

CHAPTER 163.

[S. B. 219.]

IRRIGATION DISTRICT FUNDS.

AN ACT relating to irrigation districts; granting them certain powers; providing for deposit of funds in the custody of the board of control of the Sunnyside Division, Yakima Project, and withdrawal thereof; providing for auditing of accounts and levy of assessments; and declaring an emergency.

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

Deposit of funds of Sunnyside Division, Yakima Project.

SECTION 1. Funds in the custody of the board of control of the Sunnyside Division, Yakima Project, or any similar board created or operated by contract or otherwise under or pursuant to the Federal Reclamation Laws, or acting as operating agent for the United States and/or irrigation districts of this state or of other states, may be deposited on general deposit in any one or more banks in this state which such board of control may designate. All such deposits shall be made in the name of the board and be subject to payment on demand on the check of any officer or agent fully authorized and designated by such board. The board of control of the Sunnyside Division, Yakima Project, referred to herein, is the board of control created by the respective contracts entered into by and between the United States of America and the Sunnyside Valley Irrigation District and other irrigation districts of the Sunnyside Division of the Yakima Project, in the State of Washington, under the provisions of the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, all generally referred to as the Federal Reclamation Laws.

Security for deposits.

SEC. 2. Upon the designation of any bank by the board of control as in this act provided, the bank shall furnish security for any deposits by mortgage, pledge or hypothecation of bank assets or otherwise in such manner as may be agreed upon between the board of control and the bank, or in lieu thereof,

the bank shall file with the board of control a surety bond to such board of control, properly executed by some reliable surety company qualified under the laws of this state to do business therein, in the maximum amount of deposits designated by said board to be carried in such bank, conditioned for the prompt and faithful payment thereof on checks drawn by the officer or agent fully authorized and designated by such board.

SEC. 3. The State Auditor shall audit the books, records and affairs of the board of control every two (2) years, or at such other times as the board shall request, and the costs of the audit shall be paid by said board.

Audit of books.

SEC. 4. Each irrigation district which has or hereafter may enter into a contract with the United States of America providing for the operation and maintenance of irrigation works used in common with other districts, shall include in the annual levy of assessments a sufficient amount to pay the annual estimated pro rata proportion of the costs chargeable to such district and also such reserve fund as may be fixed by the contract: *Provided*, That any district may appropriate monies from other funds to pay said costs.

Annual assessments.

When assessments are paid to the County Treasurer they shall be deposited in a special fund, known as the "board of control fund," and may be disbursed by the district to pay the costs of operation and maintenance of works transferred to the board of control or works reserved and operated by the United States of America.

Board of control fund.

SEC. 5. Any irrigation district, city, town, or other water user or users whose lands are irrigated by water carried in works transferred by the United States to a board of control, are hereby authorized to enter into contract with another irrigation district whose lands are irrigated by water carried in

Contracts between districts.

the same canal to operate and maintain the main canal and other works known as transferred works, and to pay such district in a lump sum its pro rata proportion of the cost of maintenance and operation of such transferred works: *Provided*, That the amount said pro rata proportion may be estimated and such estimated amount paid at the beginning of any year, and at the end of the year the board shall after determining the true pro rata amount of such user's cost, require such user to pay the balance, if any, of said true pro rata amount.

Contracts for maintenance.

SEC. 6. Any irrigation district, city, town, or other water user or users whose lands are irrigated by water carried in works transferred by the United States to a board of control are hereby authorized to enter into contract with the board of control for the operation and maintenance of the irrigation works within the district by the board of control and to pay such district in a lump sum the cost of maintenance and operation of such works within the district: *Provided*, That the amount of the cost of operation of the works in the district may be estimated and the estimated amount paid to the board. At the end of each year the board shall, after determining the true amount of such costs of operation, require such district to pay the balance, if any, of such true amount.

Powers to sue.

SEC. 7. Any such board of control may sue or be sued in any of the courts of this state without joining the person, corporation or district for whose benefit the suit may be prosecuted or defended.

Effective immediately.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 22, 1945.

Passed the House March 4, 1945.

Approved by the Governor March 15, 1945.