
SENATE BILL 5241

State of Washington

62nd Legislature

2011 Regular Session

By Senators Roach and Tom

Read first time 01/19/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to the authority of a watershed management
2 partnership; and amending RCW 39.34.215.

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

4 **Sec. 1.** RCW 39.34.215 and 2009 c 504 s 1 are each amended to read
5 as follows:

6 (1) As limited in subsection (3) of this section, a watershed
7 management partnership formed or qualified under the authority of RCW
8 39.34.200 and 39.34.210, including the separate legal entity
9 established by such a partnership under RCW 39.34.030(3)(b) to conduct
10 the cooperative undertaking of the partnership under the same statutory
11 authority, may exercise the power of eminent domain as provided in
12 chapter 8.12 RCW.

13 (2) The eminent domain authority granted under subsection (1) of
14 this section may be exercised only for those utility purposes for which
15 the watershed partnership was formed and is limited solely to providing
16 water services to its customers.

17 (3) Subsection (1) of this section applies only to a watershed
18 management partnership that:

1 (a) Was formed or qualified before July 1, 2006, under the
2 authority of RCW 39.34.200 and 39.34.210;

3 (b) Is not engaged in planning or in implementing a plan for a
4 water resource inventory area under the terms of chapter 90.82 RCW;

5 (c) Is composed entirely of cities and water-sewer districts
6 authorized to exercise the power of eminent domain in the manner
7 provided by chapter 8.12 RCW; and

8 (d) Is governed by a board of directors consisting entirely of
9 elected officials from the cities and water-sewer districts that
10 constitute the watershed management partnership.

11 (4) A watershed management partnership exercising authority under
12 this section shall:

13 (a) Comply with the notice requirements of RCW 8.25.290; and

14 (b) Provide notice to the city, town, or county with jurisdiction
15 over the subject property by certified mail thirty days prior to the
16 partnership board authorizing condemnation(~~and~~

17 ~~(c) With any city that is not a member of the watershed management~~
18 ~~partnership and that has water or sewer service areas within one-half~~
19 ~~mile of Lake Tapps or water or sewer service areas within five miles~~
20 ~~upstream from Lake Tapps along the White river, enter into an~~
21 ~~interlocal agreement to allow eminent domain within that city prior to~~
22 ~~exercising eminent domain authority under this section.~~

23 ~~(5) The legislature is currently unaware of any information~~
24 ~~suggesting that the expected use by the watershed management~~
25 ~~partnership of the Lake Tapps water supply will have a significantly~~
26 ~~adverse effect on surrounding communities. However, if the watershed~~
27 ~~management partnership's Lake Tapps water supply operations result in~~
28 ~~a negative impact to the water supplies of a city that is not a member~~
29 ~~of the watershed management partnership and the city has water or sewer~~
30 ~~service areas within one-half mile of Lake Tapps or water or sewer~~
31 ~~service areas within five miles upstream from Lake Tapps along the~~
32 ~~White river, the city claiming a negative impact under this subsection~~
33 ~~must notify the watershed management partnership of their claim and~~
34 ~~give the partnership at least sixty days to resolve the claimed impact.~~
35 ~~If the watershed management partnership fails to resolve the claimed~~
36 ~~negative impact or disputes that the negative impact exists, the city~~
37 ~~claiming the negative impact under this subsection may pursue existing~~
38 ~~legal remedies in accordance with state and federal law. If a court~~

1 ~~determines that a negative impact has occurred as provided under this~~
2 ~~subsection, the watershed management partnership shall implement a~~
3 ~~remedy acceptable to the claiming city. If the affected city or cities~~
4 ~~and the watershed management partnership cannot agree on the terms~~
5 ~~required under this subsection, the court shall establish the terms for~~
6 ~~the remedy required under this subsection)).~~

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