

5361-S

Sponsor(s): Senate Committee on Environment, Energy & Water (originally sponsored by Senators Parlette, Honeyford, Hewitt, Hale, Morton, Swecker, Hochstatter, Long, Oke, McCaslin, Sheahan and Fraser)

Brief Description: Regarding instream flows and trust water rights.

SB 5361-S - DIGEST

(AS OF SENATE 2ND READING 3/09/01)

Provides that a water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

Provides that, if an aquatic species is listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) for a body of water, certain instream flows are needed for the species, and the holder of a right to water from the body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing those instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of this act and the terms prescribed are relevant and material to protecting any interest in the water right that is retained by the donor and are mutually acceptable. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.