
SUBSTITUTE HOUSE BILL 1417

State of Washington

63rd Legislature

2013 Regular Session

By House Local Government (originally sponsored by Representatives Manweller, Fagan, and Warnick)

READ FIRST TIME 02/14/13.

1 AN ACT Relating to the administration of irrigation districts; and
2 amending RCW 87.03.135, 87.03.620, 87.03.630, 87.06.030, 87.03.437,
3 87.03.015, and 89.12.050.

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

5 **Sec. 1.** RCW 87.03.135 and 1994 c 117 s 1 are each amended to read
6 as follows:

7 An irrigation district has the power to sell or lease personal
8 property owned by the district whenever its board of directors, by
9 resolution: Determines that the property is not necessary or needed
10 for the use of the district; and authorizes the sale or lease. No sale
11 or lease of such property shall be made until notice of the sale or
12 lease is given by publication at least twenty days before the date of
13 the sale or lease in a newspaper of general circulation in the county
14 where the property or part of the property is located or, if there is
15 no such newspaper in the county, in a newspaper of general circulation
16 published in an adjoining county. The publication shall be made at
17 least once a week during three consecutive weeks before the day fixed
18 for making the sale or lease. The publication shall contain notice of
19 the intention of the board of directors to make the sale or lease and

1 shall state the time and place at which proposals for the sale or lease
2 will be considered and at which the sale or lease will be made. Any
3 such property so sold or leased shall be sold or leased to the highest
4 and best bidder.

5 The provisions of this section relating to publication of notice
6 shall not apply when the value of the property to be sold or leased is
7 less than (~~five hundred~~) ten thousand dollars.

8 **Sec. 2.** RCW 87.03.620 and 1939 c 150 s 2 are each amended to read
9 as follows:

10 Upon the filing of the petition, the board shall fix a time and
11 place for the hearing of the same which shall not be less than thirty
12 days and not more than (~~forty five~~) one hundred eighty days from the
13 date of said filing; and the board shall cause a notice of such hearing
14 to be published prior to said hearing in three consecutive weekly
15 issues of the official newspaper of each county in which any of said
16 land prayed to be included is situated.

17 **Sec. 3.** RCW 87.03.630 and 1939 c 150 s 4 are each amended to read
18 as follows:

19 The board of directors of the district shall meet at the time and
20 place specified in the notice and shall have full authority to
21 determine all matters pertaining to the petition, including the denial
22 as well as the granting of said petition or any part thereof; and if it
23 appears at said hearing, or at any adjournment thereof which may be had
24 not to exceed in all (~~thirty~~) one hundred eighty days, that the land
25 or any portion thereof petitioned to be included within the district,
26 is susceptible of irrigation from the water supply and system of works
27 of the said district and will be benefited by such irrigation; and if
28 at said hearing or at any adjournment thereof as aforesaid, not more
29 than fifty percent of the holders of title or evidence of title to the
30 lands described in the petition and proposed to be included file their
31 objections in writing to the inclusion of such land within the time and
32 as (~~in this act~~) provided in RCW 87.03.615 through 87.03.640, the
33 said board shall make and enter in the records of their proceedings an
34 order including said land, or such portion thereof as in their judgment
35 is susceptible of irrigation and will be benefited as aforesaid, within
36 the operation of said district.

1 **Sec. 4.** RCW 87.06.030 and 2004 c 215 s 4 are each amended to read
2 as follows:

3 Before preparing a certificate of delinquency, the treasurer of a
4 district that has designated its own treasurer as provided in RCW
5 87.03.440, shall ((order a title search of the property for which a
6 certificate of delinquency has been prepared to determine or verify the
7 legal description of the property to be sold and parties in interest.
8 In districts with two hundred thousand acres or more, the board of
9 directors, upon receiving the certificates of delinquency may, after
10 reviewing the amount of delinquent assessment compared to the costs of
11 foreclosure, including but not limited to title search, court filing
12 fees, costs of service, and attorneys' fees, determine that it is not
13 in the best interest of the district to commence legal action to
14 foreclose the delinquent assessment liens)) provide to the board of
15 directors a list of properties that may be subject to foreclosure for
16 delinquent assessments. The board of directors shall review the list
17 of delinquent properties. After comparing the amount of the delinquent
18 assessment with the costs of foreclosure, including but not limited to
19 title search, court filing fees, costs of service, and attorneys' fees,
20 the board of directors may determine that it is not in the best
21 interest of the district to commence legal action to foreclose the
22 delinquent assessment liens. Nothing in this section precludes a
23 county treasurer from proceeding with foreclosure on parcels otherwise
24 delinquent and, in those actions, from collecting delinquent
25 assessments due under this title.

26 **Sec. 5.** RCW 87.03.437 and 2009 c 229 s 13 are each amended to read
27 as follows:

28 (1) Purchases of any materials, supplies, or equipment by the
29 district shall be based on competitive bids except as provided in RCW
30 87.03.435 and 39.04.280. A formal sealed bid procedure shall be used
31 as standard procedure for the purchases made by irrigation districts.
32 However, the board may by resolution adopt a policy to waive formal
33 sealed bidding procedures for purchases of any materials, supplies, or
34 equipment for an amount set by the board not to exceed ((~~forty~~)) fifty
35 thousand dollars for each purchase.

36 (2) The directors may by resolution adopt a policy to use the
37 process provided in RCW 39.04.190 for purchases of materials, supplies,

1 or equipment when the estimated cost is between the amount established
2 by the board under subsection (1) of this section and a maximum amount
3 set by resolution adopted by the board for purchases up to fifty
4 thousand dollars exclusive of sales tax.

5 **Sec. 6.** RCW 87.03.015 and 1999 c 153 s 74 are each amended to read
6 as follows:

7 Any irrigation district, operating and maintaining an irrigation
8 system, in addition to other powers conferred by law, shall have
9 authority:

10 (1) To purchase and sell electric power to the inhabitants of the
11 irrigation district for the purposes of irrigation and domestic use, to
12 acquire, construct, and lease dams, canals, plants, transmission lines,
13 and other power equipment and the necessary property and rights
14 therefor and to operate, improve, repair, and maintain the same, for
15 the generation and transmission of electrical energy for use in the
16 operation of pumping plants and irrigation systems of the district and
17 for sale to the inhabitants of the irrigation district for the purposes
18 of irrigation and domestic use; and, as a further and separate grant of
19 authority and in furtherance of a state purpose and policy of
20 developing hydroelectric capability in connection with irrigation
21 facilities, to construct, finance, acquire, own, operate, and maintain,
22 alone or jointly with other irrigation districts, boards of control,
23 other municipal or quasi-municipal corporations or cooperatives
24 authorized to engage in the business of distributing electricity, or
25 electrical companies subject to the jurisdiction of the utilities and
26 transportation commission, hydroelectric facilities including but not
27 limited to dams, canals, plants, transmission lines, other power
28 equipment, and the necessary property and rights therefor, located
29 within or outside the district, for the purpose of utilizing for the
30 generation of electricity, water power made available by and as a part
31 of the irrigation water storage, conveyance, and distribution
32 facilities, waste ways, and drainage water facilities which serve
33 irrigation districts, and to sell any and all the electric energy
34 generated at any such hydroelectric facilities or the irrigation
35 district's share of such energy, to municipal or quasi-municipal
36 corporations and cooperatives authorized to engage in the business of
37 distributing electricity, and electrical companies subject to the

1 jurisdiction of the utilities and transportation commission, or to
2 other irrigation districts, and on such terms and conditions as the
3 board of directors shall determine, and to enter into contracts with
4 other irrigation districts, boards of control, other municipal or
5 quasi-municipal corporations and cooperatives authorized to engage in
6 the business of distributing electricity, and electrical companies
7 subject to the jurisdiction of the utilities and transportation
8 commission: PROVIDED, That no contract entered into by the board of
9 directors of any irrigation district for the sale of electrical energy
10 from such hydroelectric facility for a period longer than forty years
11 from the date of commercial operation of such hydroelectric facility
12 shall be binding on the district until ratified by a majority vote of
13 the electors of the district at an election therein, called, held and
14 canvassed for that purpose in the same manner as that provided by law
15 for district bond elections.

16 (2) To construct, repair, purchase, maintain or lease a system for
17 the sale or lease of water to the owners of irrigated lands within the
18 district for domestic purposes.

19 (3) To construct, repair, purchase, lease, acquire, operate and
20 maintain a system of drains, sanitary sewers, and sewage disposal or
21 treatment plants as herein provided.

22 (4) To assume, as principal or guarantor, any indebtedness to the
23 United States under the federal reclamation laws, on account of
24 district lands.

25 (5) To maintain, repair, construct and reconstruct ditches,
26 laterals, pipe lines and other water conduits used or to be used in
27 carrying water for irrigation of lands located within the boundaries of
28 a city or town or for the domestic use of the residents of a city or
29 town where the owners of land within such city or town shall use such
30 works to carry water to the boundaries of such city or town for
31 irrigation, domestic or other purposes within such city or town, and to
32 charge to such city or town the pro rata proportion of the cost of such
33 maintenance, repair, construction and reconstruction work in proportion
34 to the benefits received by the lands served and located within the
35 boundaries of such city or town, and if such cost is not paid, then and
36 in that event said irrigation district shall have the right to prevent
37 further water deliveries through such works to the lands located within
38 the boundaries of such city or town until such charges have been paid.

1 (6) To acquire, install and maintain as a part of the irrigation
2 district's water system the necessary water mains and fire hydrants to
3 make water available for firefighting purposes; and in addition any
4 such irrigation district shall have the authority to repair, operate
5 and maintain such hydrants and mains.

6 (7) To enter into contracts with other irrigation districts, boards
7 of control, municipal or quasi-municipal corporations and cooperatives
8 authorized to engage in the business of distributing electricity, and
9 electrical companies subject to the jurisdiction of the utilities and
10 transportation commission to jointly acquire, construct, own, operate,
11 and maintain irrigation water, domestic water, drainage and sewerage
12 works, and electrical power works to the same extent as authorized by
13 subsection (1) of this section, or portions of such works.

14 (8) To acquire from a water-sewer district wholly within the
15 irrigation district's boundaries, by a conveyance without cost, the
16 water-sewer district's water system and to operate the same to provide
17 water for the domestic use of the irrigation district residents. As a
18 part of its acceptance of the conveyance the irrigation district must
19 agree to relieve the water-sewer district of responsibility for
20 maintenance and repair of the system. Any such water-sewer district is
21 authorized to make such a conveyance if all indebtedness of the water-
22 sewer district, except local improvement district bonds, has been paid
23 and the conveyance has been approved by a majority of the water-sewer
24 district's voters voting at a general or special election.

25 (9) To approve and condition placement of hydroelectric generation
26 facilities by entities other than the district on water conveyance
27 facilities operated or maintained by the district.

28 This section shall not be construed as in any manner abridging any
29 other powers of an irrigation district conferred by law.

30 **Sec. 7.** RCW 89.12.050 and 2009 c 145 s 3 are each amended to read
31 as follows:

32 (1) A district may enter into repayment and other contracts with
33 the United States under the terms of the federal reclamation laws in
34 matters relating to federal reclamation projects, and may with respect
35 to lands within its boundaries include in the contract, among others,
36 an agreement that:

1 (a) The district will not deliver water by means of the project
2 works provided by the United States to or for excess lands not eligible
3 therefor under applicable federal law.

4 (b) As a condition to receiving water by means of the project
5 works, each excess landowner in the district, unless his excess lands
6 are otherwise eligible to receive water under applicable federal law,
7 shall be required to execute a recordable contract covering all of his
8 excess lands within the district.

9 (c) All excess lands within the district not eligible to receive
10 water by means of the project works shall be subject to assessment in
11 the same manner and to the same extent as lands eligible to receive
12 water, subject to such provisions as the secretary may prescribe for
13 postponement in payment of all or part of the assessment but not beyond
14 a date five years from the time water would have become available for
15 such lands had they been eligible therefor.

16 (d) The secretary is authorized to amend any existing contract,
17 deed, or other document to conform to the provisions of applicable
18 federal law as it now exists. Any such amendment may be filed for
19 record under RCW 89.12.080.

20 (2) A district may enter into a contract with the United States for
21 the transfer of operations and maintenance of the works of a federal
22 reclamation project, but the contract does not impute to the district
23 negligence for design or construction defects or deficiencies of the
24 transferred works. Any contract, covenant, promise, agreement, or
25 understanding purporting to indemnify against liability for damages
26 caused by or resulting from the negligent acts or omissions of the
27 United States, its employees, or agents is not enforceable unless
28 expressly authorized by state law.

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