

# SENATE BILL REPORT

## ESHB 2537

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As Reported By Senate Committee On:  
Government Operations, February 23, 1996

**Title:** An act relating to the creation, operation, and management of boards of joint control.

**Brief Description:** Providing for modifications to the creation and operation of irrigation district joint control boards.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Honeyford, Chandler, Mastin, Clements, Schoesler, Foreman, Grant, Lisk and Mulliken).

**Brief History:**

**Committee Activity:** Government Operations: 2/20/96, 2/23/96 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Goings, Hale, McCaslin and Winsley.

**Staff:** Katie Healy (786-7403)

**Background:** A board of joint control may be created to operate, maintain and regulate two or more irrigation districts. The irrigation districts must own water rights having the same natural source, and must use common works for the diversion and transportation of all or a part of their irrigation water supplies.

There is desire to improve operating efficiencies and management of scarce water resources.

**Summary of Bill:** More specificity is given as to what a board of joint control may do, including construction of joint use facilities. Definitions are provided for terms relevant to joint irrigation districts.

Clarification is made with regard to the entities who sign the petition to create a joint board. The provision is deleted requiring the signatures of the entire membership of the board of directors of an irrigation district.

The petition describes the relationship of the irrigation entities to a federal reclamation project and the primary water works of the entities. The petition also provides for the formula for apportionment of costs among the members of the joint board. It may also propose the composition of the board. If approved, the county commissioners must appoint the joint board based on the board composition proposed in the petition.

The owners of land not located in the irrigation district concerned with, but whose land may be affected by the actions of the irrigation district, are no longer permitted to designate a

person to represent their interest to the joint board. An alternative voting structure is permitted if proposed in the petition and adopted in the county commissioners' resolution. Provision is made for compensating the board members, which amount is fixed by resolution.

The joint board is authorized to accept funding, and is given more flexibility to perform certain functions, such as design, construction or operation of projects. The board may accept operation responsibility for federal reserved works if the board area of jurisdiction is completely within a federal reclamation project. The joint board is authorized to pursue conservation and system efficiency improvements to appropriately manage scarce water resources. The saved water is either redistributed within the jurisdiction or, subject to state law, may be transferred to others. Any redistribution of water may not adversely affect water service to existing water users, and may not injure existing water rights. A board may not authorize a transfer of or change in a water right, or authorize a redistribution of saved water before July 1, 1997.

When water is provided by an irrigation entity that is a member of a board of joint control, approval for a change in place of use for a water right is required only from the board, if the water continues to be used within the joint board's jurisdiction, and the change does not injure existing rights. A board of joint control may not abridge existing rights of an individual irrigation entity, an existing board of control, or a water right within its area of jurisdiction without the consent of the party owning the water right.

A board of joint control using waters of the Yakima River must coordinate its conservation projects with federal and state programs adopted under the federal Yakima Basin Water Enhancement Project as funds are available.

A board of joint control may not authorize a change in any water right that would change the point of diversion without the Department of Ecology's approval. A board cannot approve a change in a water right unless it can be made without injury to existing water rights. A board of joint control may authorize changes in water rights only in the manner that irrigation districts may authorize such changes.

A treasurer other than the county treasurer may be designated to collect assessments and distribute collections. When the county treasurer serves as the board's treasurer, vouchers for operations are issued.

The persons who may sit on the board are limited. If this statute is in conflict with a federal contract, the county commissioners must deny the irrigation districts' proposed participation.

Technical changes are made to the statute.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Interested parties are still working to address concerns which have been raised. This bill is an attempt to coordinate districts. There are concerns regarding the transfer of reserve works. This bill deals with governmental processes, not water rights. Presently, there is a move in Congress to move reserve works to irrigation districts. Instream flows need to continue to be protected. The Yakima Basin Enhancement Project covers these acts. There must be a community of interests with the irrigation districts. This will not be another layer of government, but will streamline the process.

**Testimony Against:** There are still many concerns which need to be addressed.

**Testified:** Dawn Vyvyan, Yakama Nation (con); Joe LaTourette, Rivers Council of WA (pro w/amend.).