

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2710

55th Legislature
1998 Regular Session

Passed by the House March 9, 1998
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2710** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2710

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Honeyford)

Read first time 02/02/98. Referred to Committee on .

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

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

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

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

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

1 The board of directors of the major irrigation district shall
2 consider the request at the next regularly scheduled meeting of the
3 board of directors of the major district following its receipt of the
4 minor district's request or at a special meeting called for the purpose
5 of considering the request. If the board of the major district denies
6 the request of the minor district, no further action on the request
7 shall be taken.

8 If the board of the major district does not deny the request, it
9 shall conduct a public hearing on the request and shall give notice
10 regarding the hearing. The notice shall describe the proposed merger
11 and shall be published once a week for two consecutive weeks preceding
12 the date of the hearing and the last publication shall be not more than
13 seven days before the date of the hearing. The notice shall contain a
14 statement that unless the holders of title or evidence of title to at
15 least twenty percent of the assessed lands within the major district
16 file a protest opposing the merger with the board of the major district
17 at or before the hearing, the board is free to approve the request for
18 the merger without an election being conducted in the major district on
19 the request. If the board of the major district is considering
20 requests from more than one minor district, the hearing shall be
21 conducted on all such requests.

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

24 (1) A board of joint control created under the provisions of this
25 chapter shall have full authority within its area of jurisdiction to
26 enter into and perform any and all necessary contracts; to accept
27 grants and loans, including, but not limited to, those provided under
28 chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the
29 necessary officers, agents, and employees; to sue and be sued as a
30 board but without personal liability of the members thereof in any and
31 all matters in which all the irrigation entities represented on the
32 board as a whole have a common interest without making the irrigation
33 entities parties to the suit; to represent the entities in all matters
34 of common interest as a whole within the scope of this chapter; and to
35 do any and all lawful acts required and expedient to carry out the
36 purposes of this chapter. A board of joint control may, subject to the
37 same limitations as an irrigation district operating under chapter
38 87.03 RCW, acquire any property or property rights for use within the

1 board's area of jurisdiction by power of eminent domain; acquire,
2 purchase, or lease in its own name all necessary real or personal
3 property or property rights; and sell, lease, or exchange any surplus
4 real or personal property or property rights. Any transfers of water,
5 however, are limited to transfers authorized under subsection (2) of
6 this section.

7 (2) A board of joint control is authorized and encouraged to pursue
8 conservation and system efficiency improvements to optimize the use of
9 appropriated waters and to either redistribute the saved water within
10 its area of jurisdiction, or, transfer the water to others, or both.
11 A redistribution of saved water as an operational practice internal to
12 the board of joint control's area of jurisdiction, may be authorized if
13 it can be made without detriment or injury to rights existing outside
14 of the board of control's area of jurisdiction, including instream flow
15 water rights established under state or federal law. Prior to
16 undertaking a water conservation or system efficiency improvement
17 project which will result in a redistribution of saved water, the board
18 of joint control must consult with the department of ecology and if the
19 board's jurisdiction is within a United States reclamation project the
20 board must obtain the approval of the bureau of reclamation. The
21 purpose of such consultation is to assure that the proposal will not
22 impair the rights of other water holders or bureau of reclamation
23 contract water users. A board of control does not have the power to
24 authorize a change of any water right that would change the point or
25 points of diversion, purpose of use, or place of use outside the
26 board's area of jurisdiction, without the approval of the department of
27 ecology pursuant to RCW 90.03.380 and if the board's jurisdiction is
28 within a United States reclamation project, the approval of the bureau
29 of reclamation.

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

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

36 (5) Nothing contained in this chapter gives a board of joint
37 control the authority to abridge the existing rights, responsibilities,
38 and authorities of an individual irrigation entity or others within the
39 area of jurisdiction; nor in a case where the board of joint control

1 consists of representatives of two or more divisions of a federal
2 reclamation project shall the board of joint control abridge any powers
3 of an existing board of control created through federal contract; nor
4 shall a board of joint control have any authority to abridge or modify
5 a water right benefiting lands within its area of jurisdiction without
6 consent of the party holding the ownership interest in the water right.

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

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