
SUBSTITUTE HOUSE BILL 1000

State of Washington

64th Legislature

2015 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, and Buys)

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

14 (2) Unless the department's nonuse of a water right meets one of
15 the sufficient causes listed in RCW 90.14.140(1), the department must
16 offer for leasing, at comparable market terms, for out-of-stream or
17 in-stream beneficial uses within the same watershed, as that term is
18 defined in RCW 90.74.010, all water rights indicated in the inventory
19 created under this section:

20 (a) That are not the subject of current beneficial uses;

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

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

5 (3) Any water right leased for in-stream use may be enrolled in
6 the trust water rights program created in RCW 90.42.040 or any other
7 mechanism whereby the lessee is entitled to receive mitigation credit
8 for committing the water right to an in-stream beneficial use.

9 (4) All proceeds from water right leases entered into by the
10 department under this section must be deposited into the habitat
11 enhancement and leasing account created in section 2 of this act.

12 (5) All water right leases entered into by the department under
13 this section must be consistent with chapter 90.03 or 90.44 RCW, as
14 appropriate.

15 (6) This section does not apply to:

16 (a) Properties with deed restrictions in conflict with this
17 section or where application of this section would otherwise violate
18 law;

19 (b) Water rights for which the department has made the
20 affirmative business decision to enroll in the trust water rights
21 program created in RCW 90.42.040 without receiving monetary
22 compensation for the water right or allowing a third party to use the
23 water right as mitigation; and

24 (c) Nonconsumptive water rights used by fish hatcheries and
25 associated rearing ponds.

26 (7) The department must report annually to the legislature,
27 consistent with RCW 43.01.036, the number and location of water
28 rights in its ownership, the number of water rights that were
29 purchased or otherwise acquired in the previous year, and the current
30 use and leasing status of all water rights in its ownership.

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

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

36 (2) Moneys in the account may be spent only after
37 appropriation. Expenditures from the account may only be used by the
38 department to:

- 1 (a) Provide funding to regional fisheries enhancement groups
2 incorporated under chapter 77.95 RCW;
3 (b) Maintain or increase production at department-managed fish
4 hatcheries; and
5 (c) Control weeds and other invasive plants on department-managed
6 lands.

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