



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO # 11-03

**Subject of possible rule making:** Develop rule to implement requirements of RCW 90.03.665 for certified water rights examiners (CWRE). The CWRE rule proposes to address:  
(1) Defining terms used in the certification process; (2) Establishing fees for the certification; (3) Testing standards; (4) Addressing suspension and revocation criterion; (5) Scope of authorities; (6) Requirements for a water user prior to hiring a CWRE; (7) Ecology's review of the CWRE's proof report of examination form; (8) Ecology's compliance investigations; (9) Other issues that arise during the rule proposal.

**Statutes authorizing the agency to adopt rules on this subject:**  
RCW 90.03.665(11) Water Code RCW 43.27A.090(11) Water Resources ,  
RCW 43.21.A.064(9) Dept. of Ecology

**Reasons why rules on this subject may be needed and what they might accomplish:** RCW 90.03.665 authorizes Ecology to set fees and revoke or suspend certification of a CWRE under certain conditions. Rule making is required to set fees and identify due process for implementing revocation or suspension of certification. In addition, there are other authorities within the statute including bonds, continuing education, and general process issues critical to clear implementation.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Washington State Dept. of Licensing, the Washington State Geologist Licensing Board and the Washington State Board of Registration for Professional Engineers and Land Surveyors. Ecology staff has spoken with the three entities and will request their assistance in reviewing drafted language and for suggestions on making this rule consistent with state rules for certification and licensing.

**Process for developing new rule (check all that apply):**  
 Negotiated rule making  
 Pilot rule making  
 Agency study  
 Other (describe) Ecology will hold public hearings on the Certified Water Rights Examiner Rule. Two workshops are planned for interested and prospective CWRE applicants to provide information on the draft rule language and receive feedback from the actual users of the rule.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**  
(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Janet Rajala, Dept. Of Ecology, 4601 N. Monroe St., Spokane, WA 99205-1295; phone (509) 329-3421; email [janet.rajala@ecy.wa.gov](mailto:janet.rajala@ecy.wa.gov)

**DATE**  
4/28/11

**NAME (TYPE OR PRINT)**  
Kenneth O. Slattery

**SIGNATUR**

**TITLE**  
Program Manager

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**DATE: May 04, 2011**  
**TIME: 9:33 AM**

**WSR 11-10-089**