

CHAPTER 179.

[S. S. B. 247.]

IRRIGATION DISTRICTS: ORGANIZATION, BOND ISSUES, LEVIES, AND CO-OPERATION WITH UNITED STATES.

AN ACT relating to the organization and government of irrigation districts, and the sale of bonds thereof, and facilitating co-operation between irrigation districts and the United States, and amending sections 6416, 6417, 6419, 6426, 6427, 6428, 6430, 6431, 6432, 6433, 6436, 6437, 6438, 6439, 6440, 6444, 6450, 6452, 6456, 6457, 6462, 6466, 6475, 6479, 6480, 6481, 6489, 6490, 6491, 6492, 6493, and 6494 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Amends  
Rem.-Bal.  
§§ 6416, 6417,  
6419,  
6426-6428,  
6430-6433,  
6436-6440,  
6444, 6450,  
6452, 6456,  
6457, 6462,  
6466, 6475,  
6479-6481,  
6489-6494.

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

SECTION 1. Section 6416 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6416. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for the construction of works for the irrigation of the same, or desire to provide for the reconstruction, betterment, extension, purchase, operation or maintenance of works already constructed, they may propose the organization of an irrigation district under the provisions of this chapter; and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation district.

Authorizing  
formation.

SEC. 2. Section 6417 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6417. For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries

Petition.

of such district, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as an irrigation district. The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be affected [effected]. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. When the petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited be included within such district; any lands having a partial or full water right included in any district shall be given equitable credit therefor in the apportionment of the assessments in this act provided: *And provided fur-*

Bond.

Publication of notice.

Hearings.

Exclusion and inclusion of lands.

*ther*, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application of the board at the time of the hearing, be entitled to have such lands included in the district. The board of county commissioners shall, as soon as it has established the boundaries of said proposed district, enter an order establishing and defining such boundaries, and ordering that three directors for such district be elected from the district at large, and designating a name for the proposed district, and calling an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the purpose of electing three directors at large. The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in any newspaper of general circulation in any such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

Calling  
election.

Notice.

Choice of  
newspaper  
for publica-  
tion.

SEC. 3. Section 6419 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Election of  
directors.

Section 6419. There shall be elected in each organized irrigation district of this state, a board of three (3) directors who are electors of the district. An annual election to the office of director shall be held on the second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That in the case of the three directors elected at any organization election called by the board of county commissioners, the three directors so elected shall serve until the first Tuesday of January following the first annual election; and at the first annual election there shall be elected three directors, one to serve for a term ending one year from the first Tuesday of January next following such election, and one to serve for a term of two years from the first Tuesday of January next following such election, and one to serve for a term of three years from the first Tuesday of January next following such election; and an election shall be held in each district thereafter on the second Tuesday in December in each year, at which election one director shall be elected for the full term of three years or until his successor is elected and qualified: *And provided further*, That in any irrigation district organized and existing under any law of this state prior to the taking effect of this act, the directors elected at the last election held therein shall hold office, and their terms of office, shall be as follows: That one of the three receiving the lowest number of votes at the election last aforesaid, shall hold his office until the first Tuesday of January, 1914, the one receiving the next highest number of votes shall hold his office for one year from and after the first Tuesday of January, 1914, and the one receiving the highest number of votes shall hold his office for a term of two years from and after the first Tuesday of January, 1914; and an election shall be held in each of the districts last aforesaid on the second Tuesday of December of the

Term of  
office.

year 1913, and on the second Tuesday of December in each year thereafter, at which one director shall be elected for the full term of three years, or until his successor is elected and qualified. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of twenty-five hundred dollars (\$2,500.00), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was affected [effected], and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars (\$2,500.00), to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any irrigation district is appointed fiscal agent of the United States or is authorized by the United States in connection with any federal irrigation project to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as

Vacancies.

Oath and bond.

Secretary.

Additional bonds as fiscal agents of United States.

herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

SEC. 4. Section 6426 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Officers of  
board.

Section 6426. The three directors of the district shall constitute the board of directors of such district, and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the board and principal place of business of the district shall be at some place in the county in which the organization was affected [effected], to be designated by the board. The board of directors shall hold a regular monthly meeting, at its office, on the first Tuesday in every month, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by a majority of the board, but in case the three members of the board do not join in said order, the secretary shall give the member not joining five (5) days' notice of such meeting. The order or notice calling any special meeting shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting. All meetings of the board must be public. Two members shall constitute a quorum for the transaction of business, but in all matters requiring action by the board 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 shall have the power, and it shall be its duty to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe

Meetings.

Notice of  
special  
meetings.

Powers and  
duties of  
board.

their duties, and to establish equitable by-laws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter: *Provided*, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions of said contract in relation thereto. The by-laws, rules and regulations must be printed in convenient form for distribution in the district. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes of the assessment and collection of taxes, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: *Provided*, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee simple title of the state or other public ownership. The board of directors shall have the power to sell, lease, or rent the use of water and power or either for delivery to occupants of public or other lands situated within or adjacent to the district, or to municipal corporations, or at such prices and on such terms as it deems best: *Provided*, No water or power shall be furnished for use outside of said district until all demands and requirements for water and power for use in said district are furnished and supplied by said district: *And provided further*, That as soon as any public land situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of

By-laws.

Rights of  
contract  
holders of  
public lands.Sale or  
lease of  
water and  
power.Public lands  
passing to  
private  
ownership.

water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sum shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

SEC. 5. Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Authority of  
board.

Section 6427. The board, and its agents and employees, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works, power plants, power sites or power lines and the line for any canal or canals, and the necessary branches or laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done in order to carry out the purposes of this act; and in carrying out the aforesaid purposes the bonds of the district may be used by the board, at not less than ninety per centum of their par value in payment. The board may enter into

any obligation or contract with the United States for the construction, reconstruction, betterment, extension, sale or purchase, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the federal reclamation act and all amendments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply under any act of congress providing for and permitting such contract, or for the collection of money due or to become due to the United States or for the assumption of the control and management of the works; and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States as payment or as security for future payment at not less than ninety per centum of their par value, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment provided in section 6437 of Remington & Ballinger's Annotated Codes and Statutes of Washington an amount sufficient to meet each year all payment accruing under the terms of any such contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or other authorization of the district by the United States to make collections of money for or on behalf of the United States in connection with any federal reclamation project, whereupon the district, and the county treasurer for the district, shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of

Water project  
contracts  
with United  
States.

Water for  
irrigation  
declared  
public use.

the federal government in regard thereto. The use of all water required for the irrigation of the lands, within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs, power plants, sites and lines and all other property required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in condemnation proceedings to acquire any property or property rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of lands, real estate and other property by private corporations: *Provided*, That the irrigation district at its option pursuant to resolution to that end duly passed by its board of directors may unite in a single action proceedings for the acquisition and condemnation of different tracts of land needed by it for rights-of-way for canals, laterals, power plants, sites and lines and other irrigation works which are held by separate owners. And the court may on the motion of any party consolidate into a single action separate suits for the condemnation of rights-of-way for such irrigation works whenever from motives of economy or the expediting of business it appears desirable so to do: *Provided, further*, There shall be a separate finding of the court or jury as to each tract held in separate ownership.

Condemna-  
tion pro-  
ceedings.

SEC. 6. Section 6428 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Titles ac-  
quired vest  
in district.

Section 6428. The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided: *Provided, however*, That any property so acquired by the district may be conveyed to the United States insofar as the same may be needed for the construction, operation and main-

Conveyance  
to U. S.

tenance of works by the United States for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

SEC. 7. Section 6430 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6430. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question whether or not the bonds of said district in the amount so determined shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this chapter governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," and "Bonds

Cost of construction and betterment.

Bond elections.

Notice.

—No,” or words equivalent thereto. If a majority of the votes cast are cast “Bonds—Yes,” the board of directors shall immediately cause bonds in that amount to be issued. If a majority of the votes cast at any bond election are “Bonds—No,” the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in section 6427 of Remington & Ballinger’s Annotated Codes and Statutes of Washington provided and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words “Contract with the United States—Yes,” and “Contract with the United States—No,” or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interests of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare said record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States, in ten series, as follows, to-wit: At the expiration of eleven years, five per cent of the whole number of bonds; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration [of] seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent, and shall bear interest at the rate of six

Subsequent  
elections  
authorized.

Bonds.  
how paid.

per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic fac simile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms

Form and contents of bonds.

Assessments levied to meet deficiencies.

Substitution of bonds for previous issues.

as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board: *Provided, further*, That the board shall have the power to provide for and agree and to include in the stipulations contained in the bonds of the district that no interest payment shall be made on said bonds during the first three (3) years after the date of the issue thereof, and that in lieu thereof the rate of interest shall be increased for a succeeding period of years sufficient to include and cover the interest for said three [year] period, together with interest on the deferred interest payments, but in no case shall the aggregate of interest paid on principal exceed an average of six per cent. during the entire life of the bonds.

Payment  
of interest.

SEC. 8. Section 6431 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6431. The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interests of the district so to do. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor labor and material

Sale of  
bonds, or  
pledge to  
United  
States.

necessary for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three (3) weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: *Provided*, That such bonds shall not be sold for less than ninety per cent of their face value.

SEC. 9. Section 6432 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6432. Said bonds and interest thereon and all payments due or to become due to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States accompanying which bonds have not been deposited with the United States, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements

Payment of  
bonds and  
interest.

Lien of bonds  
and U. S.  
contract on  
plant and  
water rights.

acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, according to the terms thereof, the holder of said bonds, or any part thereof, or the United States as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district.

SEC. 10. Section 6433 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Assessments,  
how and  
when made.

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion with the benefits accruing to the lands assessed. The secretary must, between the first Monday in March and the first Monday in June, in each year, prepare an assessment book, with appropriate headings, in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

*First.* The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to "unknown owners;"

*Second.* Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

*Third.* The ratio of benefits;

*Fourth.* The fourth column shall be left blank for the extension of the assessment.

*Fifth.* Such other things as the board of directors may require.

Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

SEC. 11. Section 6436 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6436. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may change the same as may be just. The secretary of the board shall be present during its session, and note all changes made at said hearing; within ten days after the close of the session he shall have the assessment roll completed as finally equalized by the board.

Equalization  
of assess-  
ments.

SEC. 12. Section 6437 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6437. The board of directors shall then levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due the ensuing year to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, and at the expiration of ten

Levy of  
assessments  
to meet bonds.

years after the issuing of the bonds of any issue, the board must, from year to year, increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as assessments on property therein enumerated. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds as the case may be, to be called respectively the "Bond Fund of . . . . . Irrigation District," the "Contract Fund of . . . . . Irrigation District" and the "Expense Fund of . . . . . Irrigation District." In case of neglect or refusal of the board of directors to cause such assessment or levy to be made as herein provided, then the assessment shall be made, equalized and levied by the board of county commissioners of the county in which the office of the board of directors is situated shall cause an assessment roll for the said district to be prepared, and the board of county commissioners shall make the levy required by this chapter in the same manner and with like effect as if the same had been made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

Expense fund levy.

Procedure in case of failure.

SEC. 13. Section 6438 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6438. The assessment upon real property shall be a lien against the property assessed, from and after the first Monday in March in the year in which it is levied, but as between grantor and grantee such lien shall not at-

Lien of assessment.

tach until the first day in December of such year, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments and for general taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the lien for all payments due or to become due under any contract with the United States, accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

Priorities.

SEC. 14. Section 6439 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6439. On or before the first day of November the secretary must deliver the assessment book to the county treasurer of the county in which the office of the board of directors is situated, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at the office of said county treasurer, and will become delinquent at five o'clock in the afternoon on the 31st day of December next thereafter, unless sixty per cent. thereof shall then have been paid, and that if thus allowed to become delinquent a penalty of five per cent. will be added to the amount thereof and that if sixty per cent thereof be paid on or before said 31st day of December the remainder thereof will not become delinquent until April 30th next following. 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 county treasurer must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a re-

Collection of assessments.

Notice.

Penalty for  
non-payment.

ceipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent unless 60% shall have been paid as aforesaid, and thereafter the treasurer must collect thereon for the use of the district the aforesaid penalty of five per cent. The district shall pay to the county from the five per cent. penalties and other costs received by the treasurer in the collection of delinquent taxes, the amounts actually expended by the treasurer in performing the duties of *ex-officio* collector and treasurer of the district.

Payment of  
cost of  
collections.

SEC. 15. Section 6440 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Publication  
of delinquent  
lists.

Section 6440. On or before the first day of February, the county treasurer must publish the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description in all cases where payment of 60% of the assessment has not been made on or before the 31st day of December next preceding; likewise on or before May 15th he must publish the delinquency list of all persons delinquent in the payment of the instalment of 40% as in this act provided. He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the treasurer.

Date of sale.

SEC. 16. Section 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6444. A redemption of the property sold may be made by the owner or any party in interest within two years from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the treasurer he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignee. In each report the treasurer 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 auditor must file it and make an entry in a book similar to that required of the treasurer. On the presentation of the receipt of the person named in the certificate, or of the treasurer for his use, of the total amount of the redemption money, the auditor 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 two years from the sale the treasurer must make to the purchaser, or his assignees, a deed of 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 treasurer 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 and any person or district holding a duplicate certificate covering more than one tract of land, the several parcels or tracts of land mentioned in the certificate may be included in one deed.

Redemptions  
from sale.

Deeds to  
purchasers.

Fees.

SEC. 17. Section 6450 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6450. Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or

Contracts  
for con-  
struction.

Bond of  
contractor.

for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to said district for its use, for at least 25 per cent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of said work or the furnishing of said materials, a notice calling for sealed proposals shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let said work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence: *Provided*, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material: *Provided further*, That the provisions of this section shall not apply in the case of any contract between the district and the United States.

Call for bids.

SEC. 18. Section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Cost of  
construction,  
how paid.

Section 6452. The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension, and betterment of the works and improvements

herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, and for the carrying out of the purposes of this chapter, may be paid by the board of directors out of the funds received from bond sales. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of said canal and works as are completed and in use, the board may either fix rates or tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said expense by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this chapter, relating to the payment of principal and interest of bonds herein provided for, and shall be made at the same time.

Operating expenses.

Tolls or assessments to meet.

SEC. 19. Section 6456 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6456. The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 6430. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such election the ballots shall

Special assessments.

contain the words "Assessment, yes," and, "Assessment, no." If a majority of the votes cast are "Assessment, yes," the board shall, at the time of the annual levy thereunder, levy an assessment to raise the amount voted. The rate of assessment shall be ascertained by adding fifteen per cent for anticipated delinquencies to the whole amount required, as it appears on the assessment roll. The assessment so levied shall be computed and entered on the assessment-roll by the secretary of the board and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the county treasury of the county to the credit of said district, for the purposes specified in the notice of such special election.

How levied.

SEC. 20. Section 6457 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6457. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this chapter; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purpose of irrigation and in cases of emergency the board of directors may incur any indebtedness not exceeding in the aggregate a sum equal to fifteen per centum of the total amount fixed as rates, tolls, charges and assessments for the current year for the care, operation, management, repair and improvement of the irrigation works of the district pursuant to section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and may cause warrants of the district to issue therefor, bearing interest at a rate not to exceed eight per cent per annum.

Excess indebtedness void.

Emergency exceptions.

SEC. 21. Section 6462 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6462. The boundaries of any irrigation district now or hereafter organized under the provisions of

Change of boundaries.

this chapter may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, except as hereinafter expressly in section 6475 of Remington & Ballinger's Annotated Codes and Statutes of Washington prescribed: *Provided*, That in case contract has been made between the district and the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, no change shall be made in the boundaries of the district, and the board of directors shall make no order changing the boundaries of the district until the secretary of the interior shall assent thereto in writing and such assent be filed with the board of directors.

Consent of  
U. S. neces-  
sary, when.

SEC. 22. Section 6466 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6466. The board of directors to whom such petition to include other lands in the district is presented, shall require, as a condition precedent to the granting of the petition, that the petitioners shall severally pay, or give approved security upon such terms as may be prescribed by the board to pay, to such district such respective sums as shall be determined by the board at the hearing above provided for, which sums shall be such equitable amount as such land shall pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Payments  
required on  
lands subse-  
quently in-  
corporated.

SEC. 23. Section 6475 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Exclusion of  
lands from  
district.

Effect.

Section 6475. The boundaries of any irrigation district, now or hereafter organized under the provisions of this chapter, may be changed, and tracts of land which were included within the boundaries of such district, at or after its organization under the provisions of this chapter, may be excluded therefrom in the manner herein prescribed; but neither such change of the boundaries of the district, nor such exclusion of lands from the district, shall impair or affect its organization or its rights in or to property, or any of its rights and privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made, or had not any land been excluded from the district, unless the holders of such lien, obligation, charge or contract right chargeable against the district, consent to such exclusion in the manner hereinafter provided in section 6480 of Remington & Ballinger's Annotated Codes and Statutes of Washington for the consent of the bondholders.

SEC. 24. Section 6479 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Action of  
board on  
petition for  
exclusion.

Section 6479. The board of directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district shows cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if having shown cause withdraws the same, and also, if there be no outstanding bonds of the district, and no contract between the district and the United States, then the board may order that the lands mentioned in the petition, or some defined portion thereof, be excluded from the district.

SEC. 25. Section 6480 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6480. If there be outstanding bonds of the district, or if the district shall have entered into a contract with the United States, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can readily be traced. The holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the board may make an order by which the lands mentioned in the resolution may be excluded from the district, and in case contract has been made with the United States the secretary of the interior may assent to such change. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgement shall have the same force and effect, as evidence, as the acknowledgment of such conveyance, except the assent of the secretary of the interior need not be acknowledged. The assent shall be filed with the board, and in the office of the county clerk in each county comprised within the district and must be recorded in the minutes of the board; and said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent of the bondholders, and in case of contract with the United States such assent of the secretary of the interior, be not filed, the board shall deny and dismiss said petition.

Assent of  
bond holders  
or of United  
States.

How given.

SEC. 26. Section 6481 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6481. If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing

Election to  
exclude land.

cause as aforesaid, which have not been withdrawn, then the board may order an election to be held in said district to determine whether an order shall be made excluding said land from the district as mentioned in said resolution. The notice of such election shall describe the boundary of all lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election, in a newspaper published within the county where the office of the board of directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of such counties. Such notice shall require the electors to cast ballots, which shall contain the words "For exclusion," and "Against exclusion," or words equivalent thereto. Such election shall be conducted in the manner prescribed in this act for the holding of special elections on the issuance of bonds.

Notice.

SEC. 27. Section 6489 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not then been sold, may be judicially examined, approved, and confirmed, or in case a contract shall have been made by any irrigation district for the payment of moneys to the United States and bonds be not deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington: *provided*, the board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

Special proceedings to confirm bonds.

To confirm contract with United States.

SEC. 28. Section 6490 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6490. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved, and confirmed by the court. The petition shall state the facts, showing the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Petition to superior court.

What to contain.

SEC. 29. Section 6491 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, or for the authorization of contract with the United States, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district (giving its name), praying that the proceedings for the issue and sale of the bonds of said district, or for the

Notice of hearing.

authorization of contract with the United States, may be examined, approved, and confirmed by said court.

SEC. 30. Section 6492 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Pleadings  
and practice  
applicable.

Section 6492. Any person interested in said district, or in the issue or sale of said bonds or in the making of contract with the United States, may demur to or answer said petition. The statutes of this state respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The person so demurring to or answering said petition shall be the defendant to said special proceeding, and the board of directors shall be the plaintiff. Every material statement to the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the statutes of this state, which are not inconsistent with the provisions of this chapter, are applicable to the special proceeding herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issue to be re-examined on such new trial, and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

SEC. 31. Section 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Power and  
duty of  
court.

Section 6493. Upon the hearing of such special proceedings, the court shall have power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the

order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States. The court, in inquiring into the regularity, legality, or correctness of said proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other and subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all parties, in the discretion of the court.

SEC. 32. Section 6494 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6494. An appeal from an order granting or refusing a new trial, or from the judgment, must be taken by the party aggrieved within thirty days after the entry of said order or said judgment.

Passed the Senate February 27, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 19, 1915.

Costs.

Appeals,  
time for  
taking.