

outlets or systems of drainage: *Provided*, that the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided, further*, that the said board of commissioners shall have the power to acquire by purchase all the real property necessary to make the improvements herein provided for.

SEC. 3. This act is necessary for the immediate Emergency.  
preservation of the public peace, health and safety, and shall take effect immediately.

Passed the Senate February 17, 1919.

Passed the House March 11, 1919.

Approved by the Governor March 19, 1919.

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## CHAPTER 180.

[S. B. 178.]

### AMENDMENT OF ACT GOVERNING IRRIGATION DISTRICTS.

AN ACT relating to the organization and government of irrigation districts, and providing for the method of determining damages and benefits in connection with the acquisition of rights of way, and for the offset of benefits against damages, and providing for the inclusion and assessment of state, granted, school or other public lands in irrigation districts, and providing for the consolidation of irrigation districts, and amending sections 6417, 6419, 6426, 6427, 6433, 6434, 6435, 6436, 6437, 6439, 6440, 6454, 6457-1 and 6457-3 of Remington and Ballinger's Annotated Codes and Statutes of Washington and further amending the same by adding thereto new sections to be known as sections 6417-1, 6427-1, 6457-8, 6461-1, 6461-2, 6461-3, 6461-4, 6461-5 and 6461-6 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That Section 6417 of Rem. & Bal. be 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

Proceedings  
to establish.

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 of such district, and the number of directors, either three (3) or five (5), desired by 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 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. The said notice shall also be served by registered mail at least two weeks before said hearing upon the State Hydraulic Engineer who shall sit with the Board of County Commissioners at the hearing upon said petition in an advisory capacity. 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

Notice of  
hearing.

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 included within any district which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: *And provided further*, 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 to 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 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 directors. 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

Exclusion  
and in-  
clusion of  
lands.

Election to  
determine  
organization.

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 lies 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 a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

SEC. 2. That chapter VII of title XLIII, Rem. & Bal. be amended by adding thereto a new section to be known as section 6417-1 and to read as follows:

Section 6417-1. Whenever any state, granted, school or other public lands of the state shall be situated in any irrigation district organized under this act, such lands shall be subject to the provisions of this act in the same manner in which lands of like character held under private ownership are subject thereto: *Provided*, That no State, granted school or other public lands of the State shall be included in any such district except upon the consent of the Commissioner of Public Lands to the inclusion of such lands in such district, and he shall be served with a copy of the petition proposing to include any such lands in any district together with notice of the time and place of hearing, the same at least twenty days prior to such hearing, and if he shall determine that such public lands will be benefited by being included in such district, he shall give his consent

State  
lands in-  
cluded.

Consent of  
land com-  
missioner.

thereto in writing or shall file with the board a statement of his objections thereto.

Any public lands which shall be included in any irrigation district shall not be sold for delinquencies but the amount of the assessment shall be charged to the lands benefited in the manner provided in Rem. & Bal. Code, Secs. 4251 to 4253, inclusive, and if such assessments remain unpaid the State Auditor shall at the next session of the legislature certify to the legislature the amount of such assessments and the legislature shall provide for the payment of the same with interest, by appropriation out of the general fund of the State.

Payment of  
state land  
assessments.

SEC. 3. That Section 6419 of Rem. & Bal. be amended to read as follows:

Section 6419. There shall be elected in each organized irrigation district of this state, a board of 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 the directors elected at any organization election called by the Board of County Commissioners 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, if the board consists of three directors, and the candidate receiving the highest number of votes shall serve a term of three years next succeeding such election, the candidate receiving the next highest number of votes shall serve a term of two years next succeeding such election and the candidate receiving the next highest number of votes shall serve a term of one year next succeeding such election, and when a board of five directors exists, the two candidates receiving the highest number of votes shall each serve a term of

Election of  
directors.

three years next succeeding such election, the two candidates receiving the next highest number of votes shall each serve a term of two years next succeeding such election and the candidate receiving the next highest number of votes shall serve for a term of one year next succeeding such election, or, until a successor is elected and qualified. Whenever a district now organized desires to increase the number of its board of directors, such question shall be submitted to the electors at a regular election, together with the names of persons to be voted for as such additional directors. In the event the electors by majority of votes cast at such election increase the number of said board, the person receiving the highest number of votes for the office of director at said election shall serve for the three year term next succeeding and the person receiving the next highest number of votes shall serve for a term of two years. 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 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

Increase in  
number of  
directors.

Vacancies,  
how filled.

Oath and  
bond.

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 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.

Secretary.

District  
acting as  
U. S. fiscal  
agent.

SEC. 4. That section 6426 of Rem. & Bal. be amended to read as follows:

Section 6426. The directors of the district shall organize as a board and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the directors and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the directors. The directors shall hold a regular monthly meeting at their office, on the first Tuesday in every month, and may adjourn any meeting from

Organiza-  
tion and  
meetings  
of board.

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 directors, but in case all directors do not join in said order, the secretary shall give the members 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 directors must be public. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board there shall be a concurrence of at least a majority of the directors. 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 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 including the acquisition, construction and operation and maintenance of drainage works and wasteways: *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

Powers  
and duties.

Water con-  
tracts with  
United  
States.



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 authority to develop and to sell, lease, or rent the use of water or power derived from the operation of the district irrigation or drainage works for delivery to occupants of public or other lands situated within or adjacent to the district, or to municipal corporations, 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 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 sums 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

State lands  
under con-  
tract.

Sale and  
lease of  
water.

State lands  
passing to  
private  
ownership.

private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

SEC. 5. That section 6427 of Rem. & Bal. be amended to read as follows:

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 or drainage 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 and drainage 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 the 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 amend-

Right of entry on lands.

Power to acquire land and water rights.

Bond issues.

Contracts under Federal reclamation act.

ments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply or for reclamation purposes in general under any act of congress which, for the purposes of this act, shall be deemed to include any act of congress for reclamation purposes heretofore or hereafter enacted 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 payments 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 liability 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 there-

Board as  
fiscal agency  
of United  
States.

with, and all things required by the rules and regulations now or that may hereafter be established by any department of 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 consolidated 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.

Power of eminent domain.

SEC. 6. That Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to condemnation of rights-of-way for irrigation ditches, and the assessment of damages therefor be amended by adding thereto a new section to be known as Section 6427-1 and to read as follows:

Section 6427-1. The jury, or the court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, that the court or jury, in determining the amount of damages, shall take into consideration the benefits, if any, that will accrue to the property damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed the gross benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over the benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. If it shall appear by the verdict that the gross benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. The verdict and findings of the court or jury as to damages and benefits shall be binding upon the board of directors of the irrigation district in their levy of assessments to pay the cost of the irrigation system or improvements on behalf of which the condemnation was had. The damages thus allowed but not paid shall be applied *pro tanto* to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded; and the limit of the total of the assessments levied for said improve-

Condemna-  
tion pro-  
cedure.

ment upon said lands shall be the amount of benefits found by the said court or jury.

SEC. 7. That Section 6433 of Rem. & Bal. be amended to read as follows:

Assessments,  
how made.

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion to the benefits accruing to the lands assessed and equitable credit shall be given to the lands having a partial or full water right: *Provided*, that nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the rights under such contract shall first have been acquired by said district, and in acquiring such rights the district may exercise the right of eminent domain. The secretary must, between the first Monday in March and the first Monday in September, 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. In further columns with appropriate headings shall be specified the ratio of benefits, or, when deemed by the secretary more practicable, the per acre value, or the amount, of benefits, for gen-

eral and special district and local improvement district purposes, and the total amount assessed against each tract of land.

Any property which may have escaped assessment for any year or years, shall, in addition to the assessment for the then current year; be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Omitted assessments.

SEC. 8. That section 6434 of Rem. & Bal. be amended to read as follows:

Section 6434. The board of directors must allow the secretary as many deputies, to be appointed by them, as will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies for the time actually engaged.

Deputy assessors.

SEC. 9. That section 6435 of Rem. & Bal. be amended to read as follows:

Section 6435. On or before the first Tuesday in September, in each year, the secretary must complete his assessment book and deliver it to the board, who must immediately give a notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment-book must remain in the office of the secretary for the inspection of all persons interested.

Equalization of assessments, notice.

SEC. 10. That section 6436 of Rem. & Bal. be amended to read as follows:

Meetings  
for equaliza-  
tion.

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; and on or before the 30th day of October he shall have the assessment-roll completed as finally equalized by the board.

SEC. 11. That section 6437 of Rem. & Bal. be amended to read as follows:

Amount  
of levy.

Section 6437. The board of directors shall between the first day in July and the first day in October in each year 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 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.

Special funds.

Failure to levy, procedure.

SEC. 12. That section 6439 of Rem. & Bal. be amended to read as follows:

Section 6439. Except as in this section otherwise provided, 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

Cancellation of assessments.

will become delinquent at 5 o'clock in the afternoon of 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 thereof 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 receipt 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 sixty per cent (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 (5%). The district shall pay to the county from the five per cent (5%) 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, and if said penalties and other costs shall not be sufficient therefor, the county treasurer shall certify the balance of such collection expense to the board of directors of the district and said claim shall be paid to the treasurer as other expenses of the district are paid.

SEC. 13. That section 6440 of Rem. & Bal. be amended to read as follows:

Section 6440. On or before the first day of February the county treasurer must post the delinquency list, which must contain the names of the

Notice.

Delinquent  
assess-  
ments.

Delin-  
quency list,  
publication.

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 sixty per cent (60%) of the assessment has not been made on or before the thirty-first day of December next preceding; likewise on or before May 15th he must post the delinquency list of all persons delinquent in the payment of the instalment of forty per cent (40%) as in this act provided. He must append to and post with the delinquency list a notice that unless the assessment delinquent, together with costs and percentages are paid the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors and three copies in public places in each of the established voting precincts within said district. Concurrent as nearly as possible with the date of the posting aforesaid, the county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments, together with costs and percentages, are paid, the real property upon which such assessments are a lien shall be sold at public auction. Such notices must be published once a week for three successive weeks in a newspaper of general circulation published in each of the counties within which the district is located. But said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must be not less than twenty-one nor more than twenty-eight days from date of posting and from the

Time and  
place of sale.

date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

SEC. 14. That section 6454 of Rem. & Bal. be amended to read as follows:

Section 6454. The board of directors shall each receive not to exceed five dollars (\$5.00) per day in attending the meetings, to be determined by said board, and such compensation, not exceeding five dollars (\$5.00) per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall receive necessary expenses in attending meetings or when otherwise engaged on district business. A director using his own automobile, on district business or attending meetings shall be entitled to compensation therefor, not to exceed twelve (12) cents per mile for the actual and necessary number of miles traveled. Such compensation to be based on a resolution of the directors entered in the minutes of their proceedings which resolution shall fix the rate per mile which will be allowed for each different make or type, of automobile so used. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district: *Provided*, That said board shall, upon the petition of at least fifty, or a majority of those having title, or evidence of title to land within such district therefor, submit to the electors, at any general district election, a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are declared under this chapter.

Compensation of officers.

Submission of compensation schedule to electors.

SEC. 15. That section 6457-1 of Rem. & Bal. be amended to read as follows:

Section 6457-1. Any desired special construction, reconstruction, betterment or improvements in an irrigation system, including drainage, or purchase or acquisition of improvements already constructed, which are for the special benefit of the lands tributary thereto and lying within an irrigation district, may be constructed, purchased or acquired and provision made to meet the cost thereof as follows: The holders of title or evidence of title of one-quarter of the acreage proposed to be assessed, may file with the board of directors of the irrigation district their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. Such petition shall be accompanied by a bond in the sum of one hundred dollars (\$100.00) with surety to be approved by the said board of directors conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if the same be not established. The said board may at any time require a bond in an additional sum as may be deemed advisable. Upon the filing of such petition the board of directors with the assistance of a competent engineer, shall make an investigation of the feasibility, cost and need of the proposed local improvement together with the ability of the land to pay such cost, and if the same appears feasible they shall have plans and estimate of the cost thereof prepared. If the cost shall appear to the board to exceed the benefits to accrue therefrom, or if the lands proposed to be embraced within the local improvement district shall be found to be insufficient security for the return of the cost, or if a protest against the establishment of the proposed improvement signed by a majority of the holders of title in the proposed

Petition  
for better-  
ment of  
system.

Investiga-  
tion of  
feasibility.

local improvement district be presented at or prior to the hearing herein provided for, or if in other respects the proposed local improvement district should be found infeasible, they shall hold such petition for organization for naught and dismiss the same at the expense of the petitioners.

SEC. 16. That section 6457-3 of Rem. & Bal. be amended to read as follows:

Section 6457-3. If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifteen in which the cost of said improvement shall be paid. The cost of said improvement shall be paid by the issuance of warrants of the district, from time to time, therefor, either directly for the payment of the labor and material or for the securing of the funds for such purpose. Said warrants shall bear interest at a rate not to exceed eight per cent (8%) per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as warrants of the irrigation district for the benefit of the local improvement district within said irrigation district, that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said warrants and that said warrants are also a general obligation of the said district. No warrant shall be issued in denomination exceeding five hundred dollars (\$500.00) and no warrant shall be sold for less than par. Whenever such improvement district has been organized the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof, provided that at such time the lands so included shall pay their

Adoption  
of plans.

Warrants  
for cost.

Enlarge-  
ment of  
district  
boundaries.

equitable proportion upon the basis of benefits of the investment theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessments as if said lands had been incorporated in said improvement district at the beginning of its organization.

SEC. 17. That Remington & Ballinger's Annotated Codes and Statutes of Washington, as amended by Chapter 162, of the Laws of 1917, relating to the organization and financing of local improvement districts within irrigation districts, be amended by adding thereto a new section to be known as Section 6457-8, and to read as follows:

Section 6457-8. Any local improvement district heretofore duly organized may avail itself of and be subject to any of the provisions of this chapter increasing the number of annual instalments, not to exceed fifteen, after the directors of the irrigation district duly adopt a resolution to that effect, and it shall be the duty of the board of directors to adopt such resolution whenever in the judgment of the board the best interests of the local improvement district will be served thereby, and the interests of the irrigation district will not be jeopardized.

Increase of  
assessment  
instalments.

SEC. 18. That chapter 7, of title 48, Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended by adding thereto a new section to be known as section 6461-1 and to read as follows:

Section 6461-1. Two or more irrigation districts may be consolidated into one district and may include in such district other lands susceptible of irrigation in the manner provided in this act, and upon the organization of such consolidated district it shall be an organized irrigation district subject to all the provisions of this chapter.

Consolidation of  
districts.

SEC. 19. That chapter 7, of title 48, Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended by adding thereto a new section to be known as section 6461-2 and to read as follows:

Section 6461-2. For the purpose of organizing a consolidated irrigation district a petition signed by fifty or a majority of the holders of title to, or evidence of title to land susceptible of irrigation 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 of such district, and the name of each existing irrigation district proposed to be included therein, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as a consolidated irrigation district. Such petition shall be accompanied by bond as provided in Section 6417 Remington & Ballinger's Annotated Codes and Statutes of the State of Washington and thereupon the same proceedings shall be had for the organization of such consolidated district as is provided in sections 6417 and 6418 Remington & Ballinger's Annotated Codes and Statutes of the State of Washington, and the organization of such consolidated district shall be perfected in the same manner as provided in this chapter for the organization of new districts, except as otherwise provided in this section. The board of directors of each irrigation district proposed to be included in such consolidated district shall be served with a copy of the petition for the organization of such consolidated district together with notice at the time and place of hearing of such petition, at least twenty days prior to such hearing, and the board of county commis-

Proceedings  
for consoli-  
dation.



sioners upon the hearing of such petition shall not grant the same or call an election if it shall appear that the board of directors of any existing irrigation district proposed to be included in such consolidated district have by resolution, regularly passed and entered upon the minutes of the directors meetings of such district, voted against the inclusion of such district into such proposed consolidated district. The board of county commissioners upon the hearing of such petition, shall not modify the boundaries of the proposed district to exclude any of the lands which are contained in any of the existing districts proposed to be included in such consolidated districts, and the order calling an election shall provide an election by the electors of each existing district proposed to be included in such consolidated district, and for an election by the electors of that part of the proposed district not included in any existing district, but no elector may cast more than one vote at such election. Such proposed district shall not be declared organized unless two thirds of all votes cast in each existing district shall be Irrigation District—Yes, and unless two thirds of all the votes cast in that part of the proposed district not included in any existing district shall be Irrigation District—Yes. If the organization of such consolidated district is not effected the organization of the district proposed to be included in such consolidated district shall not be affected.

**Elections to determine.**

SEC. 20. That chapter 7, title 48, Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be and the same is hereby amended by adding thereto a new section to be known as section 6461-3 and to read as follows:

Section 6461-3. The board of directors of each included district shall hold office until the board of directors of the consolidated district shall have been elected and shall have qualified, and thereupon the

**Organization of consolidated districts.**

Prior indebtedness of the several districts.

term of office of the directors of such included district shall terminate, and the board of directors of such consolidated district shall have and exercise all the powers and duties in regard to such included district as were vested in the board of directors of such district. Each organized district included in a consolidated district shall either retain its corporate existence so far as necessary for the purpose of carrying out all contracts of such district, and until its indebtedness has been paid in full, or the board of directors of the consolidated district may constitute each such included district a local improvement district for the purpose of carrying out the obligations of, such included district and shall have all the power possessed by the board of directors of such included district to carry out all contracts of such included district to levy, assess and caused to be collected any and all assessments or charges against all of the land within such local improvement district that may be necessary or required to provide for the payment of all the bonds, warrants, and other indebtedness thereof, and to provide for the construction, reconstruction, betterment, improvement, maintenance and operation of all such work as are for the special benefit of the land in such local improvement district. Until such assessments shall have been collected and all indebtedness of the respective included districts paid, separate funds shall be maintained for each such district as were maintained in such included districts prior to the consolidation. A petition shall not be required for the establishment of the lands of such included districts as local improvement districts.

SEC. 21. That chapter 7 of title 48, Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be and the same is hereby

amended by adding thereto a new section to be known as section 6461-4 and to read as follows:

Section 6461-4. The inclusion of an organized district into a consolidated district shall not affect or impair any bonds or obligations of such included district and the holders of the bonds of any such included district shall be entitled to all remedies for the enforcement of the same as if such district had not been consolidated, and all obligations that shall have been incurred by any district prior to its being included in a consolidated district shall be a prior lien to any obligation that may be incurred against such land under such consolidated district: *Provided, however,* that the board of directors of the consolidated district may when authorized thereto, exchange any bonds of the consolidated district for the bonds of such included districts upon obtaining the consent of such bond holders. If any included district shall prior to the time of its inclusion into a consolidated district have entered into any contract with the United States pursuant to the provisions of this chapter, and the board of directors of such consolidated district propose to enter into a contract with the United States by the consolidated district, said board of directors, when authorized thereto, shall enter into such contract with the United States, and may in such event, with the consent of the United States, cancel any contract previously entered into between any included district and the United States.

Bonds of districts consolidating not impaired.

Exchange for consolidated district bonds.

Cancellation of prior contracts with United States.

SEC. 22. That chapter 7 of title 48, Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be and the same is hereby amended by adding thereto a new section to be known as section 6461-5 and to read as follows:

Section 6461-5. The board of directors of an included district shall before the expiration of their term of office cause to be prepared and filed with

Property of several districts passes to consolidated district.

the board of directors of the consolidated district a statement of all property of such included district, and upon the organization of such consolidated district, the property, of such included district shall, subject to the rights of the holders of the bonds or other obligations of such district, become the property of such consolidated district, and the board of directors of such consolidated district shall in making assessments for such consolidated district cause equitable credit to be given to the lands of such included district for such property received as is of value and benefit to the consolidated district.

SEC. 23. That chapter 7, of title 48, Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be and the same is hereby amended by adding thereto a new section to be known as Section 6461-6 and to read as follows:

Section 6461-6. The procedure herein provided for the consolidation of districts shall not supersede or repeal any provisions of this act providing for changing the boundaries of any irrigation district, but shall be additional and supplemental thereto.

Passed the Senate February 21, 1919.

Passed the House March 12, 1919.

Approved by the Governor March 19, 1919.

Act for  
boundary  
changes not  
superseded.