
HOUSE BILL 2710

State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler and Honeyford

Read first time 01/19/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the administration of irrigation districts; and
2 amending RCW 87.03.560, 87.03.845, and 87.80.130.

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

4 **Sec. 1.** RCW 87.03.560 and 1889-90 p 694 s 48 are each amended to
5 read as follows:

6 The holder or holders of title, or evidence of title, representing
7 one-half or more of any body of lands (~~adjacent to the boundary of an~~
8 ~~irrigation district, which are contiguous and which, taken together,~~
9 ~~constitute one tract of land,~~) may file with the board of directors of
10 ~~((said))~~ an irrigation district a petition in writing, praying that the
11 boundaries of ~~((said))~~ the district may be so changed as to include
12 ~~((therein said))~~ such lands. The petition shall describe the
13 boundaries of ~~((said))~~ the parcel or tract of land, and shall also
14 describe the boundaries of the several parcels owned by the
15 petitioners, if the petitioners be the owners respectively of distinct
16 parcels, but such descriptions need not be more particular than they
17 are required to be when such lands are entered by the county assessor
18 in the assessment book. Such petition must contain the assent of the
19 petitioners to the inclusion within ~~((said))~~ the district of the

1 parcels or tracts of land described in the petition, and of which
2 ((said)) the petition alleges they are respectively the owners; and it
3 must be acknowledged in the same manner that conveyances of land are
4 required to be acknowledged.

5 **Sec. 2.** RCW 87.03.845 and 1993 c 235 s 2 are each amended to read
6 as follows:

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

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

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

28 If the board of the major district does not deny the request, it
29 shall conduct a public hearing on the request and shall give notice
30 regarding the hearing. The notice shall describe the proposed merger
31 and shall be published once a week for two consecutive weeks preceding
32 the date of the hearing and the last publication shall be not more than
33 seven days before the date of the hearing. The notice shall contain a
34 statement that unless the holders of title or evidence of title to at
35 least twenty percent of the assessed lands within the major district
36 file a protest opposing the merger with the board of the major district
37 at or before the hearing, the board is free to approve the request for
38 the merger without an election being conducted in the major district on

1 the request. If the board of the major district is considering
2 requests from more than one minor district, the hearing shall be
3 conducted on all such requests.

4 **Sec. 3.** RCW 87.80.130 and 1996 c 320 s 11 are each amended to read
5 as follows:

6 (1) A board of joint control created under the provisions of this
7 chapter shall have full authority within its area of jurisdiction to
8 enter into and perform any and all necessary contracts; to accept
9 grants and loans, including, but not limited to, those provided under
10 chapters 43.83B and 43.99E RCW(~~(7)~~); to acquire, purchase, condemn by
11 power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or
12 lease in its own name, necessary property, property rights, facilities,
13 and equipment; to sell or exchange surplus property, property rights,
14 facilities, and equipment; 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.

23 (2) A board of joint control is authorized and encouraged to pursue
24 conservation and system efficiency improvements to optimize the use of
25 appropriated waters and to either redistribute the saved water within
26 its area of jurisdiction, or, transfer the water to others, or both.
27 A redistribution of saved water as an operational practice internal to
28 the board of joint control's area of jurisdiction, may be authorized if
29 it can be made without detriment or injury to rights existing outside
30 of the board of control's area of jurisdiction, including instream flow
31 water rights established under state or federal law. Prior to
32 undertaking a water conservation or system efficiency improvement
33 project which will result in a redistribution of saved water, the board
34 of joint control must consult with the department of ecology and if the
35 board's jurisdiction is within a United States reclamation project the
36 board must obtain the approval of the bureau of reclamation. The
37 purpose of such consultation is to assure that the proposal will not
38 impair the rights of other water holders or bureau of reclamation

1 contract water users. A board of control does not have the power to
2 authorize a change of any water right that would change the point or
3 points of diversion, purpose of use, or place of use outside the
4 board's area of jurisdiction, without the approval of the department of
5 ecology pursuant to RCW 90.03.380 and if the board's jurisdiction is
6 within a United States reclamation project, the approval of the bureau
7 of reclamation.

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

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

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

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

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