

CHAPTER 13.

[S. B. No. 248.]

RELATING TO IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, amending sections 6427, 6439, 6441, 6442, and 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring the same necessary for the immediate need of the public peace, health and safety.

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

SECTION 1. Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 6427. The board of directors shall hold a regular monthly meeting in their office, on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business: *Provided*, That all special meetings must be ordered by a majority of the board; the order must be entered of record, and five days' notice thereof must, by the secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All meetings of the board must be public, and two members shall constitute a quorum for the transaction of business, and on all questions requiring a vote, there shall be a concurrence of at least two members of said board. All records of the board shall be open to the inspection of any elector during business hours. The board, and its agents and employes, shall have the right to enter upon any land in the district to make surveys, and may locate the line for any canal or canals, and the necessary branches for the same, on any of said lands which may be deemed best for such location. Said board shall also have the right to acquire, either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, supply, maintenance, repair and improvement of said canal or canals, and works, including canals and works

[Amending
Rem.-Bal.,
§ 6427;
Pierce's
Code, 1912,
271 § 23.]

Meetings.

Quorum.

Eminent
domain.

constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment; and in case of condemnation, the board shall proceed in the name of the district, and in accordance with the laws of the state in such cases made and provided. Said board may also construct the necessary dams, reservoirs and works for collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this chapter, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this chapter, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law.

Payments,
how made.

Public rights.

SEC. 2. Section 6439 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

[Amending
Rem.-Bal.,
§ 6439;
Pierce's
Code, 1912,
271 § 47.]

Section 6439. On or before the first day of November the secretary must deliver the assessment book to the board of directors of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable, and will become delinquent at six o'clock p. m. on the thirty-first day of December next thereafter; and that unless paid prior thereto, five per cent. will be added to the amount thereof, and also the time and place at which payment of assessments may be made. The notice shall be published once a week for four successive weeks, and posted for the same length of time in some public place in said district. The secretary must attend at the time and place specified in the notice, to receive payments; he must mark the date of payment of any assessments in

Notice of
assessments.

Publication
of notice.

Delinquent assessments, five per cent. added.

[Amending Rem.-Bal., § 6441; Pierce's Code, 1912, 271 § 51.]

Sale of property.

[Amending Rem.-Bal., § 6442; Pierce's Code, 1912, 271 § 53.]

Portion of land to be sold.

Fee for certificate.

Resale.

the assessment book, opposite the name of the persons paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the thirty-first day of December of each year, all unpaid assessments are delinquent, and thereafter the secretary must collect thereon for the use of the district an addition of five per cent.

SEC. 3. Section 6441 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 6441. The secretary must collect, in addition to the assessments due on the delinquent list five per cent. of the amount thereof. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the secretary, between the hours of ten o'clock a. m. and three o'clock p. m., must commence the sale of the property advertised. He may postpone the day of commencing sale, or the sale from day to day, but the sale must be completed within six weeks from the day first fixed.

SEC. 4. Section 6442 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 6442. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the secretary, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the secretary may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including one dollar to the secretary for the duplicate of certificate of sale, is the purchaser. Said secretary shall pay said one dollar into the treasury of said district. If the purchaser does not pay the assessment of costs before ten o'clock a. m. the following day, the property on the next sale day must be resold for the assessments and costs. But

the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the secretary of the district, and filed by him in the office of the directors. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the secretary shall make an entry "Sold to the district," and he will be credited with the amount thereof in his settlement. An irrigation district, as a purchaser at any sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made: *Provided further*, That upon the sale of any lot, parcel or tract of land not larger than an acre the fee for a duplicate certificate shall be twenty-five cents. After receiving the amount of the assessments and costs, the secretary must make out in duplicate a certificate dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the secretary and one copy delivered to the purchaser, and the other filed in the office of the county clerk of the county in which the land is situated: *Provided further*, That any number of lots or tracts of land sold to one person or to the district may be included in a single certificate.

Purchase by
district when.

District may
sell.

Fee for cer-
tificate on
small tracts.

SEC. 5. Section 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 6444. A redemption of the property sold may

[Amending
Rem.-Bal.,
§ 6444;
Pierce's
Code, 1912,
271 § 57.]

Redemption. be made by the owner or any party in interest within twelve months after the date of purchase, and the secretary must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignees. In each report the secretary makes to the board of directors he must name the persons entitled to redemption money and the amount due each. On receiving the certificate of sale the county clerk must file it and make an entry in a book similar to that required by the secretary. On the presentation of the receipt of the person named in the certificate, or of the secretary for his use, of the total amount of the redemption money, the clerk must mark the word "redeemed," the date and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from sale, the secretary, or his successor in office, must make to the purchaser, or his assignee, a deed to the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The secretary shall receive from the purchaser, for the use of the district, one dollar for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre the fee for a deed shall be twenty-five cents: *Provided further*, That any number of lots or tracts included in one certificate may be included in one deed.

Deed.

Fee for deed.

Emergency. SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Passed the Senate February 14, 1913.

Passed the House February 24, 1913.

Approved by the Governor February 28, 1913.