

CERTIFIED WATER RIGHT EXAMINER

Rules of Professional Performance

I, _____, agree to abide by the following rules of professional performance. I understand that violation of these rules may result in suspension or revocation of my certification as a water right examiner.

General responsibilities of a certified water right examiner (CWRE):

- A certified water right examiner may only accept and perform professional service as a water right examiner when their CWRE certification is valid and they remain qualified as required in RCW 90.03.665 and Chapter 173-165 WAC, including:
 - Meeting and maintaining at least one of the minimum requirements to be a certified water right examiner throughout the period of their CWRE certification (professional licensure as an engineer, land surveyor, or hydrogeologist; qualified water conservancy board member; or able to demonstrate five years of applicable experience).
 - Complying with the CWRE continuing education requirements.
 - Paying annual renewal fees before expiration of the current CWRE certification.
 - If under suspension, obtaining and complying with a probationary agreement that acts as a conditional certification during the period of suspension.
- Once hired to perform a proof examination, a certified water right examiner must obtain and review a copy of the associated water right file from the Department of Ecology (Ecology), including a copy of the original notarized proof of appropriation form, prior to conducting the field examination.¹
- The certified water right examiner shall carry out a field proof examination of the developed water use project.
- The certified water right examiner shall provide a proof report of examination detailing the findings of the field examination and his/her recommendations to

¹ Electronic copies will be available without a fee. Ecology may charge a fee for paper copies.

Ecology and the client within 90 days after completing the proof examination, unless the client has authorized a delay in writing.

- A certified water right examiner must not make false statements or misrepresentations, or allow the use of his/her name or work for any fraudulent activities.
- A certified water right examiner must sign only professional work of which he/she has direct professional knowledge, and for which he/she is in responsible charge. A certified water right examiner must not take credit for work conducted by others.
- A certified water right examiner must issue no statements, criticisms, or arguments on matters that are inspired or paid for by interested parties, unless he/she indicates on whose behalf the statements are made.
- A certified water right examiner must make full disclosure to all parties concerned of any personal stake or conflict of interest in projects or properties on which he/she performs work.
- If a certified water right examiner has reason to believe there is an imminent threat to the public health, welfare, or property, he/she must immediately notify both the client and Ecology of the situation.

Specific responsibilities of a certified water right examiner to a client:

- A certified water right examiner must avoid conflicts of interest with a client and must disclose the circumstances to the client if a conflict is unavoidable.
- A certified water right examiner must not request, propose, or accept professional compensation on a contingent basis under circumstances that may compromise their professional judgment.
- A certified water right examiner must not disclose proprietary information of an existing or former client except when required to do so by law. Nor may a certified water right examiner use a client's resources or information developed for the client for private gain or in any other manner that may conflict with the client's interest without their knowledge and consent, except as required to perform the services of a certified water right examiner or to protect public health, welfare, or property.

- A certified water right examiner must either engage, or advise a client to engage, other experts or specialists if necessary to serve the client’s interests. If needed, a certified water right examiner must negotiate for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.
- A certified water right examiner must not accept compensation concurrently from more than one client on a project unless there is full disclosure and agreement by all financially interested parties.

Specific responsibilities of a certified water right examiner to Ecology:

- A certified water right examiner must provide objective reports supported by the data collected during the proof examination.
- A certified water right examiner must respond to formal requests from Ecology within the period and in the manner specified by RCW 90.03.665 and Chapter 173-165 WAC.
- A certified water right examiner must report to Ecology evidence of any water use inconsistent with the permit or change authorization.
- A certified water right examiner shall acknowledge that Ecology retains no responsibility or liability for any contractual relationship between the certified water right examiner and their clients.

I certify under penalty of perjury under the laws of the State of Washington that I will abide by the foregoing rules of professional performance. I understand that the Department of Ecology may suspend or revoke my certification as a water right examiner if I violate any statement contained herein.

Applicant Signature

Date