

Hands off that rain – it's state property

THE NEWS TRIBUNE

Published: July 24th, 2008 01:00 AM | Updated: July 24th, 2008 05:59 AM

The question wouldn't have occurred to most of us: Who owns the rain?

You'd think some phenomena of nature would be exempt from mundane property laws. But rain isn't one of them.

As it turns out, the State of Washington holds title to the April showers. That's what the creators of 21 Acres – an experimental farm in Woodinville – found out when they set out to irrigate dozens of garden plots with rainwater rather than paying for city water.

Without a permit from the Department of Ecology, that's illegal. So, technically, is using a barrel beneath a downspout to collect water from the gutter.

This is disillusioning. There's the whole idea that the rain belongs to the government. And there's the dismal thought that – even in Western Washington – the drizzle is scarce enough that someone might make a fuss about watering gardens with what falls on your property.

If we were talking Yakima County, it would be one thing. But this is the land of mildew, pineapple expresses, 60-day spells of damp cruddy skies, and cold, wet Junes.

We're afraid to ask: Who owns the clouds? The wind? The birds? The magma? The northern lights?

State doesn't own rain, but does manage it

KEN SLATTERY; Olympia

Published: August 3rd, 2008 01:00 AM

In your July 24 editorial, you ask, "Who owns the rain?" The answer is not state government but according to a 1967 state law, the people of Washington. In fact, the Department of Ecology is charged with managing the surface water, groundwater and yes, the rainwater of the state as public resources.

While state law tells us rainwater is a public resource, it doesn't specify how much rainwater you can collect at your home to water your garden or flush your toilets. We don't require permits for typical 50-gallon rain barrels, but if many homes in a river valley collected rain in 30,000-gallon cisterns, it could create a problem for water right holders who have always relied on that rainwater to replenish their water supplies.

Our rivers and groundwater originated as rain or snow. If not regulated, large-scale rainwater collection may impair the water use of "senior" water right holders who obtained their water rights under the state's doctrine of "first in time, first in use." Ecology's goal is put rules in place that will specify how much rainwater a property owner will be allowed to collect before the state requires a water right permit.

Readers can e-mail comments or questions to Ecology's Judy Beitel at jbei461@ecy.wa.gov

Who owns the rain? We all do, and our experience has shown once folks know the rules they become willing partners in protecting the resource. (Slattery is a water resources program manager with the state Department of Ecology.)