

**RCW 87.03.0155 Contract and formation powers.** (1) An irrigation district may enter into any contract or agreement with, or form a separate legal entity with, one or more of the entities or utilities specified in subsection (3) of this section for any of the following purposes:

- (a) Purchasing and selling electric power;
  - (b) Developing or owning, or both, electric power generating or transmitting facilities, or both, including, but not limited to, facilities for generating or transmitting electric power generated by water, wind, solar power, thermal power, or batteries; and
  - (c) Developing or owning, or both, water storage, pumping, and transmission facilities.
- (2) The contract or agreement may provide:
- (a) For purchasing the capability of a project to produce or transmit electric power, in addition to actual output of a project;
  - (b) For making payments whether or not a project is completed, operative, or operating, and notwithstanding the suspension, interruption, interference, reduction, or curtailment of output or use of a project or the use, power, and energy contracted for or agreed to;
  - (c) That payments are not subject to reduction, whether by offset or otherwise; and
  - (d) That performance is not conditioned upon performance or nonperformance of any party or entity.
- (3) Pursuant to authority granted under this section, irrigation districts may contract or enter into agreements with one or more:
- (a) Agencies of the United States government;
  - (b) States;
  - (c) Municipalities;
  - (d) Public utility districts;
  - (e) Irrigation districts;
  - (f) Joint operating agencies;
  - (g) Rural electric cooperatives;
  - (h) Mutual corporations or associations;
  - (i) Investor-owned utilities;
  - (j) Private commercial or industrial entities that construct or operate electric power generation or transmission facilities;
  - (k) Private commercial or industrial entities that acquire electric power for their own use or resale; or
  - (l) Associations or legal entities composed of any such entities or utilities.
- (4) If an irrigation district enters into a contract or agreement under this section to create a legal entity or undertaking with an investor-owned utility or a private commercial or industrial entity, that contract or agreement must provide that the irrigation district be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of an investor-owned utility or a private commercial or industrial entity. No money or property supplied by any irrigation district for the planning, financing, acquisition, construction, operation, or maintenance of any common facility may be credited or otherwise applied to the account of any investor-owned utility or private commercial or industrial entity therein, nor may the undivided share of any irrigation district in any common facility be charged, directly or indirectly, with any debt or obligation of any investor-owned utility or private commercial or industrial entity or be subject to any lien as a result thereof. No action in connection with a common facility may be binding upon any

irrigation district unless authorized or approved by resolution of its board.

(5) This section may not be construed in any manner that abridges any other powers of an irrigation district conferred by law. [2017 c 63 § 2; 2009 c 145 § 4.]