

POLICY NOTE

State water district law needs to be updated to fairly represent voters

By Pam Lewison, Director, Initiative on Agriculture

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Key Findings

1. The convoluted nature of water laws and rules throughout our state means that any proposed legislation to improve how this vital resource is governed must be carefully outlined.
2. People paying assessments to an irrigation district or owning land included to receive water should be the only individuals eligible to run for board positions or vote in an irrigation district election.
3. State law should be amended to ensure irrigation district elections reflect the will of those who will be most affected by the board of directors.

Introduction

Irrigation districts in Washington state provide water to customers throughout the state. In some cases, however, they also provide drinking water and electrical services in various communities where urbanization came well after the development of the water delivery infrastructure. In still other areas, the creation of the local irrigation district was refined over the years as irrigation projects expanded and became more specific with ever-more detailed requirements directing where irrigation water could be distributed.

There are 101 irrigation districts in Washington, with 37 of them belonging to the Washington State Water Resources Association.¹ Only 28 of those 37 irrigation districts report collecting more than \$1 million in revenue, but all the irrigation districts combined collected \$202.7 million in fees in 2018.

The largest 17 districts in the state are located in Eastern Washington and serve a total of nearly one million acres of irrigated land. Irrigation districts certainly serve farmers and ranchers, but they are equally responsible for helping to maintain healthy public spaces, park landscapes, and backyard gardens for a wide range of our state's residents.

Irrigation districts are funded almost entirely by the fees paid by their water-users and, as such, they are governed by elected boards of directors, much like towns and cities throughout the state. The governance of irrigation districts is determined largely by their size. The number of acres within their potential boundary determining the rules of their election system and the composition of their boards of directors.

Needed changes in state law

A literal reading of the election rules under the current state law for irrigation districts of 200,000 acres or more is particularly problematic.² The law allows any person owning land within the irrigation district boundary to run for a board of directors' position and to vote in an election. In areas where the boundaries of the district are based on the actual service area of the district, the law makes sense. The people who vote and who serve on the board are the same people who receive and pay for water service.

1 Washington State Water Resources Association Members Listing. Accessed Feb. 13, 2020. <http://www.wswra.org/members.html>.

2 Revised Code of Washington 87.03.045. Qualifications of voters and directors – Districts of two hundred thousand acres. Accessed Feb. 13, 2020. <https://app.leg.wa.gov/RCW/default.aspx?cite=87.03.045>



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When she is not in the office, you can find her helping with irrigation and other work on her family farm, shuttling kids to 4-H meetings, or working as the superintendent for the agriculture building at the Grant County Fair.

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Some irrigation districts, however, are bound by federal water distribution rules. These federal irrigation projects were created by the Bureau of Reclamation’s Columbia Basin Project. The boundaries of these geographically large districts were established in the late 1930s.³

After the boundaries were created, each section of land was assessed to determine whether it could receive water under the Reclamation Act of 1902.⁴ Many of the lands were excluded from receiving federal water because they were too steep to support gravity-reliant irrigation, did not have the correct soil content, or were otherwise deemed non-irrigable by the Bureau of Reclamation.

Excluded lands could opt out of helping to pay for the project. Landowners who voluntarily did so were excluded from receiving a water allocation when the project was completed.

A narrow reading of the law would allow people with no stake in federal irrigation district operations – either because their land was removed from the irrigation district nearly 80 years ago or because their land is not eligible to receive water from the project – to guide decisions for landowners who rely on the federal irrigation districts for the irrigation water that provides for their livelihoods.

Conclusion

Irrigation districts in our state have unique governance problems because no two irrigation districts are identical in size, scope, or services offered.

Despite being unique and having been developed to suit the needs of their regional customers, irrigation districts do have one factor in common: their funding source. Irrigation districts operate solely with money collected from their customers and competitive federal funding. Using funding collected solely from their customers gives irrigation districts a greater incentive to ensure they are governed with direct input from those customers through their elected boards of directors.

Current state law allows anyone within the district’s boundaries to govern district decisions, even those who do not pay assessments to the irrigation district. The statute should be updated to reflect the importance of the investment of the people who pay assessments in irrigation districts, and in fairness should bar non-payers from voting or serving on the board.

The law should ensure that it reflects the will of the people who are directly affected by the decisions made by the irrigation district. People paying an assessment to the irrigation district or with land eligible to receive water should be the only people eligible to run for a board position or vote in an irrigation district election.

³ United States Bureau of Reclamation. Projects & Facilities – Columbia Basin Project History. Accessed Feb. 13, 2020. <https://www.usbr.gov/projects/index.php?id=438>.

⁴ United State Bureau of Reclamation. Reclamation Reform Act of 1982. Accessed Feb. 13, 2020. <https://www.usbr.gov/trra/index.html>.