
SENATE BILL 6453

State of Washington 52nd Legislature 1992 Regular Session

By Senators Madsen and Gaspard

Read first time 01/31/92. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to the exercise of condemnation or eminent domain
2 by public utility districts or water districts; amending RCW 57.08.010;
3 and adding a new section to chapter 54.20 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 54.20 RCW
6 to read as follows:

7 In any condemnation proceeding instituted by a public utility
8 district for the acquisition of properties for the purpose of providing
9 water service, the court shall recognize and deduct the following from
10 the valuation of any system to be purchased:

11 (1) The value of any physical plant or real property assets which
12 were contributed by the customers; and

1 (2) The cost of all improvements necessary for the system to
2 operate in compliance with applicable state or local health and safety
3 standards.

4 **Sec. 2.** RCW 57.08.010 and 1991 c 82 s 4 are each amended to read
5 as follows:

6 (1)(a) A water district may acquire by purchase or condemnation, or
7 both, all property and property rights and all water and water rights,
8 both within and without the district, necessary for its purposes. In
9 any condemnation proceeding by a water district, the court shall
10 recognize and deduct the following from the valuation of any system to
11 be condemned:

12 (i) The value of any physical plant or real property assets which
13 were contributed by the customers; and

14 (ii) The cost of all improvements necessary for the system to
15 operate in compliance with applicable state or local health and safety
16 standards.

17 (b) A water district may lease real or personal property necessary
18 for its purposes for a term of years for which such leased property may
19 reasonably be needed where in the opinion of the board of water
20 commissioners such property may not be needed permanently or
21 substantial savings to the district can be effected thereby.

22 (c) The right of eminent domain shall be exercised in the same
23 manner and by the same procedure as provided for cities of the third
24 class, insofar as consistent with the provisions of this title, except
25 that all assessment rolls to be prepared and filed by eminent domain
26 commissioners or commissioners appointed by the court shall be prepared
27 and filed by the water district, and the duties devolving upon the city
28 treasurer are hereby imposed upon the county treasurer.

1 (d) A water district may construct, condemn and purchase, purchase,
2 add to, maintain, and supply waterworks to furnish the district and
3 inhabitants thereof, and any city or town therein and any other
4 persons, both within and without the district, with an ample supply of
5 water for all uses and purposes public and private with full authority
6 to regulate and control the use, content, distribution, and price
7 thereof in such a manner as is not in conflict with general law and may
8 construct, acquire, or own buildings and other necessary district
9 facilities. Where a customer connected to the district's system uses
10 the water on an intermittent or transient basis, a district may charge
11 for providing water service to such a customer, regardless of the
12 amount of water, if any, used by the customer.

13 (e) A water district contiguous to Canada may contract with a
14 Canadian corporation for the purchase of water and for the
15 construction, purchase, maintenance, and supply of waterworks to
16 furnish the district and inhabitants thereof and residents of Canada
17 with an ample supply of water under terms approved by the board of
18 commissioners. Such waterworks may include facilities which result in
19 combined water supply and electric generation, provided that the
20 electricity generated thereby is a byproduct of the water supply
21 system.

22 (f) Such electricity may be used by the water district or sold to
23 any entity authorized by law to distribute electricity. Such
24 electricity is a byproduct when the electrical generation is
25 subordinate to the primary purpose of water supply.

26 (g) For such purposes, a water district may take, condemn and
27 purchase, purchase, acquire, and retain water from any public or
28 navigable lake, river, or watercourse, or any underflowing water and,
29 by means of aqueducts or pipe line conduct the same throughout such

1 water district and any city or town therein and carry it along and upon
2 public highways, roads, and streets, within and without such district.

3 (h) For the purpose of constructing or laying aqueducts or pipe
4 lines, dams, or waterworks or other necessary structures in storing and
5 retaining water or for any other lawful purpose such water district may
6 occupy the beds and shores up to the high water mark of any such lake,
7 river, or other watercourse, and may acquire by purchase or
8 condemnation such property or property rights or privileges as may be
9 necessary to protect its water supply from pollution.

10 (i) For the purposes of waterworks which include facilities for the
11 generation of electricity as a byproduct, nothing in this section may
12 be construed to authorize a water district to condemn electric
13 generating, transmission, or distribution rights or facilities of
14 entities authorized by law to distribute electricity, or to acquire
15 such rights or facilities without the consent of the owner.

16 (2) A water district may purchase and take water from any municipal
17 corporation.

18 (3) A water district may fix rates and charges for water supplied
19 and may charge property owners seeking to connect to the district's
20 water supply system, as a condition to granting the right to so
21 connect, in addition to the cost of such connection, such reasonable
22 connection charge as the board of commissioners shall determine to be
23 proper in order that such property owners shall bear their equitable
24 share of the cost of such system.

25 (a) For purposes of calculating a connection charge, the board of
26 commissioners shall determine the pro rata share of the cost of
27 existing facilities and facilities planned for construction within the
28 next ten years and contained in an adopted comprehensive plan and other
29 costs borne by the district which are directly attributable to the
30 improvements required by property owners seeking to connect to the

1 system. The cost of existing facilities shall not include those
2 portions of the system which have been donated or which have been paid
3 for by grants.

4 (b) The connection charge may include interest charges applied from
5 the date of construction of the water system until the connection, or
6 for a period not to exceed ten years, whichever is shorter, at a rate
7 commensurate with the rate of interest applicable to the district at
8 the time of construction or major rehabilitation of the water system,
9 or at the time of installation of the water lines to which the property
10 owner is seeking to connect.

11 (4)(a) A district may permit payment of the cost of connection and
12 the reasonable connection charge to be paid with interest in
13 installments over a period not exceeding fifteen years. The county
14 treasurer may charge and collect a fee of three dollars for each year
15 for the treasurer's services. Such fees shall be a charge to be
16 included as part of each annual installment, and shall be credited to
17 the county current expense fund by the county treasurer.

18 (b) Revenues from connection charges excluding permit fees are to
19 be considered payments in aid of construction as defined by department
20 of revenue rule.

21 (5) A district may operate and maintain a park or recreational
22 facilities on real property that it owns or in which it has an interest
23 that is not immediately necessary for its purposes.

24 (6) If such park or recreational facilities are operated by a
25 person other than the district, including a corporation, partnership,
26 or other business enterprise, the person shall indemnify and hold
27 harmless the district for any injury or damage caused by the action of
28 the person.