

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1061**

53rd Legislature  
1993 Regular Session

Passed by the House April 19, 1993  
Yeas 96 Nays 0

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Passed by the Senate April 6, 1993  
Yeas 47 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1061** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1061**

---

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton)

Read first time 02/17/93.

1            AN ACT Relating to irrigation districts; amending RCW 87.03.530;  
2 adding new sections to chapter 87.03 RCW; adding a new section to  
3 chapter 87.04 RCW; adding a new section to chapter 36.93 RCW; and  
4 creating a new section.

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

6            **Sec. 1.** RCW 87.03.530 and 1919 c 180 s 18 are each amended to read  
7 as follows:

8            (1) Two or more irrigation districts may be consolidated into one  
9 district as provided in RCW 87.03.535 through 87.03.551 and may include  
10 in such district other lands susceptible of irrigation in the manner  
11 provided in this act, and upon the organization of such consolidated  
12 district it shall be an organized irrigation district subject to  
13 ((all)) the provisions of this chapter.

14            (2) A smaller irrigation district may be merged into a larger  
15 irrigation district as provided in sections 2 through 7 of this act if  
16 the assessed acreage in the smaller district constitutes not more than  
17 thirty percent of the combined assessed acreage of the two districts.  
18 In such a proceeding, the smaller district is referred to as the  
19 "minor" irrigation district and the larger district is referred to as

1 the "major" irrigation district. The district resulting from such a  
2 merger shall be an organized district subject to the provisions of this  
3 chapter.

4 NEW SECTION. **Sec. 2.** This section and sections 3 through 7 of  
5 this act provide the procedures by which a minor irrigation district  
6 may be merged into a major irrigation district as authorized by RCW  
7 87.03.530(2).

8 To institute proceedings for such a merger, the board of directors  
9 of the minor district shall adopt a resolution requesting the board of  
10 directors of the major district to consider the merger.

11 The board of directors of the major irrigation district shall  
12 consider the request at the next regularly scheduled meeting of the  
13 board of directors of the major district following its receipt of the  
14 minor district's request or at a special meeting called for the purpose  
15 of considering the request. If the board of the major district denies  
16 the request of the minor district, no further action on the request  
17 shall be taken.

18 If the board of the major district does not deny the request, it  
19 shall conduct a public hearing on the request and shall give notice  
20 regarding the hearing. The notice shall describe the proposed merger  
21 and shall be published once a week for two consecutive weeks preceding  
22 the date of the hearing and the last publication shall be not more than  
23 seven days before the date of the hearing. The notice shall contain a  
24 statement that unless the holders of title or evidence of title to at  
25 least twenty percent of the assessed lands within the major district  
26 file a protest opposing the merger with the board of the major district  
27 at or before the hearing, the board is free to approve the request for  
28 the merger without an election being conducted in the major district on  
29 the request. If the board of the major district is considering  
30 requests from more than one minor district, the hearing shall be  
31 conducted on all such requests.

32 NEW SECTION. **Sec. 3.** (1) If, following the public hearing  
33 conducted under section 2 of this act, the board of directors of the  
34 major irrigation district denies the request for a merger, no further  
35 action shall be taken on the request. If, following the public  
36 hearing, the board adopts a resolution approving the merger, the merger  
37 is approved by the major irrigation district and no election shall be

1 held in the major district to approve the merger. However, if the  
2 holders of title or evidence of title to at least twenty percent of the  
3 assessed lands within the major district file a protest opposing the  
4 merger with the board of the major district at or before the public  
5 hearing, the board shall call a special election and submit to the  
6 voters of the major district the question of whether the merger should  
7 or should not be approved. Votes shall be cast as "Merger - Yes" or  
8 "Merger - No." If such a special election must be conducted and a  
9 majority of all votes cast in the district approve the merger, the  
10 merger is approved by the major district. Such an approval is  
11 effective on the date the returns of the election are canvassed under  
12 RCW 87.03.105.

13 (2) The board of directors of the minor irrigation district shall,  
14 within thirty days of the date the merger is approved by the major  
15 district or of the date the board of the major district issues its call  
16 for a special election on the merger, call a special election within  
17 the minor district and submit to the voters of the minor district the  
18 question of whether the merger should or should not be approved. If  
19 special elections must be conducted in both districts, both elections  
20 shall be conducted on the date set by the board of the major district.  
21 If only the minor district must conduct such a special election, the  
22 election shall be held not later than sixty days after the date the  
23 merger has been approved by the board of the major district. Votes on  
24 the question shall be cast as "Merger - Yes" or "Merger - No." If a  
25 majority of all votes cast in the district are cast for "Merger - Yes,"  
26 the merger is approved by the minor irrigation district. Such an  
27 approval is effective on the date the returns of the election are  
28 canvassed under RCW 87.03.105.

29 (3) Notice of election in each district on the merger question  
30 shall conform to the requirements of notices for elections in the major  
31 district. Elections and voting in each district shall be consistent  
32 with RCW 87.03.045, 87.03.051, and 87.03.071. If the majority of all  
33 votes cast in a special election in either the major or a minor  
34 district are cast for "Merger - No," the merger is not approved.

35 (4) If the merger is approved by the major irrigation district and  
36 by the minor irrigation district as provided by this section, the minor  
37 irrigation district is merged into the major irrigation district. If  
38 two or more minor districts are merging with a major district in one  
39 process as authorized by section 7 of this act and if the merger is

1 approved by the major irrigation district and by at least one of the  
2 minor irrigation districts as provided by this section, each minor  
3 irrigation district so approving is merged into the major irrigation  
4 district. The effective date of the merger is the date by which  
5 approval of the merger has been secured in both districts or, under  
6 section 7 of this act, in the major and minor district or districts.  
7 The board or boards of county commissioners of the county or counties  
8 containing territory of the merged districts and the director of the  
9 department of ecology shall be notified that the districts have merged.

10 NEW SECTION. **Sec. 4.** The members of the board of directors of the  
11 major irrigation district shall hold office as directors of the  
12 district formed by the merger until the end of their terms of office.  
13 If the major district is divided into director divisions, the board of  
14 the major district shall propose a plan for redividing the district  
15 into divisions that reflect the boundaries of the district created by  
16 the merger and this requirement regarding the directors of the major  
17 district. If the major district is considering a merger with more than  
18 one minor district, the board shall submit plans for the various  
19 possible mergers. The proposal or proposals shall be filed with the  
20 county legislative authority before the merger is approved in the major  
21 district or the minor district or districts. Following the merger, the  
22 county legislative authority shall approve the plan submitted for the  
23 districts that actually merged.

24 On the effective date of the merger, the directors of the minor  
25 district shall transfer the property and other assets of the district  
26 as required in section 6 of this act. Following the transfer of the  
27 property and other assets, the minor irrigation district and the office  
28 of director of the minor district shall cease to exist.

29 The board of directors of the district formed by the merger shall  
30 have all the powers and obligations of the boards of the major and  
31 minor districts that were merged to form the district including, but  
32 not limited to, such boards' powers and obligations for any local  
33 improvement districts created in the minor or major district under this  
34 chapter.

35 NEW SECTION. **Sec. 5.** (1) The merger of irrigation districts shall  
36 not affect or impair any bonds or obligations of the merged districts  
37 and the holders of the bonds of any merged district shall be entitled

1 to all remedies for their enforcement as if the district had not been  
2 merged. All obligations incurred by the district prior to its merger  
3 shall be a prior lien to any obligation that may be incurred against  
4 the district created by the merger. However, the board of directors of  
5 the merged district may, when authorized under RCW 87.03.200 and with  
6 the consent of the bondholders, exchange the bonds of the district  
7 created by the merger for the bonds of the districts that merged. If  
8 the major or minor district entered, prior to the merger, into a  
9 contract with the United States under this chapter and the board of  
10 directors of the district created by the merger proposes that the  
11 merged district enter into a contract with the United States, the board  
12 may do so when authorized under RCW 87.03.200 and may, with the consent  
13 of the United States, cancel any contract previously entered into  
14 between the major or minor district and the United States.

15 (2) The district created by the merger shall be entitled to all  
16 remedies for the enforcement of the irrigation district assessments and  
17 other obligations of lands to the districts that merged as if the  
18 districts had not merged. All obligations incurred for irrigation  
19 district or local improvement district purposes by the lands within the  
20 major or minor district prior to its merger shall be a prior lien to  
21 any obligation that may be incurred against those lands after the  
22 merger.

23 (3) Until premerger assessments have been collected and all of the  
24 premerger indebtedness of the major and minor districts that merged  
25 have been paid, separate funds shall be maintained for each district as  
26 were maintained in each prior to the merger. The board of directors of  
27 the irrigation district created by the merger may establish a local  
28 improvement district for each district included in the merger to carry  
29 out the obligations of each such district. This board shall have all  
30 the powers possessed by the boards of directors of the districts  
31 included in the merger to carry out all contracts of the included  
32 districts and to levy, assess, and cause to be collected any and all  
33 assessments or charges against the lands of each of the included  
34 districts. A petition shall not be required for the formation of a  
35 local improvement district created for this purpose.

36 NEW SECTION. **Sec. 6.** Prior to or on the effective date of a  
37 merger of a minor irrigation district and a major irrigation district,  
38 the board of directors of the minor district shall cause to be prepared

1 a statement of all property and other assets of the minor district.  
2 The statement shall be filed with the board of directors of the  
3 district created by the merger and on the effective date of the merger.  
4 The statement shall also be filed with the county auditor of the county  
5 containing the majority of the territory of the district after the  
6 merger. Upon the filing with the board, the property and other assets  
7 of the minor district shall, subject to the rights of the holders of  
8 bonds or other obligations of the minor district, become the property  
9 and other assets of the district created by the merger.

10 NEW SECTION. **Sec. 7.** More than two irrigation districts may merge  
11 under RCW 87.03.530(2) and sections 2 through 6 of this act in one  
12 merger process. However, only one of the districts may be a "major"  
13 irrigation district and the assessed acreage in all of the other  
14 districts merging in the process, when taken collectively, shall not  
15 constitute more than thirty percent of the combined assessed acreage of  
16 all of the merging districts. In such a case, each of these other,  
17 nonmajor districts is considered to be a "minor" irrigation district  
18 under RCW 87.03.530(2) and sections 2 through 6 of this act.

19 NEW SECTION. **Sec. 8.** Nothing in RCW 87.03.530(2) and sections 2  
20 through 7 of this act shall authorize the impairment or operate to  
21 impair any existing water rights.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 87.04 RCW  
23 to read as follows:

24 RCW 87.04.030 through 87.04.055 do not apply to redividing a  
25 district immediately following a merger as provided in section 4 of  
26 this act.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.93 RCW  
28 to read as follows:

29 This chapter does not apply to the merger of irrigation districts  
30 authorized under RCW 87.03.530(2) and sections 2 through 7 of this act.

31 NEW SECTION. **Sec. 11.** Sections 2 through 7 of this act are each  
32 added to chapter 87.03 RCW.

--- END ---