

CHAPTER 13.

[S. B. 125.]

IRRIGATION DISTRICTS DIVIDED INTO DIRECTOR DIVISIONS.

AN ACT relating to irrigation districts comprising an area of two hundred thousand (200,000) or more acres of land, providing for dividing such districts into director divisions and for the election of directors for such divisions, on the board of directors of the irrigation district, limiting the amounts of district assessments which may be levied in any director division thereof in any one calendar year to two cents per acre under the conditions specified therein, repealing all laws or parts of same inconsistent or in conflict herewith, and providing that this act shall take effect immediately.

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

SECTION 1. Any irrigation district in this state comprising within its boundaries two hundred thousand (200,000) or more acres of land, now existing or hereafter organized, shall be divided into divisions of as nearly equal area as practical, the number of divisions to be the same number as the number of directors which manage the district, which divisions shall be numbered first, second, third, etc., and one director, who shall be an elector of the division, shall be elected for each division of the district by the electors of his division, as the representative of the division on the board of directors of the district. Any district elector shall be considered an elector of the director division in which he holds title to or evidence of title to land, but an elector holding title to or evidence of title to land in more than one director division shall be considered an elector of the division nearest his place of residence.

SEC. 2. Vacancies in the representation of director divisions on the board of directors of the irrigation district, shall be filled by appointment of an elector of the division concerned in the same manner

and for the same time as now, or shall be hereafter provided by the general irrigation district law for the filling of vacancies on the board of directors of irrigation districts.

Canvass
of votes.

SEC. 3. Upon canvassing the votes at any election involving the question whether an irrigation district of the area of two hundred thousand (200,000) or more acres of land, shall be organized, it shall be the duty of the board of county commissioners, if it finds that the organization of the district has been authorized, within thirty (30) days from the day the vote is canvassed, to divide such district into director divisions as above provided and to include in its resolution organizing such district, an order designating the director divisions and describing the boundaries thereof respectively.

Proceedings
to divide
districts.

SEC. 4. Proceedings to divide or redivide into director divisions any irrigation district of an area of two hundred thousand (200,000) or more acres shall be initiated by a petition for that purpose filed with the board of county commissioners of the county in which the principal office of the district is situated. Such petition shall designate the name of the irrigation district concerned and shall pray that the district be divided into director divisions as required by law and shall be signed by the members of the board of directors of the district or in lieu thereof by at least twenty (20) landowners of the district: *Provided*, That petition to redivide districts into director divisions shall not be filed more than once in each five (5) year period.

Petition.

Notice.

SEC. 5. Upon the filing of said petition, the board of county commissioners shall fix a time and place for hearing the petition and shall cause notice of the same, stating the time, place and general purpose of the hearing, to be published in a newspaper of general circulation published in each county in

which any part of the irrigation district is situated, if there be such newspaper, otherwise in any newspaper of general circulation for the county in which no newspaper is published, as shall be designated by the board of county commissioners with which the petition is filed, in at least three (3) consecutive weekly issues of said newspaper or newspapers, as the case may be, published prior to the day of said hearing.

SEC. 6. At the time and place specified in the notice, the board of county commissioners shall consider the petition, and may adjourn from time to time as may be necessary, not exceeding in all a period of sixty (60) days, shall have full authority in this connection, and shall divide the district into director divisions as provided by law and shall enter an order to that effect. A copy of said order shall be filed for record without charge in the office of the county auditor of each county in which any part of the irrigation district is situated, and, thereafter, directors of the irrigation district shall be elected or appointed as provided in this act.

Hearing.

SEC. 7. In the event the number of directors of any district of an area of two hundred thousand (200,000) or more acres is changed as authorized by law, a petition for the division of the district in the number of director divisions required by law shall be filed and granted by the board of county commissioners as herein provided for the division of districts into director divisions.

Change in number of directors.

SEC. 8. At the general election for selection of directors of any district which has been divided into director divisions as herein provided, next succeeding said division, the electors of the director division designated as the first division shall select the director then to be elected on the board, and if more than one director is to be selected, the director divi-

General election for selection of directors.

sion designated as the second director division shall select the director and so on in numerical order of the designated name of the director division, until at the election and at succeeding elections as the terms of incumbent directors expire, all the director divisions are represented on the board of directors of the district and thereafter directors of the district shall be elected from the director divisions, in rotation, as their respective terms of office expire, as provided by law: *Provided*, That in the event any district of two hundred thousand (200,000) or more acres has been organized but has not yet held its election for selection of officers next succeeding its organization, prior to the going into effect of this act, then in that event, such district, at its next annual election shall select directors for three, two and one year terms respectively, and if such district is managed by a board of three directors, director division designated as first division being entitled to select a director for the three year term, and director division designated as the second division being entitled to select a director for the two year term, and director division designated as third division being entitled to select a director for the one year term, and thereafter their successors shall be elected for three year terms respectively, but in the event any such district is managed by a board of five directors, then in that event director divisions designated as first and second divisions respectively shall be entitled to select directors for the three year terms and director divisions designated as third and fourth divisions respectively shall be entitled to select directors for the two year terms, and director division designated as fifth division shall be entitled to select a director for the one year term, and thereafter their successors shall be elected for three year terms respectively: *Provided*, That a non-resident elector shall vote in the director division in which his land is

Non-resident
electors.

located and in case he owns land in more than one division, he shall vote in the division in which he owns land nearest his place of residence.

SEC. 9. That in any such district of two hundred thousand (200,000) or more acres, so divided into director divisions by order of the board of county commissioners, where the district includes land proposed to be irrigated in whole or in part by means of works constructed or to be constructed by the United States or there is an outstanding contract between the Federal government and the district for water not yet available for all parts of the district, no assessment of more than two cents per acre shall be levied on any tract of land in such district in any one calendar year prior to the date the Secretary of the Interior announces that water is ready for delivery to such tract of land or the legal subdivision in which such tract is located. After announcement by the Secretary of the Interior that water is ready for delivery to any tract or legal subdivision of the district, the lands of such tract or subdivision shall be subject to assessment as provided by law. Assessments.

SEC. 10. That in any such district of two hundred thousand (200,000) or more acres, so divided into director divisions and under contract with the Federal government, as provided in the preceding section, no tract of the land in any division, designated as excess land under the provisions of the Act of Congress of May 27, 1937 (50 Stat. 208), commonly known as the Federal anti-speculation act, and subscribed by the owner thereof to the excess land contract form approved therefor by the Secretary of the Interior pursuant to said act, shall be assessed by the district in excess of two cents per acre in any one calendar year though water may be available for lands in the division in which such land is located unless such part has been sold by contract or for Excess lands.

cash under the provisions of said Federal act or unless water for the same has been sooner called for by the owner, until after the expiration of the period provided in the contract between the district and the Secretary of the Interior for the sale of such excess land or in the excess land contract applicable to such land.

Construction
of act.

SEC. 11. This act is intended, and shall be construed, to be supplemental to and shall become a part of the law relating to irrigation districts, and any act or part of the same inconsistent or in conflict with the provisions of this act or any part thereof are hereby repealed: *Provided*, That nothing herein contained shall be held or construed to modify or repeal any law or part of the same now existing or hereafter enacted relating to irrigation districts comprising areas less than two hundred thousand (200,000) acres of land.

Partial
invalidity.

SEC. 12. Each section and provision of this act shall be considered separable from every other section and provision of the act, and should any section or provision thereof be held unconstitutional, the unconstitutionality of such section or provision shall not affect or impair the validity of the remainder of the act but in that event the unconstitutional section or provision shall be eliminated and the remainder of the act remain in full force and effect.

Effective
immediately.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 3, 1939.

Passed the House February 9, 1939.

Approved by the Governor February 17, 1939.