

# FINAL BILL REPORT

## SHB 1113

---

---

C 306 L 03

Synopsis as Enacted

**Brief Description:** Regarding irrigation district boards of joint control.

**Sponsors:** By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hinkle, Linville, Schoesler, Boldt and Mielke).

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Natural Resources, Energy & Water**

### **Background:**

An irrigation district may be created to provide a system of water distribution for irrigation purposes. 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.

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 may not 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:**

Definitions within the board of joint control statutes are amended. The "irrigation entity" definition includes a water company, water users' association, municipality, water right owner and user of irrigation water, and any other entity providing irrigation water as a primary purpose when these private or public entities create or join a board of joint control with an irrigation district or operating entity for a division within a federal reclamation project. The definition of "joint use facilities" is amended to include ditches and natural streams in which the irrigation entity has rights of conveyance. The definition of "source of water" is amended to include tributary systems.

When a board of joint control includes irrigation entities other than an irrigation district or operating entity for a division within a federal reclamation project, the voting structure must be established so that the votes apportioned to these other entities are less than 50 percent of the total votes.

Provisions regarding water transfers are amended. Any change in place of use from a transfer of water between individual entities of a board of joint control must not reduce the total water supply available in a federal reclamation project. A board of joint control must consult with the federal Bureau of Reclamation when determining whether such a reduction may occur in an area covered by a federal reclamation project. In addition, a board of joint control created after January 1, 2003, must notify the Department of Ecology and any Indian tribe requesting notice of transfers of water between the individual entities of the board of joint control.

These provisions may not be interpreted to authorize impairment of existing water rights.

**Votes on Final Passage:**

House 95 0  
Senate 48 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 27, 2003