

Ensuring Proper Signature on Applications and Forms

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Contact Information

Water Resources Program

P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6872

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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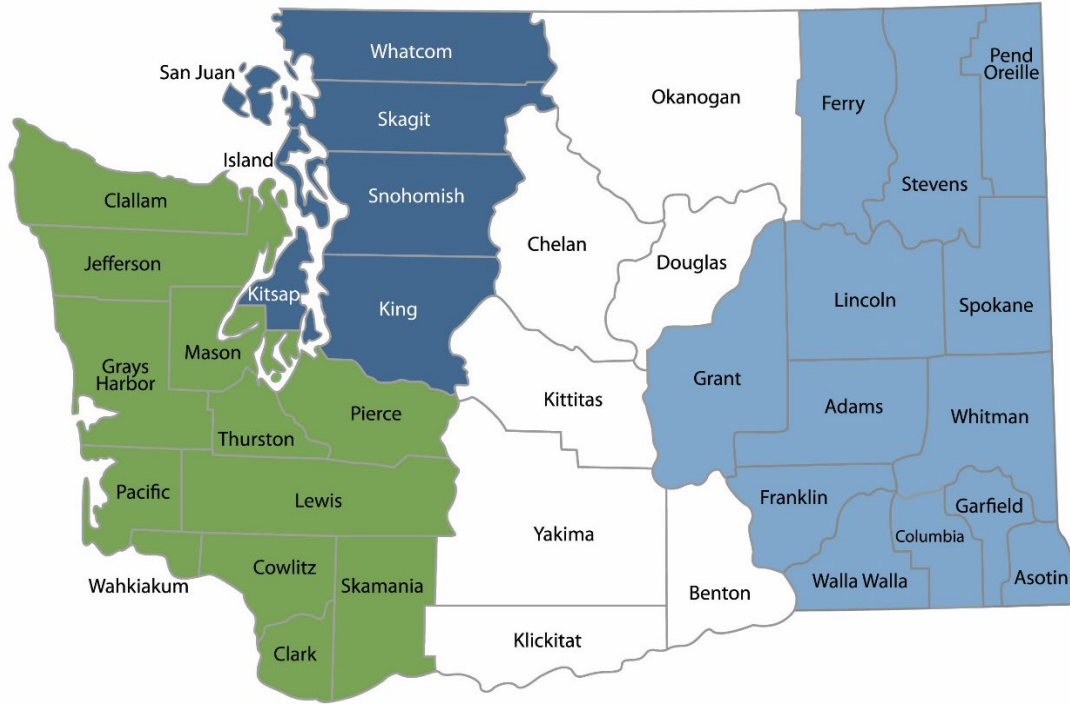
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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Region	Counties served	Email Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	wrSWRO@ecy.wa.gov	360-407-0278
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	wrNWRO@ecy.wa.gov	206-594-0193
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	wrCRO@ecy.wa.gov	509-575-2597
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	wrERO@ecy.wa.gov	509-329-3400
Office of Columbia River	OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.	ocroperations@ecy.wa.gov	509-575-2490
Headquarters	Across Washington	wroats@ecy.wa.gov	360-407-6872

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Introduction

This guidance supersedes any previous guidance, policy, interpretive statement, focus sheet, or other stated Department of Ecology (Ecology) or Water Resource Program (program) viewpoint with which it may conflict.

Purpose

Purpose: To provide internal and external signature guidance for Water Resources Program applications, forms, and documents.

Application: This guidance applies to any application, form, or document that must be signed to be accepted by the Water Resources Program.

Approved Signature Methods

The following signature methods are approved by the Department of Ecology Executive Policy 16-13, and are consistent with [RCW 43.17.095](#), which requires that the Water Resources Program provide electronic transaction and eSignature options as efficiencies for our staff and customers. Exceptions are where this is prohibited by law or by agreement or requirement by an outside organization or entity.

Electronic Signature (eSignature)

An electronic signature is defined in Ecology's Executive Policy 16-13 as an electronic sound, symbol, or process attached to or logically associated with an electronic record or transaction and executed or adopted by a person with the intent to sign the record or transaction.

The Water Resources Program currently accepts the following electronic signature methods:

- Transactions made through an Ecology system workflow. For example, the Water Resources Program's online Water Right Application Portal or EAGL.
- Scanned image of a signature. The Water Resources Program accepts a scanned image of a signature above the signature line on a Water Resources Form.
- DocuSign. A DocuSign signature may be initiated by the Water Resources Program. We do not require use of DocuSign where costs are incurred by the signer.
- Adobe Acrobat Pro. Like DocuSign, an Adobe Acrobat Pro signature may be initiated by the Water Resources Program; however, we do not require use of Adobe Acrobat Pro where costs are incurred by the signer. Note: Adobe Acrobat Pro is not the same as Adobe Sign, which is not an approved signature method.

Handwritten Signature

A handwritten signature is a signature written with one's own hand, or a handwritten mark or sign intended to authenticate any instrument or writing.

The Water Resources Program accepts the following handwritten signatures:

- The name in the same form as it appears on the application or on the certificate of ownership.
- Initials corresponding to the first letters of the given name(s), along with a full last name.

- A given name(s) corresponding to the initials.
- Common nicknames such as Bob for Robert, Jim for James, Betty for Elizabeth, etc. along with a full last name.
- A signature stamp intended to authenticate an application or form.

Signature Guidelines

Throughout this document, the signatory is referred to as “applicant”; however, an attorney, agent, or other legally authorized representative may sign the application if authorized in writing by the applicant or other required party. Ecology may request documentation of signature authority but is not required by this guidance to do so.

Applicant Signature

The following signature guidelines are for individual applicants:

- For a sole proprietorship, the owner must sign the application
- For a limited liability company (LLC) or professional limited liability company (PLLC), an authorized member or manager must sign the application
- For a partnership, one or more authorized partners must sign the application
- For a limited partnership or liability partnership (LLP), a general partner must sign the application
- For a corporation or association, including nonprofit corporations, an authorized corporate officer must sign the application

This list does not supersede current law on agencies, partnerships, or corporations; or the internal bylaws or other agreements between partners or organizations.

Water Right Holder/Owner Signature

To determine what signatures are required, it is necessary to determine who holds an interest in the water right(s) involved. If there is more than one party with a controlling interest in the water right, all of the parties should sign as the applicant.

Where there is clear documentation by court decree, property transfer deed, or other document (e.g. a divorce decree) showing a property owner's interest in the water right (or lack thereof), Ecology should consider this in identifying parties required to sign as water right holder and/or property owner. Note that a statement in a property deed such as "along with any water rights" is generally not sufficient to fully terminate all interests in a water right.

If the water right owner or partial owner is deceased, the program will accept signature of the authorized representative such as an estate executor, through heirs as indicated in probate documents, or a surviving party with a remaining controlling interest in the water right. The

program may require evidence of testamentary or probate documents (e.g. a will or order/deed from the probate court). If authorized representative cannot be located, or no evidence of controlling interest is provided, staff will return the application as defective to the last known property address.

Landowner Signature

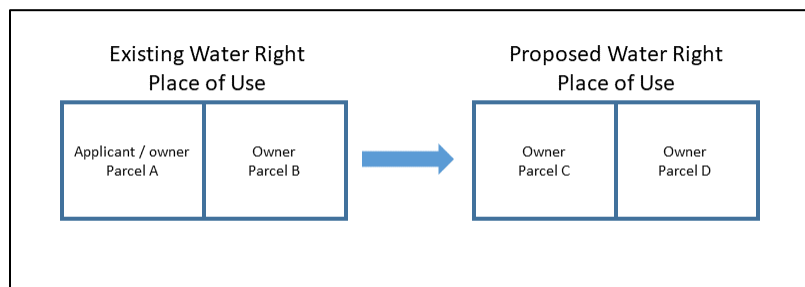
On water right applications, parties with an ownership interest within the proposed place of must sign, if not already signing as an applicant. The best practice is to identify and acquire signatures of all landowners early in the application process.

On an application for change or transfer of an existing water right, landowner signatures within the proposed place of use are required. If you fill out your water right application online, you must upload a [Landowner Authorization Form](#) before you submit your application.

Examples

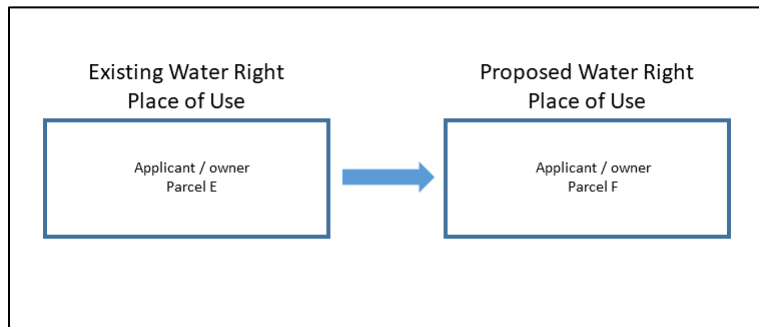
In Figure 1 below, the applicant holds a water right and is applying to change it from the current place of use (Parcels A and B) to a new place of use (Parcels C and D). The applicant holds the entirety of the water right and owns Parcel A. Another party owns Parcel B, within the current place of use, but is not a holder of A's water right. The applicant would need to secure the signatures of landowners for Parcels C and D in order to file the application for change. If the owner of Parcel B has no interest in the portion of the water right subject to the application, the owner of parcel B does not need to sign.

Figure 1



If the water right holder does not own either parcel, only the water right holder and owner of the proposed place of use are required to sign the application or form. For example, in Figure 2 below, the applicant (within Parcel E) proposes to change the place of use of a water right to Parcel F. The applicant would need to secure the signature of the landowner of Parcel F in order to file the application for change.

Figure 2



Signature Evaluation

Signing an application or form makes it valid, identifies the applicant, shows informed consent, and constitutes approval, acceptance, or obligation by the person(s) who signs it. Any application or form that requires a signature must be signed by the applicant, or authorized representative, and other required parties to be accepted.

An unsigned application must be returned for correction or completion, and the applicant provided a reasonable time to obtain required signatures.

Review of Water Conservancy Board Decisions

Ecology recognizes that water conservancy boards operate under their own statutes and rules. Boards must follow the law, but are not subject to Ecology's policies, guidance, and interpretive statements, as described in Attorney General Opinion 2006 No. 17² (AGO), citing the Administrative Procedures Act (APA). The APA encourages agencies "to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements." The AGO also recognizes that interpretive and policy statements are advisory only.

However, Ecology will use its own policies and guidance when reviewing board decisions and act consistently with Ecology's own interpretation of water law in deciding how to act on such decisions.

As such, the following guidance applies to Ecology's review of a board's record of decision.

- Program staff will not use this signature guidance as a sole basis for reversing or modifying a board's decision.

² AGO 2006 No. 17 – September 25, 2006. Extent of Department of Ecology's discretion in reviewing decisions of local water conservancy boards.

- Staff will apply existing water law and regulations to make decisions on appropriate signature authority for water right change applications and other legally required forms.
- RCW 90.80 requires a board to use Ecology's change application. Boards need to ensure that all parties are notified and sign the application as required by Washington State water law.

Special Circumstances for Signature Requirements

Community property

Washington State is a "community property" state, and as such, all real and personal property is generally owned in undivided one-half interests by those in marital relationships. Water right applications, permits, and certificates may be held as community property by spouses. Spouses should sign and date any application, assignment, or form that pertains to water rights, permits, changes or certificates. However, if only one spouse signs the document, that person generally binds the community unless another exemption applies.

Ownership dispute

In the case of an ownership dispute where it is uncertain if all parties with equity interest in a water right are informed and support the action, Ecology has no authority to resolve the ownership dispute and shall not proceed until the uncertainty is resolved.

Water right conveyance

Water rights, including water rights held in trust, may be conveyed downstream per [RCW 90.03.030](#), without the signatures of property owners who own land under rivers or streams.

Exceptions to this Guidance

In the case of any special circumstances or exception to the signature requirement, the exception must be clearly described and all accompanying documentation must be included in the file, including the steps taken to obtain signatures.