

WATER RIGHT PERMITS FOR FIRE FIGHTING OR PROTECTION.

Contact: Policy and Planning Section

Effective Date: March 14, 2008

Revised: NEW

References:

RCW 43.21A; RCW 43.27A; RCW 76.04; RCW 90.03; RCW 90.44;
WRP Policy POL-1045 Emergency Water Source Authorization

Purpose:

To guide program staff in defining water uses related to fire fighting and fire protection, and to provide guidance as to when a water right permit is required.

Application:

This policy is applicable statewide for:

- Determining permitting requirements for water uses associated with firefighting and fire protection.
- Providing general guidance to interpret existing water right records.

Nothing in this policy is intended to restrict access to water sources in emergency situations where loss of life or property is imminent.

Definitions:

Fire Fighting Facility means any building or place that provides fire fighting service and is used primarily for storing and maintaining fire fighting equipment and/or housing fire fighting personnel. Water may be used within the facility for training fire fighting personnel, and testing and maintaining fire fighting equipment.

Fire Fighting Water Use means the use of water to contain, suppress, and extinguish a fire which is an immediate threat to persons or property. It also includes the temporary use of water for drinking and sanitation by fire fighting personnel as needed during the act of fire suppression and extinguishment.

Fire Protection is a beneficial water use associated with the ongoing use of water to reduce fire risks. It includes irrigating buffer areas, storing water for fire use, and supplying fire hydrants within developments. Fire protection water use also includes the use of water within a fire fighting facility for training fire fighting personnel, and testing and maintaining fire fighting equipment.

Policy

1. The diversion or withdrawal and use of water for containing, suppressing and extinguishing a fire is essential to the public welfare and **does not require** a water use authorization from the Department of Ecology. This includes the use of water from hydrants for fire fighting purposes, although the water system maintaining the hydrant may require a permit for other water use purposes.
2. The use of water for fire protection **requires** a water right.
 - a. Groundwater withdrawals of not more than 5,000 gallons per day, as authorized under the groundwater permit exemption, may be used to serve a fire fighting facility, or up to ½ acre of lawn or noncommercial garden may be irrigated as a buffer area for fire protection purposes (90.44.050 RCW).
 - b. Water use for fire fighting facilities and for fire protection purposes, if not a permit exempt use of water, require a water right. Any water right will be issued for “fire protection” as the beneficial use.
3. The use of water within a federal fire fighting facility located on federal land does not require a water right from the state if covered by a federal reserved water right associated with the federal land reservation.



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Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of Ecology’s practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact Ecology.