



In three states, catching the rain is illegal

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DENVER — Although [rainwater](#) is drawing new interest as an onsite water source, harvesting rain is against the law in two states and is limited in a third, [The Wall Street Journal](#) reported in its March 25 edition.

Colorado and Utah prohibit it, and Washington State allows it only in a few regions such as Seattle and the San Juan Islands, the *Journal* article said.

In the belief that such a ban makes no sense and is virtually unenforceable (penalties are vague in the law and rarely meted out), two Colorado legislators, state Rep. Marsha Looper (R-El Paso) and state Sen. Chris Romer (D-Denver), are trying to lift the ban in their state. Still, their bills would be somewhat limited and not lift the ban for all Coloradoans.

The *Journal* notes that rainwater harvesting bans originate in the West's complex water rights laws. In Colorado, the law says that every drop of moisture in the atmosphere over the state is accounted for — those drops must be allowed to hit the ground and flow to various watersheds, where the water is divided up by law among the state's many water users.

Critics note that people who harvest rainwater will probably direct most of it back into the ground anyway close to where it would have fallen, to water plants and crops. But "powerful forces" in Colorado still don't want any of it diverted, the article said.

Looper said she would like to put out a few rain barrels to grow hothouse tomatoes, but she won't do it because "I don't want to get thrown in jail."

A recent attempt to lift a ban in Utah died in that state's Legislature.

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