
HOUSE BILL 1000

State of Washington

64th Legislature

2015 Regular Session

By Representatives Blake, Kretz, and Buys

Prefiled 12/05/14. Read first time 01/12/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to water rights appurtenant to land managed by
2 the department of fish and wildlife; and adding new sections to
3 chapter 77.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12
6 RCW to read as follows:

7 (1) The department must maintain and annually update an inventory
8 of water rights appurtenant to each parcel of land owned or managed
9 by the department. The inventory must include information regarding
10 whether the department is using, has used within the most recent
11 four-year period, or plans to use within the subsequent four-year
12 period all, or a portion of, each water right for out-of-stream
13 beneficial uses.

14 (2) Unless the department's nonuse of a water right meets the
15 sufficient cause exception listed in RCW 90.14.140(1), the department
16 must offer for leasing, at comparable market terms, for out-of-stream
17 beneficial uses all water rights indicated in the inventory created
18 under this section:

19 (a) That are not the subject of current, out-of-stream beneficial
20 uses;

1 (b) That have not been the subject of out-of-stream beneficial
2 uses in the previous four years; or

3 (c) That are not the planned subject of out-of-stream beneficial
4 uses in the succeeding four years.

5 (3) All proceeds from water right leases entered into by the
6 department under this section must be deposited into the habitat
7 enhancement and leasing account created in section 2 of this act.

8 (4) All water right leases entered into by the department under
9 this section must be consistent with chapter 90.03 or 90.44 RCW, as
10 appropriate.

11 (5) This section does not apply to:

12 (a) Properties with deed restrictions in conflict with this
13 section or where application of this section would otherwise violate
14 law; and

15 (b) Nonconsumptive water rights used by fish hatcheries and
16 associated rearing ponds.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12
18 RCW to read as follows:

19 (1) The habitat enhancement and leasing account is created in the
20 state treasury. All receipts from the leasing of water rights under
21 section 1 of this act must be deposited in the account.

22 (2) Moneys in the account may be spent only after
23 appropriation. Expenditures from the account may only be used by the
24 department to:

25 (a) Provide funding to regional fisheries enhancement groups
26 incorporated under chapter 77.95 RCW;

27 (b) Maintain or increase production at department-managed fish
28 hatcheries;

29 (c) Acquire or enhance habitat for endangered, protected, or
30 threatened terrestrial species, such as the pygmy rabbit; and

31 (d) Control weeds and other invasive plants on department-managed
32 lands.

--- END ---