

SENATE BILL REPORT

SB 5555

As Passed Senate, March 5, 2015

Title: An act relating to irrigation district review and conditioning authority.

Brief Description: Concerning irrigation district review and conditioning authority.

Sponsors: Senators Warnick, Hatfield and Honeyford.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/03/15, 2/17/15 [DP].

Passed Senate: 3/05/15, 46-0.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Warnick, Chair; Danel, Vice Chair; Hatfield, Ranking Minority Member; Hobbs and Honeyford.

Staff: Diane Smith (786-7410)

Background: In addition to direct provision of irrigation, an irrigation district also has powers to exercise eminent domain; purchase and sell electricity to inhabitants of the district; produce electricity by means of hydroelectric generation when not a major function of the district; provide street lighting, sewage disposal, sewage treatment plants, and sanitary sewers; and conserve, improve, and preserve the water, including water quality, used or discharged in the district.

Irrigation districts are formed by petition to the county legislative authority of either 50, or a majority of, holders of title to the land proposed to be located within the district. The board of county commissioners holds an election to form the district and elect the district's directors. Directors, as well as all district electors, must hold title to assessable land within the district.

The property in the district is assessed in proportion to the benefits accruing to the lands assessed, with equitable credit given to lands having full or partial water rights. The board of

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directors acts as the board of equalization and levies the assessments sufficient to repay the bonds.

In districts of over 200,000 acres, each title holder of assessable land is entitled to one vote for the first ten acres held and one vote for all the rest of the holder's acreage. In districts under 200,000 acres, each title holder is entitled to two votes for each five acres or fraction thereof.

In order for a district to come into existence, to provide the services it is charged to provide, and to govern itself, the district must be aware of the divisions and re-divisions of land, and ownership of that land, that occur within it. To this end, the administrators of general purpose governments with irrigation districts in them must give written notice to irrigation districts of the platting of subdivisions occurring within the city, town, or county. No short plat or final plat may be approved without it having an irrigation water right-of-way, if applicable. In some cases the district may condition approval of the proposed land division on completion of water distribution facilities.

Summary of Bill: The requirement for a general purpose government to notify the irrigation district of subdivision platting activity is clarified to include the additional activities of altering an existing subdivision; creating a new parcel; and modifying an existing parcel.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The irrigation district can help property owners if it knows that a change in boundaries occurs that might require a setback for irrigation easement, require an easement to provide water to the new or newly shaped parcel, or cause some otherwise unforeseen consequence of the boundary change.

CON: The bill is too broad and far-reaching in its scope.

Persons Testifying: PRO: Mike Schwisow, WA State Water Resources Assn.

CON: Laura Merrill, WA State Assn. of Counties.