
**Agriculture & Ecology
Committee**

HB 2369

Brief Description: Allowing certain landowners to have their land excluded from an irrigation district.

Sponsors: Representatives Buck and Delvin.

Brief Summary of Bill

- Allows an owner of land that is no more than one acre and that is included within an irrigation district to have his or her land excluded from the irrigation district if the irrigation water has not been accessed or accessible for the past five consecutive years.
- Specifies process for owner to seek exclusion of land from irrigation district.

Hearing Date: 2/1/02

Staff: Caroleen Dineen (786-7156).

Background:

Irrigation districts may be created to provide a system of water distribution for irrigation purposes. Irrigation districts may purchase, construct, operate, maintain, and repair systems of diverting conduits from a natural source of water supply for individual distribution for irrigation. Among other powers, an irrigation district has authority to buy and sell electric power for irrigation and domestic use, operate a domestic water system for irrigated land owners, and operate a drainage or sewage system. Irrigation districts also may impose rates and charges for district services through collection or a levy of assessments.

The boundaries of an irrigation district may be changed. An irrigation district may annex land according to statutory procedures. A statutory process is also specified for an irrigation district to exclude land within the district. Owners of land meeting certain criteria may petition the irrigation district to exclude their land. The irrigation district's board of directors must publish notice of the petition and allow an opportunity for objections to be filed in writing. The board may enter an order granting the petition to exclude land if: (1) the board determines the exclusion is in the best interests of the district; (2) no interested person has

shown cause to object to the petition; (3) all bondholders have assented in writing to the exclusion; and (4) if the district has a contract with the United States or the State of Washington, the Secretary of the Interior or the Director of the Department of Ecology have assented in writing to the exclusion. If an interested person shows cause to object to the petition, the board must conduct an election and may approve the petition if a majority of the voters approve the exclusion.

If exclusion is granted, the district's board of directors may determine whether any refund is to be paid to the owners of excluded lands and whether any unpaid assessments should be canceled. The irrigation district's order granting exclusion and any order canceling assessments must be filed with the county auditor and county assessor.

Summary of Bill:

An owner of land of no more than one acre that is included within an irrigation district may have his or her land excluded from the irrigation district if:

- the owner has not accessed the irrigation district water available to the land for the past five consecutive years; or
- the irrigation district water has not been accessible to the owner's land for the past five consecutive years.

An owner meeting one of these conditions may notify the irrigation district's board of directors of his or her intent to exclude the land from the district. The district's board of directors has 90 days from receipt of this notice to enter an order excluding the land from the district. The order must be entered into the district board minutes and certified to the county treasurer.

Appropriation: None.

Fiscal Note: Not Requested.

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