
**Agriculture & Natural
Resources Committee**

HB 1113

Brief Description: Regarding irrigation district boards of joint control.

Sponsors: Representatives Hinkle, Linville, Schoesler, Boldt and Mielke.

Brief Summary of Bill

- Adds certain private entities to the definition of "irrigation entity" for purposes of the irrigation districts' board of joint control statutes.

Hearing Date: 1/28/03

Staff: Caroleen Dineen (786-7156).

Background:

An irrigation district may be created to provide a system of water distribution for irrigation purposes. An irrigation district may purchase, construct, operate, maintain, and repair systems of diverting conduits from a natural source of water supply for individual distribution for irrigation. In addition, 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.

Two or more irrigation entities may create a board of joint control. An "irrigation entity" is defined for purposes of the board of joint control statutes as an irrigation district or an operating entity for a division within a federal reclamation project. A board of joint control may be created to:

- construct, operate, manage, and improve joint use facilities owned or controlled by participating irrigation entities; and
- conduct activities and programs promoting effective and efficient water management for member entities' benefit.

Procedures are specified in statute for joint board of control creation, governance, operation,

and compensation of board members.

Among other powers, a board of joint control may acquire property or property rights within its area of jurisdiction by eminent domain in the same manner as irrigation districts. A board of joint control also may construct and operate drainage projects and water quality enhancement projects. In addition, a board of joint control may pursue conservation and system efficiency improvements and redistribute the saved water within its jurisdictional area or transfer it to others. Redistribution or transfer may not impair existing water rights outside the board of joint control's jurisdictional area. A board of joint control does not have authority to authorize changes in place of diversion or use or changes in purpose of use without the approval of the Department of Ecology and of the United States Bureau of Reclamation if within a federal reclamation area.

Washington courts have considered challenges to legislative grants of authority to perform some regulatory, disciplinary, or other functions to certain private associations or entities. In those cases, Washington courts have considered whether an unlawful delegation of legislative authority has occurred by examining factors such as whether the Legislature has provided standards or guidelines for delegated entities' action and included procedural safeguards to control arbitrary action or abuse of discretion.

Summary of Bill:

For purposes of the joint board of control statutes, the definition of "irrigation entity" is amended to include the following private persons or entities' whose source of water is the same as a participating irrigation district:

- a water company supplying water for irrigation;
- an individual irrigation water user; or
- a water company.

Appropriation: None.

Fiscal Note: Not Requested.

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