RCW 79.36.350 Application for right-of-way. (1) Any person, firm, or corporation engaged in the business of logging or lumbering, quarrying, mining or removing sand, gravel, or other valuable materials from land, and desirous of obtaining a right-of-way for the purpose of transporting or moving timber, minerals, stone, sand, gravel, or other valuable materials from other lands, over and across any state lands, or tide or shore lands [tidelands or shorelands] belonging to the state, or any such lands sold or leased by the state since the fifteenth day of June, 1911, shall file with the department upon a form to be furnished for that purpose, a written application for such right-of-way, accompanied by a plat showing the location of the right-of-way applied for with references to the boundaries of the government section in which the lands over and across which such right-of-way is desired are located. Except as provided in subsection (2) of this section, upon the filing of such application and plat, the department shall cause the lands embraced within the right-of-way applied for, to be inspected, and all timber thereon, and all damages to the lands affected which may be caused by the use of such right-of-way, to be appraised, and shall notify the applicant of the appraised value of such timber and such appraisement of damages. Except as provided in subsection (2) of this section, upon the payment to the department of the amount of the appraised value of timber and damages, the department shall issue in duplicate a right-of-way certificate setting forth the terms and conditions upon which such right-of-way is granted, as provided in the preceding sections, and providing that whenever such right-of-way shall cease to be used for the purpose for which it was granted, or shall not be used in accordance with such terms and conditions, it shall be deemed forfeited. One copy of such certificate shall be filed in the office of the department and one copy delivered to the applicant.

(2) The department's obligation to issue a right-of-way certificate as provided in subsection (1) of this section does not apply to an application for a right-of-way over land in which the federal government claims the exclusive right to grant an easement or right-of-way to third parties over such land. However, this exception does not apply where the department disputes the claim by the federal government. The existence of this section may not be deemed an acknowledgment that the federal government holds any such exclusive granting rights. [2021 c 49 s 1; 2003 c 334 s 383; 1927 c 255 s 83; RRS s 7797-83. Prior: 1921 c 55 s 1; 1915 c 147 s 12; 1897 c 89 s 34; 1895 c 178 s 45. Formerly RCW 79.01.332, 79.36.060.]

Intent—2003 c 334: See note following RCW 79.02.010.

Similar enactment: RCW 79.36.650.