

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5839

Chapter 145, Laws of 2009

61st Legislature
2009 Regular Session

IRRIGATION DISTRICTS--ADMINISTRATION

EFFECTIVE DATE: 07/26/09

Passed by the Senate March 7, 2009
YEAS 0 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 8, 2009
YEAS 0 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 20, 2009, 2:33 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5839** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 20, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5839

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield, and Shin)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to the administration of irrigation districts;
2 amending RCW 58.17.310, 87.03.460, and 89.12.050; and adding a new
3 section to chapter 87.03 RCW.

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

5 **Sec. 1.** RCW 58.17.310 and 1990 c 194 s 1 are each amended to read
6 as follows:

7 (1) Whenever a city, town, or county receives an application for
8 the approval of a plat of a subdivision that lies in whole or in part
9 in an irrigation district organized pursuant to chapter 87.03 RCW, the
10 responsible administrator shall give written notice of the application,
11 including a legal description of the short subdivision and a location
12 map, to the irrigation district. The irrigation district shall, after
13 receiving the notice, submit to the responsible administrator who
14 furnished the notice a statement with any information or conditions for
15 approval that the irrigation district deems to be necessary regarding
16 the proposed division's effect upon the structural integrity, including
17 lateral support, of the irrigation district facilities, other risk
18 exposures, and the safety of the public and irrigation district.

1 (2) In addition to any other requirements imposed by the provisions
2 of this chapter, the legislative authority of any city, town, or county
3 shall not approve a short plat or final plat, as defined in RCW
4 58.17.020, for any subdivision, short subdivision, lot, tract, parcel,
5 or site which lies in whole or in part in an irrigation district
6 organized pursuant to chapter 87.03 RCW unless there has been provided
7 an irrigation water right-of-way for each parcel of land in such
8 district. In addition, if the subdivision, short subdivision, lot,
9 tract, parcel, or site lies within land within the district classified
10 as irrigable, completed irrigation water distribution facilities for
11 such land may be required by the irrigation district by resolution,
12 bylaw, or rule of general applicability as a condition for approval of
13 the short plat or final plat by the legislative authority of the city,
14 town, or county. Rights-of-way shall be evidenced by the respective
15 plats submitted for final approval to the appropriate legislative
16 authority. In addition, if the subdivision, short subdivision, lot,
17 tract, parcel, or site to be platted is wholly or partially within an
18 irrigation district of two hundred thousand acres or more and has been
19 previously platted by the United States bureau of reclamation as a farm
20 unit in the district, the legislative authority shall not approve for
21 such land a short plat or final plat as defined in RCW 58.17.020
22 without the approval of the irrigation district and the administrator
23 or manager of the project of the bureau of reclamation, or its
24 successor agency, within which that district lies. Compliance with the
25 requirements of this section together with all other applicable
26 provisions of this chapter shall be a prerequisite, within the
27 expressed purpose of this chapter, to any sale, lease, or development
28 of land in this state.

29 **Sec. 2.** RCW 87.03.460 and 2007 c 469 s 13 are each amended to read
30 as follows:

31 (1) In addition to their reasonable expenses in accordance with
32 chapter 42.24 RCW, the directors shall each receive (~~(an amount for~~
33 ~~attending meetings and while performing other services for the~~
34 ~~district. The amount shall be fixed by resolution and entered in the~~
35 ~~minutes of the proceedings of the board. It shall not exceed)~~) ninety
36 dollars for each day or portion thereof spent by a director for such
37 actual attendance at official meetings of the district, or in

1 performance of other official services or duties on behalf of the
2 district. The total amount of such additional compensation received by
3 a director may not exceed eight thousand six hundred forty dollars in
4 a calendar year. The board shall fix the compensation of the secretary
5 and all other employees.

6 (2) Any director may waive all or any portion of his or her
7 compensation payable under this section as to any month or months
8 during his or her term of office, by a written waiver filed with the
9 secretary as provided in this section. The waiver, to be effective,
10 must be filed any time after the director's election and prior to the
11 date on which the compensation would otherwise be paid. The waiver
12 shall specify the month or period of months for which it is made.

13 (3) The dollar thresholds established in this section must be
14 adjusted for inflation by the office of financial management every five
15 years, beginning July 1, 2008, based upon changes in the consumer price
16 index during that time period. "Consumer price index" means, for any
17 calendar year, that year's annual average consumer price index, for
18 Washington state, for wage earners and clerical workers, all items,
19 compiled by the bureau of labor and statistics, United States
20 department of labor. If the bureau of labor and statistics develops
21 more than one consumer price index for areas within the state, the
22 index covering the greatest number of people, covering areas
23 exclusively within the boundaries of the state, and including all items
24 shall be used for the adjustments for inflation in this section. The
25 office of financial management must calculate the new dollar threshold
26 and transmit it to the office of the code reviser for publication in
27 the Washington State Register at least one month before the new dollar
28 threshold is to take effect.

29 (4) A person holding office as commissioner for two or more special
30 purpose districts shall receive only that per diem compensation
31 authorized for one of his or her commissioner positions as compensation
32 for attending an official meeting or conducting official services or
33 duties while representing more than one of his or her districts.
34 However, such commissioner may receive additional per diem compensation
35 if approved by resolution of all boards of the affected commissions.

36 **Sec. 3.** RCW 89.12.050 and 1963 c 3 s 2 are each amended to read as
37 follows:

1 (1) A district may enter into repayment and other contracts with
2 the United States under the terms of the federal reclamation laws in
3 matters relating to federal reclamation projects, and may with respect
4 to lands within its boundaries include in the contract, among others,
5 an agreement that:

6 ~~((1))~~ (a) The district will not deliver water by means of the
7 project works provided by the United States to or for excess lands not
8 eligible therefor under applicable federal law.

9 ~~((2))~~ (b) As a condition to receiving water by means of the
10 project works, each excess landowner in the district, unless his excess
11 lands are otherwise eligible to receive water under applicable federal
12 law, shall be required to execute a recordable contract covering all of
13 his excess lands within the district.

14 ~~((3))~~ (c) All excess lands within the district not eligible to
15 receive water by means of the project works shall be subject to
16 assessment in the same manner and to the same extent as lands eligible
17 to receive water, subject to such provisions as the secretary may
18 prescribe for postponement in payment of all or part of the assessment
19 but not beyond a date five years from the time water would have become
20 available for such lands had they been eligible therefor.

21 ~~((4))~~ (d) The secretary is authorized to amend any existing
22 contract, deed, or other document to conform to the provisions of
23 applicable federal law as it now exists. Any such amendment may be
24 filed for record under RCW 89.12.080.

25 (2) A district may enter into a contract with the United States for
26 the transfer of operations and maintenance of the works of a federal
27 reclamation project, but the contract does not impute to the district
28 negligence for design or construction defects or deficiencies of the
29 transferred works.

30 NEW SECTION. Sec. 4. A new section is added to chapter 87.03 RCW
31 to read as follows:

32 (1) An irrigation district may enter into any contract or agreement
33 with, or form a separate legal entity with, one or more of the entities
34 or utilities specified in subsection (3) of this section for any of the
35 following purposes:

36 (a) Purchasing and selling electric power; and

1 (b) Developing or owning, or both, electric power generating or
2 transmitting facilities, or both, including, but not limited to,
3 facilities for generating or transmitting electric power generated by
4 wind.

5 (2) The contract or agreement may provide:

6 (a) For purchasing the capability of a project to produce or
7 transmit electric power, in addition to actual output of a project;

8 (b) For making payments whether or not a project is completed,
9 operative, or operating, and notwithstanding the suspension,
10 interruption, interference, reduction, or curtailment of output or use
11 of a project or the use, power, and energy contracted for or agreed to;

12 (c) That payments are not subject to reduction, whether by offset
13 or otherwise; and

14 (d) That performance is not conditioned upon performance or
15 nonperformance of any party or entity.

16 (3) Pursuant to authority granted under this section, irrigation
17 districts may contract or enter into agreements with one or more:

18 (a) Agencies of the United States government;

19 (b) States;

20 (c) Municipalities;

21 (d) Public utility districts;

22 (e) Irrigation districts;

23 (f) Joint operating agencies;

24 (g) Rural electric cooperatives;

25 (h) Mutual corporations or associations;

26 (i) Investor-owned utilities; or

27 (j) Associations or legal entities composed of any such entities or
28 utilities.

Passed by the Senate March 7, 2009.

Passed by the House April 8, 2009.

Approved by the Governor April 20, 2009.

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