
Agriculture & Natural Resources
Committee

HB 1000

Brief Description: Concerning water rights appurtenant to land managed by the department of fish and wildlife.

Sponsors: Representatives Blake, Kretz and Buys.

Brief Summary of Bill

- Requires the Washington Department of Fish and Wildlife (WDFW) to lease water rights which are appurtenant to parcels of land that are owned or managed by the WDFW for out-of-stream beneficial use and use the revenue for projects related to hatchery, endangered species, land management, and salmon recovery.

Hearing Date: 1/14/15

Staff: Jason Callahan (786-7117).

Background:

State Land Management.

The management of land owned in the name of the state has been delegated to a number of state agencies and universities. The management philosophy of the land is generally determined by the jurisdiction, authorities, and priorities of the agency delegated the management responsibilities. The State Parks and Recreation Commission, the Department of Natural Resources, and the Washington Department of Fish and Wildlife (WDFW) are three agencies that manage many acres of developed and undeveloped public lands in the state.

The WDFW primarily manages land for hunting and fishing access and habitat conservation. The predecessor of the WDFW acquired its first land parcel in 1939; an 80-acre parcel in

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Okanogan County acquired for mule deer habitat. Today, the WDFW manages over 800,000 acres and more than 600 water access sites.

Water Rights Relinquishment.

A landowner who has the right to use water will lose that right if he or she does not put the water to a beneficial use over a period of five consecutive years. This is commonly known as both "relinquishment" and the "use it or lose it" principle. The water right holder can lose, or relinquish, their entire right to use any water or a portion of their original water right depending on how much water was not put to beneficial use over the five years in question.

There are, however, instances when a water right holder cannot use the water for five years and still retain his or her rights to the water. This occurs when the water right holder can show a sufficient cause for not using the water. The qualifying sufficient causes have been identified in statute and include causes such as drought, military service, legal proceedings, and crop rotation practices. Water right holders that can show a sufficient cause do not relinquish their right to water even if they go more than five years without putting the water to a beneficial use.

Summary of Bill:

The Habitat Enhancement and Leasing Account (HEAL Account) is created as an appropriated account to be managed by the WDFW. Money in the HEAL Account must be used by the WDFW to either fund regional fisheries enhancement groups, pay for production at WDFW-owned fish hatcheries, acquire or enhance habitat for endangered species, or to control weeds and other invasive plants on WDFW-owned lands.

Revenue from the HEAL Account is generated through the leasing of water rights that are appurtenant to parcels of land that are owned or managed by the WDFW for out-of-stream beneficial use. The water rights eligible for leasing are identified through the creation and annual updating of an inventory of all water rights associated with WDFW-managed land. The inventory must contain information regarding whether the water right has been used in the previous four years for out-of-stream beneficial use or if the WDFW plans to use the water right for out-of-stream beneficial use in the coming four years.

Unless subject to a sufficient cause exemption to the state's water right relinquishment policy, all water rights identified by the inventory as not being subject to recent or near-future out-of-stream beneficial use must be offered for leasing at comparable market terms with the revenue being dedicated to the HEAL Account. The leasing requirement does not apply to non-consumptive water rights used by fish hatcheries or to properties with deed restrictions that conflict with water rights leasing.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.