

# HOUSE BILL REPORT

## EHB 1376

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### As Passed House:

February 19, 2003

**Title:** An act relating to exempting the use of certain water storage facilities from the water code permitting requirements.

**Brief Description:** Exempting the use of certain water storage facilities from the water code permitting requirements.

**Sponsors:** By Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney.

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 2/4/03, 2/7/03 [DP].

#### Floor Activity:

Passed House: 2/19/03, 65-32.

### Brief Summary of Engrossed Bill

- Exempts certain rain barrels and similar facilities and the use of water from them from provisions of the water code requiring reservoir and water use permits.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 11 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Hunt, McDermott, Orcutt and Quall.

**Staff:** Kenneth Hirst (786-7105).

### Background:

The water code requires reservoir permits for both surface reservoirs for water and for the storage of water in an underground formation for subsequent use as part of an underground artificial storage and recovery project. A water right permit, called a

"secondary" permit, is also required for the use of the water stored in a surface reservoir.

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**Summary of Engrossed Bill:**

Runoff Storage. A reservoir permit is not required for a rain barrel, cistern, or other similar facility for capturing runoff from roofs, paved areas, and other hard surfaces on a single residential, commercial, or industrial property or public facility. This exemption applies if the total amount of water storage does not exceed 10,000 gallons and the water stored is intended to be put to beneficial use. Neither a water right nor such a right in the form of a secondary permit is required for the use of the water stored in such an exempted facility.

Irrigation Facilities. Exempted from reservoir and secondary use permit requirements are: Facilities for recapturing and reusing return flows for irrigation operations serving a single farm under an existing right, as long as the acres allowed to be irrigated under the right are not expanded; and, under certain specified circumstances, surface storage ponds less than 10 acre feet in volume used to impound irrigation water under an existing water right. Use of such a pond is exempted if it facilitates efficient use of water, or promotes compliance with an approved recovery plan for endangered or threatened species. Its use cannot expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining in such a pond at the end of an irrigation season may be carried over for use in the next season.

The development and use of these exempted facilities does not constitute a modification of a water right that requires the approval of the Department of Ecology.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This is one of the recommendations of the Green Building Task Force created by the Legislature last year. The bill would fix the water permit problem. These types of facilities may help address storm water problems.

(Commented) Roof-top harvesting of storm water is part of King County's storm water management plan.

**Testimony Against:** None

**Testified:** Representative Romero, prime sponsor.

(Commented) Dave Monthie, King County.