

# HOUSE BILL REPORT

## HB 2037

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### As Passed Legislature

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

**Brief Description:** Changing provisions relating to the administration of irrigation districts.

**Sponsors:** By Representative G. Chandler.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/23/01, 2/26/01 [DP].

#### Floor Activity:

Passed House: 3/9/01, 93-0.

Passed Senate: 4/9/01, 47-0.

Passed Legislature.

### Brief Summary of Bill

- Specifies petition signature requirements for jointly owned property for merger of minor and major irrigation districts.
- Removes restriction on annexation of lands into an irrigation district to lands adjacent, contiguous and constituting one tract.
- Specifies irrigation district charges are a lien against property served until paid in full.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

**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. An irrigation district also may perform a variety of other functions, including purchase and sale of electric power for irrigation and domestic use, operation of a domestic water system for irrigated land owners, and operation of a drainage or sewage system.

A smaller irrigation district (minor district) may be merged into a larger irrigation district (major district) if the assessed acreage of the smaller district constitutes no more than 30 percent of the combined assessed acreage of the two districts combined. The merger may be initiated by resolution of the minor district's board of directors or by petition of the minor district's land owners. A petition seeking merger must be sent to the major district's board and must be signed by the greater of 10 land owners or 5 percent of land owners within the minor district or a majority of the minor district land owners if the total number of owners is fewer than 20.

An irrigation district may annex land that is adjacent to the boundary of the district, is contiguous and, taken together, constitutes one tract of land. The annexation is initiated by a petition filed with the district board indicating the assent of at least one-half of the eligible lands to the annexation.

Irrigation districts may impose rates and charges for district services through collection or a levy of assessments. Unpaid rates and charges are deemed charges against the property to which the service is available.

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**Summary of Bill:**

For the purpose of determining the number of landowners needed to initiate merger proceedings of a minor irrigation district into a major irrigation district by petition, a husband and wife owning property as community property are considered to be a single landowner, and the petition may be signed either by the husband or wife. When two or more people hold title to property as tenants in common, joint tenants, tenants in partnership, or another form of joint ownership, the owners of the property are considered to be a single landowner for purposes of signing the petition for merging a minor irrigation district into a major irrigation district, and the petition may be signed by any one of the property co-owners.

Irrigation district annexations are not limited to land that is adjacent to the district's boundary, contiguous and, taken together, constitutes one tract of land. Language imposing this restriction is removed, allowing district annexations of any body of lands.

Unpaid rates and charges are deemed a lien against the property to which the district

service is available until the rates and charges are paid in full.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** This bill is a collection of clarifications of existing law requested by members of the irrigations districts' association. The mergers provision clarifies each parcel gets one name on the petition. The annexations provision allows annexations of areas that are not contiguous; it does not affect an irrigation district's water rights. The liens provision allows districts using the tolls and charges to obtain liens to avoid going to court; this is the same authority already possessed by those districts using the assessment method.

**Testimony Against:** None.

**Testified:** Mike Schwisow, Washington State Water Resources Association.