

SENATE BILL REPORT

SHB 1113

As Reported By Senate Committee On:
Natural Resources, Energy & Water, April 2, 2003

Title: An act relating to irrigation district boards of joint control.

Brief Description: Regarding irrigation district boards of joint control.

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

Brief History:

Committee Activity: Natural Resources, Energy & Water: 3/28/03, 4/2/03 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Staff: Evan Sheffels (786-7486)

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 does not have authority to 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.

Summary of Amended Bill: For purposes of the joint board of control statutes, the definition of "irrigation entity" is amended to include the following private or public entities:

- water company;
- water users' association;
- municipality;
- water right owner and user of irrigation water; or
- any other entity providing irrigation water as a primary purpose.

These entities are included within the definition when creating or joining a board of joint control with an irrigation district or operating entity for a division within a federal reclamation project.

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.

A board of joint control created after January 1, 2003, must notify any Indian tribe requesting notice and the Department of Ecology of transfers of water between the individual entities of the board of joint control.

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.

Amended Bill Compared to Substitute Bill: The amendment required a board of joint control (BOJC) created after January 1, 2003, to provide notice of water right transfers between BOJC entities to any tribe requesting such notice, in addition to the Department of Ecology. This notice provision was extended to include all water transfers between such BOJC entities. In the underlying bill, notice was not required for certain transfers related to conservation and system efficiency improvements.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The board of joint control statutes were enacted in 1949 and substantially revised in 1996. The 1996 revisions changed the definition of "irrigation entity" in a way that addressed the unique needs of the two irrigation districts (Roza and Sunnyside) forming a BOJC at that time. The current statutory definition does not allow private water distribution companies to become partners in boards of joint control. This bill will provide these new BOJC entities greater access to grants and loans, allowing the partnerships to address major environmental, habitat, and water quality issues following the Roza/Sunnyside BOJC model.

Testimony Against: (Concerns) Concerns exist regarding the protection of senior water rights within the jurisdictional boundaries of a board of joint control. A board of joint

control might redistribute water saved within its jurisdiction without making a determination regarding impairment of existing rights.

Testified: Representative Bill Hinkle, prime sponsor (pro); Carol Ready, Kittitas County Water Purveyors (pro); Mike Schwisow, Washington State Water Resources Association (pro); Dawn Vyvyan, Yakama Nation (concerns).