

# SENATE BILL REPORT

## EHB 1376

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As Reported By Senate Committee On:  
Natural Resources, Energy & Water, April 4, 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:** Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 4/3/03, 4/4/03 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

**Staff:** Sam Thompson (786-7413)

**Background:** A person or entity desiring to appropriate water must apply to the Department of Ecology (DOE) for a water use permit. In addition, persons or entities desiring to store water in reservoirs must apply to DOE for a reservoir permit and, if they propose to beneficially use the stored water, also apply for a "secondary" permit.

It has been suggested that relatively small water impoundments should be exempt from these requirements.

**Summary of Amended Bill:** Runoff Storage. A water use permit, reservoir permit or secondary use permit is not required for capturing or using water in rain barrels, cisterns, ponds, or other storm water facilities for capturing runoff from residential, commercial, or industrial properties, or from public properties, regardless of whether the water is put to beneficial use. Captured water may not be transferred to or used outside the water resource inventory area in which it was captured. This permit exemption only applies within counties that are not under the jurisdiction of growth management hearings boards.

Irrigation Facilities. The following installations are exempt from reservoir and secondary use permit requirements:

- Facilities for recapturing and reusing return flows from irrigation operations serving a single farm under an existing water right, as long as the acreage irrigated is not increased beyond the acreage limit authorized under the existing water right.

- "Small irrigation impoundments," storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right. Use of the impoundment must facilitate efficient use of water or promote compliance with an approved recovery plan for endangered or threatened species, and must not expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining at the end of an irrigation season may be carried over for use in the next season, subject to the foregoing requirements.

**Amended Bill Compared to Original Bill:** The amendment: (1) eliminates the 10,000-gallon limit on collection of storm water; (2) eliminates the requirement that captured storm water be put to beneficial use; (3) eliminates the requirement that captured storm water be runoff from hard surfaces; (4) provides that captured storm water may not be transferred out of the water resource inventory area in which it was captured; (5) provides that the permit exemption for collection of storm water applies only within counties that are not under the jurisdiction of growth management hearings boards; and (6) eliminates the exemption from water right change or transfer requirements for the permit-exempted agricultural water uses specified in the bill.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (original bill) This bill provides for a common-sense water permitting exemption for rain barrels and other similar catchment facilities; it clarifies existing law, which is silent on the matter. Collection of storm water will lessen storm water runoff, preventing stream scouring, and will lead to better recharging of aquifers.

**Testimony Against:** (original bill) Concerns: The 10,000-gallon collection limit problematically implies that a permit is required for collection of more than 10,000 gallons, which shouldn't necessarily be the case.

**Testified:** Rep. Hunt (pro); Rep. Linville (pro); Keith Phillips, Department of Ecology/Governor's Water Team (pro); Eric Johnson, Washington Public Ports Association (concerns); Kathleen Collins, Washington Water Policy Alliance (concerns).