

CHAPTER 85.

[S. B. 457.]

RELATING TO A SECONDARY HIGHWAY.

AN ACT directing the state highway commissioner to examine and report on the feasibility of a secondary state road from Meyers Falls, in Stevens county, southerly to a point on Sunset Highway at or near Davenport, in Lincoln county.

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

SECTION 1. The state highway commissioner is hereby authorized to make surveys and examinations as may be necessary to determine the feasibility of a secondary state road from Meyers Falls, in Stevens county, thence southerly by way of Kettle Falls, Harvey, Daisy, Gifford, Bissell, Cedonia, Hunters and Fruitland, in Stevens county, thence by the most feasible route to a connection with Sunset Highway at or near Davenport, in Lincoln county; and the state highway commissioner shall make a report of his findings of facts as to the feasibility and utility of this road to the legislature.

Highway commissioner to investigate.

(For definition of secondary highway, see ch. 65 *supra*.)

Passed the Senate March 10, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 17, 1913.

CHAPTER 86.

[S. B. 79.]

RELATING TO DRAINAGE.

(For local improvement drainage systems, see ch. 176 *supra*.)

AN ACT relating to drainage districts and amending sections 4138-4139-4144 and 4145, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4138 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and is hereby amended to read as follows:

[Amends Rem.-Bal., § 4138; Pierce's Code, 1912, 155 § 3.]

Section 4138. For the purpose of the formation of such drainage districts a petition shall be presented to the board of county commissioners of the county in which said

proposed drainage district is located, which petition shall set forth the object for the creation of said district, the number of acres to be benefited by the proposed drainage system, shall designate the boundaries thereof, shall contain the names of all the freeholders residing within said proposed district so far as known, a brief description of the proposed system of drainage, the designation of a good and sufficient outlet for the drainage of said district, which point of outlet may be within or without the boundaries of said district; the route over which said drainage system is to be constructed, together with the proposed spurs and branches, if any there may be, and the termini thereof, and shall set forth the further fact that the establishment of said district and the proposed system of drainage will be conducive to the public health, convenience and welfare, and increase the public revenue, and that the establishment of said district and system of drainage will be of special benefit to the property included therein. Said petition shall be signed by the owners of at least a majority of the acreage in the proposed district and shall pray that the same be organized under the provisions of this chapter. At the time of the filing of said petition said petitioners shall file a bond with said county commissioners running to the State of Washington, in the penal sum of five hundred (\$500) dollars, executed in behalf of petitioners by one or more sureties to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

Petition.

Outlet
within or
without
district.Majority
of acreage
to petition.

Bond.

SEC. 2. That section 4139 of Remington & Ballinger's Annotated Codes and Statutes of Washington be, and is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 4139 ;
Pierce's
Code, 1912,
155 § 5.]

Section 4139. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county,

Petition to
be published.

Hearing.

Boundaries
may be
changed.Supplemental
petition.

then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided, further*, That any person or persons owning land within the proposed boundaries, and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reasons therefor: *Provided, however*, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands

included within the proposed boundaries: *Provided, further,* That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided, further,* That the boundaries of any drainage district heretofore or hereafter established may be extended by the board of county commissioners so as to include other lands in said county upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain with reference to the extension such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original drainage district: *Provided, further,* That all necessary expense incident to making such extension, together with a proportionate share of the first cost of any drainage system existing in the original district at the time of making such extensions, shall be levied against and apportioned to the lands included in such extension, as in this chapter provided. In such case the board of county commissioners shall give the like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county commissioners deem it advisable, and to the best interest of all concerned, they may grant the prayer of such petitioner or petitioners in whole or in part. And said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard on the final hearing thereof: *And provided, further,* That any drainage system constructed in the original drainage district may be extended into the said extension by the board of drainage commissioners of said drainage district, in the same manner, and

Old districts
may be
extended.

Expense of
extension.

System may
be extended
as an
original
proposition.

by the same method of procedure as is provided by law for the construction of said drainage system within the said original drainage district.

[Amends
Rem.-Bal.,
§ 4144;
Pierce's
Code, 1912,
155 § 15.]

SEC. 3. That section 4144 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be, and is hereby amended to read as follows:

Powers of
drainage
commis-
sioners.

Section 4144. Said board of drainage commissioners hereinbefore provided for, shall have exclusive charge of the construction and maintenance of all drainage systems which may be constructed by said district and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term or until the next general election: Provided, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.

Vacancies.

[Amends
Rem.-Bal.,
§ 4145;
Pierce's
Code, 1912,
155 § 17.]

SEC. 4. That section 4145 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be, and is hereby amended to read as follows:

Section 4145. Whenever it is desired to prosecute the construction of a system of drainage by said drainage district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route and termini of said system, with a complete description thereof, together with specifications for its construction, with all necessary plats and plans thereof, with draughts of any artificial appliances or equipment necessary in aid thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such

Plans
presented
to superior
court.

proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvement, and that the same will be conducive to the public health, convenience and welfare, and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth the names of the land owners through whose land the right of way is desired for said improvement; the amount of land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right of way, and the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement. Such estimate shall be made, respectively, to each person through whose land said right of way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right of way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain all of said lands described in said petition, and that all lands sought to be appropriated for said right of way are necessary to be used as a right of way in the construction and maintenance of said improvement; and when the proposed improvement will protect or benefit the whole or any part of any public or corporate road or railroad, so that the traveled track or roadbed thereof will be improved by its construction, such fact shall be set forth in said petition, and such public or private corporations owning said road or railroad shall be made parties defendant therein, and the maximum amount of benefits to be derived from said proposed improvement shall be estimated in said petition against said road or railroad: *Provided, however, That*

Petition
for right-
of-way.

Railroad,
etc., made
parties.

all maps, plats, field notes, surveys, plans, specifications, or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this chapter, may be used under the provisions of this chapter.

Passed the Senate February 28, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 17, 1913.

CHAPTER 87.

[S. B. 376.]

AUTHORIZING THE TRANSFER OF STEAMER "YAKIMA" TO FEDERAL GOVERNMENT.

AN ACT granting and conveying the steamer "Yakima" to the United States.

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

SECTION 1. The steamer "Yakima," owned by the State of Washington, but now used by the United States in removing obstructions to navigation, dredging and otherwise improving the Columbia river, is hereby granted to the United States; and the governor of the State of Washington is hereby authorized and directed to convey title thereto to the United States by bill of sale.

Str. Yakima
granted
to U. S.

Passed the Senate February 28, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 17, 1913.

CHAPTER 88.

[S. B. 36.]

APPROPRIATION TO ESTABLISH TROUT HATCHERY.

AN ACT to establish a state trout hatchery on Lake Crescent, in Clallam county, State of Washington, and making an appropriation therefor.

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

SECTION 1. The state fish commissioner is hereby authorized and directed to prospect Lake Crescent in Clallam