

Frequently asked questions: water resource rules and regulations for marijuana growing in Washington State



Contact information

Contact your nearest regional office:

- Central Region (Yakima): 509-575-2597
- Eastern Region (Spokane): 509-329-3400
- Southwest Region (Lacey): 360-407-6058
- Northwest Region (Bellevue): 425-649-7077

Guidance for indoor and outdoor marijuana growing operations is available through the Liquor and Cannabis Control Board at:

<http://liq.wa.gov/mjlicense/permitting>

Special accommodations

To request ADA accommodation, call Ecology at 360-407-6872, 711 (relay service), or 877-833-6341 (TTY).

Initiative 502

In 2012, Washington voters approved [Initiative 502](#), which allows for the production, possession, delivery, and sale of marijuana.

The initiative makes marijuana subject to the same water use regulations as any other industry in Washington State.

Water availability for outdoor growing operations can vary significantly from county to county or water source to water source. Generally, outdoor growing operations have three options for supplying water to plants:

- Obtaining water from a water right purveyor such as a public utility district or irrigation district.
- Using the water right permit exemption for industrial uses of water ([RCW 90.44.050](#)).
- Filing an application to obtain a water right permit.

If water is not both legally and physically available for a project, local governments have the authority to deny development permits. Finding a source of water may be challenging in areas where water is already allocated to other users and uses.

Small uses of groundwater may qualify for use of the water right permit exemption.



Q: How do I obtain a water right permit exemption for small uses of water?

A: Washington State’s water right permit exemption allows use of well water (groundwater) to:

- Provide a water supply of no more than 5,000 gallons per day (gpd) for a home or group of homes.
- Water a non-commercial lawn or garden one-half acre in size or less with no gpd limit.
- Water livestock with no gpd limit.
- Provide a water supply of no more than 5,000 gpd for a commercial or industrial purpose including indoor and outdoor use.

Growers exercising the industrial exemption may use it to cultivate marijuana. Find out if your project qualifies for the exemption from a water right permit:

http://www.ecy.wa.gov/programs/wr/comp_enforce/gwpe.html

Q: What restrictions apply to the use of permit-exempt wells?

A: Water management rules in certain areas of the state may prohibit new groundwater uses or impose conditions, such as providing “water-for-water” mitigation, that must be met before water can be used. Growers with questions on possible restrictions of their water use should contact their county or nearest Department of Ecology regional office.

If you drill a water well under Washington’s permit exemption and put legal water to beneficial use, you hold a water right in Washington State. However, the daily limit for the industrial exemption is limited to 5,000 gpd. If you need more water, you will need to obtain a water right permit.

Q: Will the water use limit of 5,000 gpd under the industrial exemption provide enough water for growing marijuana?

A: Growers are responsible for researching and evaluating their water needs. Current information regarding marijuana water use is largely anecdotal. Growers are being licensed by the state

Liquor and Cannabis Control Board in three tiers depending on how much marijuana they intend to grow, but all three tiers are estimated to require less than 5,000 gpd. The tiers vary by the maximum square footage of marijuana canopy allowed and the estimated amount of water needed for an indoor grow operations.

Tier	Maximum square footage	Estimated water demand
1	2,000 sf	260 gpd
2	10,000 sf	1,300 gpd
3	30,000 sf	3,900 gpd

Therefore, a project including both a tier 2 and a tier 3 operation would likely require a water right permit as the total use would exceed 5,000 gpd. The Department of Ecology considers many factors on a case-by-case basis to determine if two or more activities should be evaluated as a single project:

- **Common ownership**
Is there an underlying common ownership or relationship between any controlling interests, owners, corporations, or limited liability companies?
- **Common effort**
Do the adjacent uses have any common infrastructure, share technical services, or hold agreements with each other?
- **Common timing**
What was the timing of land purchases(s) and development efforts for the subject lots and nearby parcels held in common ownership?

Ecology regional staff can help you determine whether your project exceeds the exemption. Find out more details on how the extent of a project is determined:

<https://fortress.wa.gov/ecy/publications/documents/1511016.pdf>

Water needs for outdoor grow operations, where environmental conditions cannot be controlled, are likely much higher. Climate variations at different locations in the state are a significant factor in determining the water needs for growing marijuana. Given that marijuana previously has been illegal to cultivate, the state does not have the same level of data regarding the irrigation needs for marijuana cultivation in various locations across the state as is available for traditional crops.

Q: How do I obtain a water right in Washington State?

A: If you cannot use the permit exemption, water can be obtained by acquiring land with a water right certificate attached to it. Applying for a change in the purpose and use of an existing water right is generally quicker, easier, and more cost-effective than applying for and obtaining a new water right.

If you have to apply for a new water right or have questions about purchasing an existing water right, contact the Water Resources staff of the regional Department of Ecology office closest to your marijuana growing operation. Staff can provide you information on the best way to obtain water for your operation before you spend money and effort preparing a water right application.

For more information on the water right application process, go to:
<http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>

For more information on water availability in your watershed, go to:
http://www.ecy.wa.gov/programs/wr/rights/wrpenapp_avail.html

For more information, on changes and transfers of water rights, go to
http://www.ecy.wa.gov/programs/wr/rights/change_transfer_use.html

Q: Will I be able to use water from my irrigation district to grow marijuana?

A: In May 2014, the U.S. Bureau of Reclamation (USBR) announced that use of USBR water or facilities (reservoirs, canals, pumps, etc.) for any activities related to the cultivation and distribution of marijuana is prohibited under the Controlled Substance Act of 1970. This means any irrigation district supplied by USBR projects cannot provide water for marijuana irrigation.

In Washington State, the USBR operates two large reclamation projects: the Yakima Basin Project and the Columbia Basin Project. Even though marijuana cultivation is legal under state law, Washington cannot require USBR – and the irrigation districts it contracts with – to supply water for marijuana production. There are no USBR projects in western Washington but you should contact your irrigation district to determine if water is available for marijuana irrigation.

Q: Can rainwater be collected and stored to cultivate marijuana?

A: Yes. Rainwater collection systems are legal in Washington State and do not require a water right. They can be used to store water collected in the wet season for later use. Groundwater from exempt wells can also be pumped to a storage tank or cistern that is part of the rainwater collection system and stored until needed, as long as the 5,000 gallons per day limit is not exceeded.

Collected rain or groundwater can only be used on the same parcel from which it was captured. More information on rainwater collection: <http://www.ecy.wa.gov/programs/wr/hq/rwh.html>