

# SENATE BILL REPORT

## SHB 2710

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As Reported By Senate Committee On:  
Agriculture & Environment, February 25, 1998

**Title:** An act relating to the administration of irrigation districts.

**Brief Description:** Changing irrigation district administration.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Honeyford).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 2/24/98, 2/25/98 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Swecker.

**Staff:** Vic Moon (786-7469)

**Background:** A smaller irrigation district (minor district) may be merged into a larger irrigation district (major district) if the assessed acreage in the smaller district constitutes no more than 30 percent of the combined assessed acreage of the two districts combined. The merger procedure is initiated by the adoption of a resolution by the minor irrigation district board of directors calling for the merger. If the major irrigation district board of directors does not deny the request for merger, it must send out public notice and conduct hearings on the proposed merger. If the major irrigation district wishes to merge the districts after the public hearings have been held, and a petition has not been filed in opposition to the merger by landowners representing at least 20 percent of the assessed lands within the major district, the board of directors of the major district may adopt a resolution to merge the districts. If the major district board of directors approves the merger, no election is held in the major district but an election must be held in the minor district to approve the merger. If a petition with sufficient signatures is submitted to the board of directors of the major irrigation district protesting the merger, then the issue is submitted to the voters of both irrigation districts. There is no procedure for landowners within the minor irrigation district to initiate a merger by petition method.

A board of joint control may be formed to administer operations, maintenance, and other aspects of two or more irrigation districts or similar entities. A board of joint control is authorized to enter into and perform any and all necessary contracts, but is not specifically authorized to use the powers of eminent domain; or to purchase or lease property or property rights; or to sell, lease, or exchange surplus property or property rights.

Senate Bill 232 was enacted in 1927 and established the statutory framework for the formation and operation of irrigation districts of over 1 million acres in size. The statute is codified as Chapter 89.30 RCW, is 28 pages in length and consists of over 271 separate sections. This chapter of law has not been utilized and no irrigation districts over 1 million acres have been formed during in the intervening 70 years.

It is speculated that this chapter was enacted with the development of the Columbia Basin Project in mind. The purpose of Chapter 89.30 RCW was to facilitate bringing irrigation to tracts of arid land that exceed 1 million acres. Subsequent to passage of the act, the Bureau of Reclamation developed the Columbia Basin Project and three irrigation districts were formed and currently operate under other state statutes. Repeal of Chapter 89.30 RCW would not affect existing irrigation district operations in the Columbia Basin or elsewhere.

Chapter 87.03 RCW is the most commonly used chapter and contains general provisions relating to irrigation districts. In this chapter, there are specific provisions for irrigation districts over 200,000 acres and others that apply to irrigation districts under 200,000 acres. The three major irrigation districts in the Columbia Basin Project are those that are governed by the provisions that apply to districts over 200,000 acres. Repeal of Chapter 89.30 RCW would not affect Chapter 87.03 RCW.

Chapter 87.03 RCW is frequently amended and efforts are made to keep this statute current. By contrast, Chapter 89.30 RCW has not been subject to many amendments and seldom have there been efforts to keep this chapter current. There are vast differences between existing laws governing the operations of existing irrigation districts and Chapter 89.30 RCW. There are no provisions that allow the merging of various smaller districts into a district of over 1 million acres. Therefore, Chapter 89.30 RCW could not be utilized without major updating and reformulation. Joint operation of irrigation district operations was authorized in a separate statute during the 1996 session.

**Summary of Amended Bill:** The merger of a minor irrigation district into a major irrigation district may be initiated by a petition signed by ten owners of land within the minor district or 5 percent of the total number of landowners within the minor district, whichever is greater. If there are less than twenty landowners within the minor irrigation district, the petition must be signed by a majority of the landowners. The petition must be filed with the board of directors of the major irrigation district.

Boards of joint control are specifically authorized, subject to the same limitations as an irrigation district, to exercise the powers of eminent domain and to purchase or lease property and property rights; and may sell, lease, or exchange surplus property and property rights. The unused statute, Chapter 89.30 RCW, is repealed. Other irrigation district and joint boards of control laws are not affected.

**Amended Bill Compared to Substitute Bill:** The power of eminent domain is limited and the unused RCW 89.30 is repealed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** An easier method is needed so small irrigation districts can merge into larger ones. The joint boards of control authorized in 1996 need to have clear irrigation district authority.

**Testimony Against:** None.

**Testified:** Mike Schwisow, WA State Water Resources (pro); Karla Fullerton, Cattlemen's Association (concerns with original bill).