
**Agriculture & Natural Resources
Committee**

HB 1424

Brief Description: Authorizing the department of ecology to adopt rules regulating certain rainwater collection facilities.

Sponsors: Representatives McCoy, VanDeWege and Chase.

Brief Summary of Bill

- Requires the Department of Ecology to adopt rules specifying the conditions that rainwater collection facilities over 300 gallons may be constructed and operated.
- Specifies that a water right does not result from the collection of rainwater.

Hearing Date: 2/12/07

Staff: Jaclyn Ford (786-7339).

Background:

The Department of Ecology (DOE) permits the appropriation of water for beneficial use. Construction projects such as building ditches or canals are also permitted through the DOE [RCW 90.03.250].

Reservoir permits, also known as secondary permits, are also regulated by the DOE. These permits include the collection of both surface water and underground water sources for use as part of an underground artificial storage and recovery project [RCW 90.03.370].

Reservoir permits do not include facilities that capture and reuse return flow from irrigation operations serving a single farm under an existing water right, under the same acreage. Small lined irrigation impoundments less than 10 acre-feet in volume are also exempt from reservoir permits [RCW 90.03.370].

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The DOE will adopt rules to specify conditions as to how facilities collecting over 300 gallons of rainwater may be constructed and operated. The rules will take into consideration the protection of existing water rights, water quality, and water quantity. Annual rainfall, population density, and the impact from the discharge from the facility will also be considered in the rules. In developing the rules, the DOE will work with a broad group of parties to ensure understanding.

The rainwater collected does not require a water right, nor does it create a water right. The owner of the rainwater must intend to put the stored water to beneficial use and manage the water in compliance with the newly created rules. If a collection facility was previously installed, the owner may continue to use the collection facility but must comply with all rules adopted by the DOE.

Rainwater collected on an island where groundwater and surface water availability is limited by saltwater intrusion does not require a permit to be obtained from the DOE.

The DOE will report to the Legislature by December 31, 2008 on the proposed implementation of their rules. By June 1, 2009, the DOE will adopt their final rules for rainwater collection.

Appropriation: None.

Fiscal Note: Available.

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