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HOUSE BILL 3164

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Probst, Herrera, Rolfes, Darneille, McCune, and Kessler

Read first time 02/02/10. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to rainwater harvesting; adding a new section to  
2 chapter 90.03 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** On October 12, 2009, the department of  
5 ecology issued an interpretive policy statement clarifying that a water  
6 right is not required for rooftop rainwater harvesting. It is the  
7 intent of legislature to reaffirm that households may collect rainwater  
8 without a water right.

9            NEW SECTION.    **Sec. 2.** A new section is added to chapter 90.03 RCW  
10 to read as follows:

11            (1) The definition of "water resources" in RCW 43.27A.020 is not  
12 intended to mean or imply that the water appropriation permit  
13 requirements of this chapter apply to the capture, storage, and use of  
14 rainwater if the water is collected from the roof of a building and is  
15 used on the same land parcel on which it was captured or if rainwater  
16 is captured and used for watering livestock or wildlife using a guzzler  
17 mechanism. The department may prohibit new systems for the capture,

1 storage, and use of rainwater in a specific locality if it is  
2 determined that existing water rights or streamflows would be impaired.

3 (2) Any person who believes that existing or proposed projects to  
4 capture, store, and use rainwater are impairing or would impair their  
5 water right may file a declaratory judgment action in a court of  
6 competent jurisdiction for a determination of whether the rainwater  
7 project or projects are having such an effect. The court may prescribe  
8 such remedies as it deems equitable.

9 (3) For the purposes of this section, a roof must be part of a  
10 fixed structure constructed above the ground, the primary purpose of  
11 which is to provide shelter to people, animals, or materials.

12 (4) For the purposes of this section, a guzzler is a rain  
13 collection device intended to capture and store rainwater to supply  
14 animals with drinking water.

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