

Chapter 87.84 RCW
IRRIGATION AND REHABILITATION DISTRICTS

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RCW 87.84.005 Purpose—Districts authorized. The growing population of the state of Washington, coupled with increasing amounts of available leisure time have greatly expanded the need for and use of the larger lakes in the state of Washington, both by Washington state residents and guests from other states and countries. In order to make the use of such larger lakes safer, and more beneficial to all concerned, the state of Washington to further the health, safety, recreation and welfare of its citizens has authorized the conversion of certain irrigation districts to irrigation and rehabilitation districts. [1963 c 221 s 1.]

Severability—1963 c 221: "If any section, sentence, clause, or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, clauses or parts thereof be declared unconstitutional." [1963 c 221 s 11.]

RCW 87.84.010 Eligibility. Any irrigation district having the major portion of an inland navigable body of water within its exterior boundaries and which has filed with the department of ecology and been granted a water right certificate for fifty thousand acre feet of water or more shall be eligible to become an irrigation and rehabilitation district as provided in this chapter. [1988 c 127 s 67; 1963 c 221 s 2; 1961 c 226 s 2.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.020 Petition to convert irrigation district to an irrigation and rehabilitation district, contents—Bond for costs. A petition to convert an existing irrigation district to an irrigation and rehabilitation district shall be signed by at least fifty holders of title or evidence of title to land within the district. The petition shall contain the following:

- (1) The legal description of the property to be served.
- (2) The signature and address of each petitioner, together with the legal description of the lands within the district owned by each.
- (3) Any other matter deemed material.

The petition shall be accompanied by a bond, to be approved by the board, in double the amount of the probable cost of organizing the district, and conditioned that the bondsperson will pay all the costs if the organization is not effected. [2007 c 218 s 80; 1961 c 226 s 3.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 87.84.030 Notice and hearing on petition. A notice of hearing and a hearing on the petition shall be held as provided by RCW 87.03.020. [1961 c 226 s 4.]

RCW 87.84.040 Notice and election. A notice of election and election shall be held to determine whether the electors desire to convert the existing irrigation district to an irrigation and rehabilitation district.

The notice of election and election shall be governed by the applicable provisions of chapter 87.03 RCW relating to the original formation of districts. [1961 c 226 s 5.]

RCW 87.84.050 Purposes of organization. In addition to the purposes for which irrigation districts may be organized under RCW 87.03.010, an irrigation and rehabilitation district may also be organized or maintained to further the recreational potential of the area and to further the rehabilitation or improvement of inland lakes and shore lines and the modification or improvement of existing or planned control structures located in the district in order to further the health, recreation, and welfare of the residents in the area. [1963 c 221 s 3; 1961 c 226 s 6.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.060 Directors—Powers, rights and authority of directors and district. The directors of the irrigation and rehabilitation district shall be the same as of the irrigation district and the directors shall retain all power, rights and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of Title 87 RCW or any amendments thereto or any authority granted to directors of

irrigation districts under any other law of the state of Washington. The irrigation and rehabilitation district shall also retain all power, rights and authority heretofore or hereafter granted to irrigation districts under Title 87 RCW or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the department of ecology shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed. [1988 c 127 s 68; 1963 c 221 s 4; 1961 c 226 s 7.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.061 Directors—Additional powers. The water in any natural or impounded lake, wholly or partially within the boundaries of an irrigation and rehabilitation district, together with all use of said water and the bottom and shore lines to the line established by the highest level where water has been or shall be stored in said lake, shall be regulated, controlled and used by the irrigation and rehabilitation district in order to further the health, safety, recreation and welfare of the residents in the district and the citizens and guests of the state of Washington, subject to rights of the United States bureau of reclamation and any irrigation districts organized under the laws of the state of Washington.

In addition to the powers expressly or impliedly enumerated above, the directors of an irrigation and rehabilitation district shall have the power and authority to:

(1) Control and regulate the use of boats, skiers, skin divers, aircraft, ice skating, ice boats, swimmers or any other use of said lake, by means of appropriate rules and regulations not inconsistent with state fish, game or aeronautics laws.

(2) Expend district funds for the control of mosquitoes or other harmful insects which may affect the use of any lake located in the district: PROVIDED, That the state department of social and health services gives its approval in writing to any district program instituted under the authority of this item. District funds may be expended for mosquito and insect control or other district projects or activities even though it may be necessary to place chemicals or carry on activities on areas located outside of an irrigation and rehabilitation district's boundaries. These funds may be transferred to the jurisdictional health department for the purpose of carrying out the provisions of this item.

(3) Except for state highways, control, regulate or prohibit by means of rules and regulations, the building, construction, placing or allowing to be placed from adjoining land, sand, gravel, dirt, rock, tires, lumber, logs, bottles, cans, garbage and trash, or any loathsome, noxious substances or materials of any kind, and any piling, causeways, fill, roads, culverts, wharfs, bulkheads, buildings, structures, floats, or markers, in, on or above the line established by the highest level where water has been or shall be stored in said lake, located in the district, in order to further the interests of the citizens of the state of Washington, and residents of the district.

(4) Except for state highways, control, regulate and require the placing, maintenance and use of culverts and boat accesses under and through existing fills constructed over and/or across any lake located within the district to facilitate water circulation, navigation and the reduction of flood danger.

(5) Control the taking of carp or other rough fish located in the district and including the right to grant or sell an exclusive or concurrent franchise for the taking of carp or other rough fish, providing the department of fish and wildlife give their approval in writing to any district project regarding the capture, or sale of fish.

(6) Control and regulate by means of rules and regulations the direct or indirect introduction into any lake within the district of any human, animal or industrial waste products, sewage, effluent or by-products, treated or untreated: PROVIDED, That the state department of ecology gives its approval in writing to any district program instituted under this section, and nothing herein shall be deemed to amend, repeal, supersede, or otherwise modify any laws or regulations relating to public health or to the department of ecology.

(7) Except for state highways, construct, maintain, place, and/or restore roads, buildings, docks, dams, canals, locks, mechanical lifts or any other type of transportation facility; dredge, purchase land, or lease land, or enter into agreements with other agencies or conduct any other activity within or without the district boundaries in order to carry out district projects or activities to further the recreational potential of the area. [1994 c 264 s 79; 1988 c 127 s 69; 1979 c 141 s 383; 1963 c 221 s 5.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.070 District rehabilitation—Assessments—Election—Notice and hearing. (1)(a) The directors of the district shall annually determine the amount of money necessary to carry on the rehabilitation operations of the district and shall classify the property therein in proportion to the benefits to be derived from the rehabilitation operations of the district and in accordance with such classification shall apportion and assess the several lots, blocks, tracts, and parcels of land or other property within the district, which assessment shall be collected with the general taxes of the county or counties. The district budget for rehabilitation purposes shall not exceed an amount equal to \$1 per \$1,000 of the assessed aggregate valuation of all property within the district unless authorized to exceed that amount by the electors of the district by a majority of those voting on the proposition at such time as may be

fixed by the board of directors of the district at which election the proposition authorizing the district to exceed that limit shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(b) A district may use the assessed valuation of property as a component in determining the district assessment of any class of lots, but when property has been designated as forestland, farm and agricultural land, or open space land under chapter 84.33 or 84.34 RCW, the district must use the assessed value applicable to forestland, farm and agricultural land, or open space land.

(c) If a district uses a fractional amount of assessed value as a component in determining the district assessment, then a fractional amount of the value applicable to forestland, farm and agricultural land, or open space land under chapter 84.33 or 84.34 RCW, if designated in the county tax records for the particular property, shall be used.

(2) The district shall provide notice of the proposed assessments and hold an equalization hearing as provided for in chapter 87.03 RCW. The provisions of chapters 84.56 and 84.64 RCW and RCW 36.29.180 governing liens, collection, payment of assessments, delinquent assessments, interest and penalties, lien foreclosure, and foreclosed property shall govern such matters as applied. [2023 c 371 s 2; 2013 c 23 s 531; 1973 1st ex.s. c 195 s 132; 1961 c 226 s 8.]

Findings—2023 c 371: "The legislature finds that the Moses Lake irrigation and rehabilitation district is the only district of its kind in Washington state. The district was recently involved in litigation regarding the way the district collected assessments. The district was assessing a total amount of \$1.00 per \$1,000.00 of assessed value within the district, including \$0.25 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation and rehabilitation districts and an additional \$0.75 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation districts. The court found that the method of collection under the statutory provisions for irrigation districts was an invalid tax. Therefore, the legislature finds that it is necessary to align assessment authority with other local special improvement districts in order to provide local funding, limited to \$1.00 per \$1,000.00 of assessed value within the district, for improvements to local water quality." [2023 c 371 s 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

RCW 87.84.071 Special assessments inferior to existing city or town L.I.D. assessments. The special assessments provided for in RCW 87.84.070 shall be subject to and inferior to existing local improvement district assessments of any city or town which is included within the boundaries of an irrigation and rehabilitation district. The collection of local improvement district assessments of a city or town, and the right to foreclose the same when delinquent, shall not be impaired in any manner whatsoever by subsequent special assessments of an irrigation and rehabilitation district. In the event that the county treasurer forecloses on land located within the corporate limits of a city or town for nonpayment of irrigation and

rehabilitation district assessments, the certificates of sale and the deeds issued pursuant to the foreclosure proceedings shall contain a recital that the certificate of sale and/or deed is subject to outstanding local improvement district assessments of the city or town. [1965 ex.s. c 6 s 5.]

RCW 87.84.080 Rules and regulations—Authorized—Publication—Hearing. The directors of an irrigation and rehabilitation district shall have the authority to pass rules and regulations to accomplish district purposes. The rules and regulations shall (except in case of emergency) be published at least once in a newspaper of general circulation in the district and a public hearing shall be held prior to adoption by the directors, at a regular public meeting. [1963 c 221 s 6.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.090 Rules and regulations—Violation as misdemeanor—Jurisdiction—Penalty—Review. The directors may enact rules and regulations, the violation of which shall be punishable as a misdemeanor, and the district judges in said district shall have exclusive jurisdiction over such offenses. Penalty for violation shall not exceed a five hundred dollar fine or six months in jail: PROVIDED, That where a violation is designated a misdemeanor, the directors shall submit such rules and regulations to the county commissioners of the county or counties in which the district is located who shall review same and approve or disapprove thereof. Rules or regulations disapproved by county commissioners within thirty days of submission shall be of no force or effect. [1987 c 202 s 246; 1963 c 221 s 7.]

Intent—1987 c 202: See note following RCW 2.04.190.

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.100 Rules and regulations—Sheriff to enforce. The sheriff's department of any county in which an irrigation and rehabilitation district is located shall enforce the rules and regulations of the district. [1963 c 221 s 8.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.110 Corporate powers and authority. An irrigation and rehabilitation district shall possess all the usual powers of a municipal corporation and shall have the authority to sue and enforce its rules and regulations. [1963 c 221 s 9.]

Severability—1963 c 221: See note following RCW 87.84.005.

RCW 87.84.120 City, town, county, powers not restricted—Title 79 RCW not modified. The provisions of this chapter shall not be construed so as to restrict the governing body of any city, town or

county located on or adjacent to an inland body of water controlled by an irrigation and rehabilitation district from conducting or carrying out governmental or proprietary functions of said city, town or county: PROVIDED, That nothing herein shall be deemed to amend, repeal, supersede or otherwise modify any provisions of Title 79 RCW. [1963 c 221 s 10.]

Severability—1963 c 221: See note following RCW 87.84.005.