

ground for this code section, it is herewith presented for enactment. The language is that of the pertinent portion of the original session law (1939 c 187 § 5).

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 18.

[H. B. 9.]

IRRIGATION DISTRICTS—BOUNDARIES.

AN ACT relating to irrigation districts; reenacting sections 55, 56 and 67, pages 697 and 702, Laws of 1889-90, sections 34 and 42, chapter 129, Laws of 1921, and section 2, chapter 241, Laws of 1947 (heretofore codified as RCW 87.44.080 and 87.44.220) and codifying said sections as RCW 87.03.595, 87.03.600 and 87.03.680; and declaring an emergency.

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

SECTION 1. Sections 55, 56 and 67, pages 697 and 702, Laws of 1889-90, sections 34 and 42, chapter 129, Laws of 1921, and section 2, chapter 241, Laws of 1947 (heretofore codified as RCW 87.44.080 and 87.44.220) are reenacted and codified as RCW 87.03.595, 87.03.600 and 87.03.680 as set forth in sections 2, 3 and 4 of this act.

RCW 87.44.080
and 87.44.220
reenacted,
recodified.

SEC. 2. (RCW 87.03.595) If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in the matter. But if a majority of the votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries of the district be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such por-

RCW 87.03.595.
Post-election
action—Survey
authorized.

tions thereof to be made as the board may deem necessary.

RCW 87.03.600.
Order filed,
district
complete.

SEC. 3. (RCW 87.03.600) Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the offices of county auditor and county assessor of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid had been included therein at the original organization of the district.

87.03.680.
Post-election
action—Order
of exclusion—
Survey au-
thorized.

SEC. 4. (RCW 87.03.680) If at any such election a majority of all the votes cast shall be against exclusion the board shall deny and dismiss said petition and proceed no further in said matter; but if in the case of a petition for the exclusion of lands from a district a majority of such votes be in favor of the exclusion of said lands from the district, the board shall thereupon order that the said lands mentioned in said resolution be excluded from the district; if in the case of a petition for the exclusion of a former district from a consolidated district, a majority of the votes cast in such former district shall be against exclusion, or a majority of the votes cast in the remaining portion of the consolidated district shall be against exclusion, the board shall deny and dismiss the petition and proceed no further in the matter; but if in the case of a petition for such exclusion of a former district a majority of the votes cast in such former district and a majority of the votes cast in the remaining portion of the consolidated district shall be in favor of the exclusion of such former district, the board shall thereupon order that the lands comprising such former district be

excluded from the consolidated district and that such former district shall be and is reestablished as an irrigation district created and established under the provision of this chapter and that the title to all property formerly belonging to, and all property within the boundaries of said former district, shall be and is vested in such reestablished district, and shall call an election to be held in such reestablished district for the election of a board of directors thereof, and direct the publication of notices of such election in the manner provided in this chapter for the publication of notice of special elections. The board entering such order shall continue to administer the affairs of such reestablished district until the directors elected at such election shall have qualified.

The said order excluding land from a district shall describe the boundaries of the lands excluded, should the exclusion change the boundaries of the district and in case of the exclusion of a former district from a consolidated district, shall describe the boundaries of the reestablished district and the boundaries of the district remaining; and for that purpose the board may cause a survey to be made of such portions of the boundaries as the board may deem necessary.

SEC. 5. This act is necessary for the immediate **Emergency.** preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

The basic irrigation act of 1889-90 enacted two provisions relating to an order of the board changing the boundaries of a district. Section 55 of said act applied to Division II of the session law where a change was by the **INCLUSION OF LANDS** whereas section 67 of said act applied to Division III of the session law where such a change was by the **EXCLUSION OF LANDS**. Subsequently 1921 c 129 § 42 amended Rem. & Bal. Code § 6482 which was the section containing section 67 relating to the **EXCLUSION OF LANDS**. Section 55 was not there involved. Thereafter 1947 c 241 § 2 was enacted and the amending instructions referred to section 55 of the 1889-90 act as amended in 1921. As heretofore noted section 67 and not section 55 was amended in 1921 and a careful reading of the 1947 act indicates that it was actually section 67, as amended in 1921, that was before the legislature in 1947.

Explanatory note.

Thus it would appear that the reference to section 55 was inadvertent. The 1941 Code Committee combined the aforesaid sections with section 34, chapter 129, Laws of 1921, and codified them as RCW 87.44.080 and 87.44.220. If section 55 was intended to be amended in 1947 as indicated in the legislative direction, it would now relate to the EXCLUSION OF LANDS as would section 67 either amended or unamended and no provision would exist which would govern the INCLUSION OF LANDS. Thus to preserve the apparent legislative intent this bill presents section 55 as unamended in section 2 hereof, section 34, chapter 129, Laws of 1921 as originally enacted in section 3 hereof, and section 67 as last amended in 1947 as section 4 hereof. No change from the latest legislative language has been made. The direction to codify these sections in 87.03 is based on Statute Law Committee Order No. SLC-RO-87 dated December 17, 1960, which restores Title 87 to session law language and codifies the basic 1889-90 irrigation district act as chapter 87.03 RCW. Such restoration will be published as part of the 1961 supplement to RCW.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 19.

[H. B. 10.]

DIVISION OF WATER RESOURCES—POWERS AND DUTIES.

AN ACT relating to water and water rights; amending section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, section 3, chapter 57, Laws of 1951 and RCW 43.21.130; repealing sections 5, 6 and 7, chapter 117, Laws of 1917; and declaring an emergency.

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

SECTION 1. Section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, and section 3, chapter 57, Laws of 1951 (heretofore combined and codified as RCW 43.21.130) are each amended to read as follows:

(RCW 43.21.130) The director of conservation through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

RCW 43.21.130
amended.
Powers and
duties of
director of
conservation
through
division of
water
resources.