
HOUSE BILL 2369

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hinkle, Buck, Upthegrove, Delvin, Sullivan,
Schoesler, Pearson, Shabro, Benson and McDonald

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Committee on Agriculture & Natural Resources.

1 AN ACT Relating to ensuring that landlocked property owners may
2 obtain a private way of necessity across state lands; amending RCW
3 8.24.010; and adding a new section to chapter 8.24 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 8.24.010 and 1913 c 133 s 1 are each amended to read
6 as follows:

7 (1) An owner, or one entitled to the beneficial use, of land which
8 is so situate with respect to the land of another that it is necessary
9 for its proper use and enjoyment to have and maintain a private way of
10 necessity or to construct and maintain any drain, flume or ditch, on,
11 across, over or through the land of such other, for agricultural,
12 domestic or sanitary purposes, may condemn and take lands of such other
13 sufficient in area for the construction and maintenance of such private
14 way of necessity, or for the construction and maintenance of such
15 drain, flume or ditch, as the case may be.

16 (2) The term "private way of necessity," as used in this chapter,
17 shall mean and include a right of way on, across, over or through the
18 land of another for means of ingress and egress, and the construction
19 and maintenance thereon of roads, logging roads, flumes, canals,

1 ditches, tunnels, tramways and other structures upon, over and through
2 which timber, stone, minerals or other valuable materials and products
3 may be transported and carried.

4 (3) The term "land," as used in this chapter, includes state-owned
5 land that is administered, managed, or operated by the department of
6 natural resources, department of fish and wildlife, or state parks and
7 recreation commission.

8 NEW SECTION. Sec. 2. A new section is added to chapter 8.24 RCW
9 to read as follows:

10 (1) An owner, or one entitled to the beneficial use, of land who
11 has condemned state-owned land as defined in RCW 79.02.010 according to
12 the requirements of this chapter may bring an action for acts that
13 wrongfully preclude or interfere with the use of the private way of
14 necessity obtained according to this chapter. The action authorized by
15 this section may be brought against the department of natural
16 resources, department of fish and wildlife, state parks and recreation
17 commission, or any employee, official, or agent of these state agencies
18 acting in his or her official capacity or within the scope of his or
19 her duties.

20 (2) An owner, or one entitled to the beneficial use, of land who
21 prevails in an action authorized by this section shall be awarded
22 reasonable attorneys' fees and costs.

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