

2 **SHB 2710** - S AMD - 864
3 By Senator Morton

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 87.03.845 and 1993 c 235 s 2 are each amended to read
8 as follows:

9 This section and RCW 87.03.847 through 87.03.855 provide the
10 procedures by which a minor irrigation district may be merged into a
11 major irrigation district as authorized by RCW 87.03.530(2).

12 To institute proceedings for such a merger, the board of directors
13 of the minor district shall adopt a resolution requesting the board of
14 directors of the major district to consider the merger, or proceedings
15 for such a merger may be instituted by a petition requesting the board
16 of directors of the major district to consider the merger, signed by
17 ten owners of land within the minor district or five percent of the
18 total number of landowners within the minor district, whichever is
19 greater. However, if there are fewer than twenty owners of land within
20 the minor irrigation district, the petition shall be signed by a
21 majority of the landowners and filed with the board of directors of the
22 major irrigation district.

23 The board of directors of the major irrigation district shall
24 consider the request at the next regularly scheduled meeting of the
25 board of directors of the major district following its receipt of the
26 minor district's request or at a special meeting called for the purpose
27 of considering the request. If the board of the major district denies
28 the request of the minor district, no further action on the request
29 shall be taken.

30 If the board of the major district does not deny the request, it
31 shall conduct a public hearing on the request and shall give notice
32 regarding the hearing. The notice shall describe the proposed merger
33 and shall be published once a week for two consecutive weeks preceding
34 the date of the hearing and the last publication shall be not more than
35 seven days before the date of the hearing. The notice shall contain a
36 statement that unless the holders of title or evidence of title to at

1 least twenty percent of the assessed lands within the major district
2 file a protest opposing the merger with the board of the major district
3 at or before the hearing, the board is free to approve the request for
4 the merger without an election being conducted in the major district on
5 the request. If the board of the major district is considering
6 requests from more than one minor district, the hearing shall be
7 conducted on all such requests.

8 **Sec. 2.** RCW 87.80.130 and 1996 c 320 s 11 are each amended to read
9 as follows:

10 (1) A board of joint control created under the provisions of this
11 chapter shall have full authority within its area of jurisdiction to
12 enter into and perform any and all necessary contracts; to accept
13 grants and loans, including, but not limited to, those provided under
14 chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the
15 necessary officers, agents, and employees; to sue and be sued as a
16 board but without personal liability of the members thereof in any and
17 all matters in which all the irrigation entities represented on the
18 board as a whole have a common interest without making the irrigation
19 entities parties to the suit; to represent the entities in all matters
20 of common interest as a whole within the scope of this chapter; and to
21 do any and all lawful acts required and expedient to carry out the
22 purposes of this chapter. A board of joint control may, subject to the
23 same limitations as an irrigation district operating under chapter
24 87.03 RCW, acquire any property or property rights for use within the
25 board's area of jurisdiction by power of eminent domain; acquire,
26 purchase, or lease in its own name all necessary real or personal
27 property or property rights; and sell, lease, or exchange any surplus
28 real or personal property or property rights. Any transfers of water,
29 however, are limited to transfers authorized under subsection (2) of
30 this section.

31 (2) A board of joint control is authorized and encouraged to pursue
32 conservation and system efficiency improvements to optimize the use of
33 appropriated waters and to either redistribute the saved water within
34 its area of jurisdiction, or, transfer the water to others, or both.
35 A redistribution of saved water as an operational practice internal to
36 the board of joint control's area of jurisdiction, may be authorized if
37 it can be made without detriment or injury to rights existing outside
38 of the board of control's area of jurisdiction, including instream flow

1 water rights established under state or federal law. Prior to
2 undertaking a water conservation or system efficiency improvement
3 project which will result in a redistribution of saved water, the board
4 of joint control must consult with the department of ecology and if the
5 board's jurisdiction is within a United States reclamation project the
6 board must obtain the approval of the bureau of reclamation. The
7 purpose of such consultation is to assure that the proposal will not
8 impair the rights of other water holders or bureau of reclamation
9 contract water users. A board of control does not have the power to
10 authorize a change of any water right that would change the point or
11 points of diversion, purpose of use, or place of use outside the
12 board's area of jurisdiction, without the approval of the department of
13 ecology pursuant to RCW 90.03.380 and if the board's jurisdiction is
14 within a United States reclamation project, the approval of the bureau
15 of reclamation.

16 (3) A board of joint control is authorized to design, construct,
17 and operate either drainage projects, or water quality enhancement
18 projects, or both.

19 (4) Where the board of joint control area of jurisdiction is
20 totally within a federal reclamation project, the board is authorized
21 to accept operational responsibility for federal reserved works.

22 (5) Nothing contained in this chapter gives a board of joint
23 control the authority to abridge the existing rights, responsibilities,
24 and authorities of an individual irrigation entity or others within the
25 area of jurisdiction; nor in a case where the board of joint control
26 consists of representatives of two or more divisions of a federal
27 reclamation project shall the board of joint control abridge any powers
28 of an existing board of control created through federal contract; nor
29 shall a board of joint control have any authority to abridge or modify
30 a water right benefiting lands within its area of jurisdiction without
31 consent of the party holding the ownership interest in the water right.

32 (6) A board of joint control created under this chapter may not use
33 any authority granted to it by this chapter or by RCW 90.03.380 to
34 authorize a transfer of or change in a water right or to authorize a
35 redistribution of saved water before July 1, 1997."

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4 On page 1, line 1 of the title, after "districts;" strike the
5 remainder of the title and insert "and amending RCW 87.03.845 and
6 87.80.130."

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