Ecology Northwest Regional Office**, 3190 16th Ave SE, Bellevue, WA 98008
 - **July 17: Ecology Headquarters**, 300 Desmond Dr, Lacey, WA 98503
 - **July 18: Ecology Central Regional Office**, 15 W Yakima Ave, Ste 200, Yakima, WA 98902
 - **July 19: Ecology Eastern Regional Office**, North 4601 Monroe, Spokane, WA 99205

Date: July 16, 17, 18, & 19, 2012 Time: 6:00pm

Submit written comments to:
 Name: Rebecca Inman, Dept of Ecology
 Address: PO Box 47600
 Olympia, WA 98504-7600
 e-mail Rebecca.Inman@ecy.wa.gov
 fax (360) 407-6574 by (date) July 27, 2012

Assistance for persons with disabilities: Contact
 Judy Beitel at (360) 6878 by July 2, 2012
 TTY (771) or 1-(877) 833-6341

Date of intended adoption: September 19, 2012
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule will establish the criteria for the Certified Water Right Examiner (CWRE) Program to implement RCW 90.03.665. RCW 90.03.665 authorizes Ecology to certify individuals with specific qualifications as water right examiners to conduct proof examinations on perfected water right permits and change authorizations. The rule will set a fee schedule for CWRE-program applicants and certified water right examiners, establish a certification process, describe certified water right examiner responsibilities and the rights and responsibilities of permittees, create a framework for compliance and enforcement, clarify process related to Ecology review and decision-making related to proof reports of examination submitted by certified water right examiners, and include other requirements to implement the program.

Reasons supporting proposal: The rule will create job opportunities in the private sector, expedite the final step for certifying perfected water rights, generate funds to offset the costs of the program, and reduce the workload of Water Resources Program staff. Without the rule, the CWRE program would be unable to function as required in statute and Ecology would be unable to establish the fees as authorized in RCW 90.03.665 (11) that would help offset some of Ecology’s costs to implement the program.

Statutory authority for adoption: RCW 90.03.665 (11), RCW 43.27A.090 (11), RCW 43.21A.064 (9)

Statute being implemented: RCW 90.03.665

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
6/5/12

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE
Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 05, 2012
TIME: 10:25 AM
WSR 12-12-063

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Rebecca Inman	300 Desmond Dr, Lacey, WA 98503	(360) 407-6450
Implementation....Rebecca Inman	300 Desmond Dr, Lacey, WA 98503	(360) 407-6450
Enforcement..... Rebecca Inman	300 Desmond Dr, Lacey, WA 98503	(360) 407-6450

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Water Resources Program Publications

Address: PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-6872

fax (360)407-7162

e-mail WRPublications@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Name: Water Resources Program Publications

Address: PO Box 47600

Olympia, WA 98504-7600

phone (360) 407-6872

fax (360)407-7162

e-mail WRPublications@ecy.wa.gov

No: Please explain: