



Focus on Rainwater Collection and Water Right Permitting

from Ecology's Water Resources Program

Increasing numbers of people around Washington State are considering the use of rainwater to meet some of their water needs. This has raised questions about whether a water right permit is required to collect and use rainwater.

Rainwater is a water resource of the State

State law defines water resources as “all water above, upon, or beneath the surface of the earth, located within the state.” (RCW 43.27A.020) Rainwater is therefore legally considered a water resource of the State.

The Department of Ecology (Ecology) is responsible for managing the State's water and recognizes that rainwater collection has many benefits. Regulating the use of small amounts of rainwater was probably not the intention of the statute when it was drafted. Unfortunately, clarifying legislation on this matter was unsuccessful in the 2006 Legislature as well as the past five legislative sessions.

Rainwater collection systems

The difficulty in defining the permitting requirements for rainwater collection lies in differentiating between the systems that cause little, if any, impact and those that cause impairment to other water right holders or the environment. The department does not require permits for systems using *de minimus* (negligible) amounts of rainwater (e.g., residential rain barrels or ornamental pond kits storing a few hundred gallons).

If not managed, large systems or a significant number of smaller systems could potentially impact existing water rights or harm the environment either now or in the future. Rainwater collection could potentially cause impairment by taking water that would otherwise flow into freshwater streams or aquifers supplying other water right holders and fish. The impact of rainwater collection systems can depend on their size, location, and the number of systems in a particular area.

Benefits of rainwater collection

Rainwater collection is valued for its many benefits, such as:

- reducing polluted runoff,
- providing an alternative to fresh water supplies for non-potable uses like irrigation and toilet flushing,
- reducing the impact on over-used ground and surface water sources, and
- managing stormwater (stormwater management practices do not require a water right permit when there is no consumptive use of water involved).

Ecology recognizes that many uses of rainwater are consistent with good water management. Until clarifying legislation is passed, Ecology will continue to balance its support of the benefits of rain collection and use with its responsibility to respond to complaints of potential impairment and to avoid future impairment when possible.

For more information: To find out how rainwater collection is being handled in San Juan County, visit Ecology's Web site at: http://www.ecy.wa.gov/programs/wr/nwro/sjc_rwc.html

Revised June 2007

07-11-018

Original printed on recycled

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