

**WAC 332-22-020 Definitions.** Insofar as these rules apply, these definitions will be utilized.

- (1) "Commissioner" means the commissioner of public lands.
- (2) "Department" means the department of natural resources as defined in RCW 43.30.030.
- (3) "Board" means the board of natural resources as defined in RCW 43.30.040.
- (4) "Fair market rental value" means the total rental that a property would command on the open market as determined by either comparable rental rates being paid for comparable uses or by the current fair market value of the property times the applicable capitalization rate.
- (5) "Fair market value for improvements" is as defined in RCW 79.01.136.
- (6) "Highest and best use" means the legal use that will produce the highest return to the trust over an extended period of time, including interim use.
- (7) "Interim use" means any use of the land for which a rent can be charged before the planned use is attained.
- (8) "State lands" means lands owned by the state or managed by the department excluding marine and aquatic lands.
- (9) "Person" means a person at least 18 years of age, a partnership, a corporation or a government agency.
- (10) "Bonus bid" means the dollar amount offered, to be paid one time only, over and above the periodic rent or the share of the crop.
- (11) "Geothermal resources" means only that natural heat energy of the earth from which it is technologically practical to produce electricity commercially and the medium by which such heat energy is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines and associated gas, but excluding oil, hydrocarbon gas and other hydrocarbon substances, as defined in RCW 79.76.030.
- (12) "Commercially feasible geothermal resources" means that amount of geothermal steam, hot water, steam condensate, by-products thereof, minerals and chemicals which are used for:
  - (a) The generation of electricity, and
  - (b) Which are derived, generated or manufactured from the premises or from a unit plan which includes the lease premises, sufficient for commercial sales, or
  - (c) Which would warrant construction of facilities for processing or sale of such product or by-products.
- (13) "By-products" means
  - (a) Any mineral or minerals (exclusive of oil and hydrocarbon gas) which are found in solution or in association with geothermal steam or hot brine and which have a value of less than seventy-five percent of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, or
  - (b) Commercially demineralized water

[Statutory Authority: Chapter 79.12 RCW, as amended by ESB [EHB] 1277 and RCW 79.01.242. WSR 92-06-003, § 332-22-020, filed 2/20/92, effective 3/22/92. Statutory Authority: RCW 79.01.242. WSR 84-19-007 (Resolution No. 464), § 332-22-020, filed 9/10/84; WSR 81-03-059 (Order 350, Resolution No. 321), § 332-22-020, filed 1/20/81.]