

POL-2015

DEPARTMENT OF ECOLOGY WATER RESOURCES PROGRAM
POLICY AND INTERPRETIVE STATEMENT

WATER RIGHT PERMITS FOR FIRE FIGHTING OR PROTECTION

Effective Date: 03/14/2008

Contact: Policy and Planning Section

References: *Statute:* Chapters 43.21A, 43.27A, 76.04, 90.03, and 90.44 RCW

Policy: POL-1045

Purpose: To guide program staff in defining water uses related to firefighting 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.

This policy supersedes any previous policy statement with which it conflicts.

Definitions

Firefighting Facility: Any building or place that provides firefighting service and is used primarily for storing and maintaining firefighting equipment and/or housing firefighting personnel. Water may be used within the facility for training firefighting personnel, and testing and maintaining firefighting equipment.

Firefighting Water Use: 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 firefighting personnel as needed during the act of fire suppression and extinguishment.

Fire Protection: 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 firefighting facility for training firefighting personnel, and testing and maintaining firefighting equipment.

Policy

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 firefighting purposes, although the water system maintaining the hydrant may require a permit for other water use purposes.

The use of water for fire protection requires a water right.

- Groundwater withdrawals of not more than 5,000 gallons per day, as authorized under the groundwater permit exemption, may be used to serve a firefighting 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).
- Water use for firefighting 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.

The use of water within a federal firefighting 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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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 the department'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 the department.

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