

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1332**

61st Legislature  
2009 Regular Session

Passed by the House April 25, 2009  
Yeas 92 Nays 4

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**Speaker of the House of Representatives**

Passed by the Senate April 23, 2009  
Yeas 43 Nays 5

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1332** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1332**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter, and Maxwell)

READ FIRST TIME 02/11/09.

1            AN ACT Relating to the authority of a watershed management  
2 partnership to exercise powers of its forming governments; and adding  
3 a new section to chapter 39.34 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 39.34 RCW  
6 to read as follows:

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

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

18            (3) Subsection (1) of this section applies only to a watershed  
19 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;

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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