

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Act controls.

SEC. 9. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Passed the House February 19, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 24, 1959.

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CHAPTER 303.

[ H. B. 53. ]

IRRIGATION DISTRICTS—CONDEMNATION OF LANDS.

AN ACT relating to condemnation of land in irrigation districts and adding two new sections to chapter 87.01 RCW.

*Be it enacted by the Legislature of the State of Washington:*

New section.

SECTION 1. There is added to chapter 87.01 RCW a new section to read as follows:

Department to pay assessment to irrigation district—Computation

Whenever lands situated in an irrigation district are acquired by the state department of highways, and such lands, at the time of their acquisition by the state department of highways, were irrigable and were being served or were capable of being served by facilities of the district to the same extent and in the same manner as lands of like character held under private ownership were served, the state department of highways, as part of the cost and expense of the acquisition of rights-of-way and with funds available for such acquisition and at the time of such acquisition, shall make a lump sum payment to the irrigation district in an amount:

(1) Sufficient to pay the pro rata share of the district's bonded indebtedness, if any, and the pro

rata share of the district's contract indebtedness to the United States or to the state of Washington, if any, allocable to such lands, plus interest on said pro rata share in the event said indebtedness is not callable in advance of maturity; and

(2) further, sufficient to pay any deferred installments of local improvement district assessments against such lands, if any; and

(3) further, sufficient to produce, if invested at an annual rate of interest equivalent to that set forth in current tables issued by the state insurance commissioner, a sum of money equal to the annual increase in operation and maintenance costs against remaining lands in the district resulting from the severance from the district of the lands thus acquired by the state department of highways. For the purposes of determining the amount of said lump sum payment, the annual maintenance and operation assessment of the district shall be considered to be the average for the ten years, or so many years as the district has assessment experience, if less than ten years, preceding the date of acquisition.

SEC. 2. There is added to chapter 87.01 RCW a new section to read as follows: New section.

Upon the making by the state department of highways of the lump sum payment to the district pursuant to section 1 of this act, the district thereupon shall make and enter an order relieving such lands from further district assessments for the delivery of water to said lands. Order entered.

Passed the House February 24, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 24, 1959.