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**HOUSE BILL 1000**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Blake, Kretz, and Buys

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

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

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

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

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

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

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

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

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

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

(5) This section does not apply to:

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

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

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

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

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

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

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

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

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

**--- END ---**