

# ***ANALYSIS OF HB 2710***

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***House Agriculture & Ecology Committee***

***January 28, 1998***

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## **BACKGROUND:**

Property owners representing one-half or more of a body of lands may petition an irrigation district requesting that the lands be added within the boundaries of the district. The lands must be adjacent to the boundaries of the irrigation district, be contiguous, and constitute one tract of land when taken together. Property may be added to an irrigation district with 200,000 or more acres, however, without the lands having to meet requirements of being adjacent to the district, being contiguous, or constituting one tract of land when taken together.

A smaller irrigation district (minor district) may be merged into a larger irrigation district (major district) if the assessed acreage in the smaller district constitutes no more than 30% of the combined assessed acreage of the two districts combined. The merger procedure is initiated by the adoption of a resolution by the minor irrigation district board of directors calling for the merger. If the major irrigation district board of directors does not deny the request for merger, it must send out public notice and conduct hearings on the proposed merger. If the major irrigation district wishes to merge the districts after the public hearings have been held, and a petition has not been filed in opposition to the merger by landowners representing at least 20% of the assessed lands within the major district, the board of directors of the major district may adopt a resolution to merge the districts. If the major district board of directors approves the merger, no election is held in the major district but an election must be held in the minor district to approve the merger. If a petition with sufficient signatures is submitted to the board of directors of the major irrigation district protesting the merger, then the issue is submitted to the voters of both irrigation districts. There is no procedure for landowners within the minor irrigation district to initiate a merger by petition method.

A board of joint control may be formed to administer operations, maintenance, and other aspects of two or more irrigation districts or similar entities. A board of joint control is authorized to enter into and perform any and all necessary contracts, but is not specifically authorized to use the powers of eminent domain; or to lease property, property rights, facilities and equipment; or to sell or exchange surplus property, property rights, facilities, and equipment.

## **SUMMARY:**

When a petition is submitted by property owners requesting annexation of lands into an irrigation

district, the lands no longer have to be adjacent to the boundaries of the irrigation district, be contiguous, or constitute one tract of land when taken together.

The merger of a minor irrigation district into a major irrigation district may be initiated by a petition signed by ten owners of land within the minor district or 5% of the total number of landowners within the minor district, whichever is greater. If there are less than twenty landowners within the minor irrigation district, the petition must be signed by a majority of the landowners. The petition must be filed with the board of directors of the major irrigation district.

Boards of joint control are specifically authorized to exercise the powers of eminent domain. Boards of joint control may also lease property, property rights, facilities and equipment; and may sell or exchange surplus property, property rights, facilities, and equipment.