
**Agriculture & Natural Resources
Committee**

HB 2584

Brief Description: Regarding rainwater collection facilities.

Sponsors: Representatives McCoy, O'Brien, Lantz, Linville, VanDeWege, Appleton, Moeller, Morrell, Dunshee, Sells, Hunt, Roberts, McIntire, Goodman, Rolfes, Chase and Loomis.

Brief Summary of Bill

- Exempts rainwater collection of less than 5,000 gallons from requiring a permit when the rainwater is put to beneficial use.
- Requires the Department of Ecology to adopt rules or issue general permits specifying the conditions under which rainwater collection facilities over 5,000 gallons may be constructed and operated.
- Specifies that a water right does not result from the collection of rainwater.

Hearing Date:

Staff: Jaclyn Ford (786-7339).

Background:

The Department of Ecology (DOE) permits the appropriation of water for beneficial use. Building ditches, canals, or other construction projects requires a permit from the DOE [RCW 90.03.250].

Reservoir permits, also known as secondary permits, are required for the collection of either surface or underground water for use as part of an underground artificial storage project. Reservoir permits do not include facilities that capture and reuse return flow from irrigation operations, or small lined irrigation impoundments less than ten acre feet in volume [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.

A water right is not required for the collection and use of rainwater.

The collection of less than 5,000 gallons of rainwater is exempt from requiring a permit from the DOE if the water is put to beneficial use on the property where it was collected.

The DOE will either adopt rules or issue general permits specifying conditions under which facilities collecting over 5,000 gallons of rainwater may be constructed and operated. The rules or general permit will take into consideration the protection of existing water rights, water quality, and water quantity. The rules or general permits may address specific geographic areas. Annual rainfall, population density, and the impact from runoff on the natural hydrology will also be considered in the rules or general permits. The DOE will give priority to requests from watershed planning groups, islands, urban areas addressing storm water runoff, and urban areas that discharge directly into saltwater. In developing the rules, the DOE will work with a broad group of interested parties.

The DOE will report to the Legislature by December 31, 2009 on the implementation of their rules.

Appropriation: None.

Fiscal Note: Available.

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