

CHAPTER 138.

[H. B. 277.]

IRRIGATION DISTRICTS UNDER CONTRACT WITH THE
STATE RECLAMATION SERVICE.

AN ACT relating to irrigation districts under contract with the state reclamation service, authorizing the exclusion of lands therefrom, the repayment and cancellation of assessments upon excluded lands, and the modification of contracts with and reductions of claims against such districts in certain cases, and defining the powers and duties of certain officers in relation thereto.

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

Irrigation district whose bonds are all owned by state.

SECTION 1. Whenever any irrigation district organized and existing under the laws of this state, shall have entered into a contract, or contracts, with the department of conservation and development of the state of Washington, for the sale to and purchase by the department of an entire authorized issue of the bonds of the district, for the purpose of procuring funds for district purposes, including the construction of an irrigation system for the district, and the department of conservation and development has advanced, under such contract, or contracts, funds for such purposes, and such funds have been expended for the purposes advanced, and there are no outstanding bonds of the district other than those which the district has contracted to sell the department of conservation and development, and it shall appear to the satisfaction of the board of directors of the district that the irrigation system, for the construction of which such funds were advanced and expended, will not furnish sufficient water for the successful irrigation of all of the lands within the district and that the district as constituted will be unable by assessments upon the lands of the district, as provided by law, to collect sufficient funds to meet the interest payments upon and pay the bonds at

Funds advanced by state for development expended.

District board of directors find irrigation system inadequate for entire district.

Funds may not be available by assessments to pay bonds.

maturity, the board of directors of the district shall have the power by unanimous resolution to adopt a comprehensive proposed plan for reducing the boundaries of the district, excluding therefrom such portions of the lands of the district as in the judgment of the board cannot be furnished with sufficient water for successful irrigation, and refunding to the owners of such excluded lands, respectively, any moneys paid for assessments levied by the district upon the lands excluded, and to release any such excluded lands from all unpaid assessments levied by the district, which resolution shall give the boundaries to which it is proposed to reduce the district and the description of the lands it is proposed to exclude from the district by government subdivisions, or metes and bounds.

Resolution by directors to reduce boundaries of district.

Owners of excluded lands to be reimbursed.

SEC. 2. Upon the adoption of the resolution as provided in the preceding section, the board of directors of the district shall cause to be served upon the director of conservation and development, and to be published for four successive weeks in a weekly newspaper published and of general circulation in the county in which the district is situated a notice that at the time and place fixed in the said notice, the board will hold a public hearing for the further consideration of the plan proposed, which notice shall set forth a copy of the resolution adopted by the board, and state that at such hearing the board will receive and consider any objections to the proposed plan and/or suggestions for modification thereof, of any person interested, and at the conclusion of the hearing, or the final adjournment thereof, the board will proceed by resolution to adopt the plan proposed, or such modification of such plan as may be determined by the board, and reduce the boundaries of the district and exclude therefrom such lands as cannot be furnished with sufficient water for successful irrigation, and pro-

Adoption of resolution.

Copy to director of conservation.

Publication of notice of proposed hearing.

Contents of notice.

vide for the repayment to the owners of such excluded lands of any assessments paid thereon, and the cancellation of all unpaid assessments against excluded lands.

Adoption of
plan for
reduction of
boundaries.

SEC. 3. At the conclusion, or final adjournment, of the hearing provided for in the preceding section, the board of directors of the district shall have the power, by unanimous resolution, to adopt the proposed plan, or such modification thereof as may be determined by the board, and reduce the boundaries of the district to such area as, in the judgment of the board, can be furnished with sufficient water for successful irrigation by the irrigation system of the district, and to exclude from the district all lands lying outside of such reduced boundaries, and provide for the repayment to the owners of any such excluded lands, respectively, of any sums paid for assessments levied by the district, and to cancel all unpaid assessments levied by the district against the lands excluded and release such lands from further liability therefor. Any person interested and feeling himself aggrieved by the adoption of such final resolution reducing the boundaries of the district and excluding lands therefrom, shall have a right of appeal from the action of the board to the superior court of the county in which the district is situated, which appeal may be taken in the manner provided by law for appeals from justices' courts, and if upon the hearing of such appeal it shall be determined by the court that the irrigation system of the district will not furnish sufficient water for the successful irrigation of the lands included within the reduced boundaries of the district, or that any lands have been excluded from the district unnecessarily, arbitrarily, capriciously or fraudulently or without substantial reason for such exclusion, the court shall enter a decree cancelling and setting aside the proceedings of the board of

Court
review.

directors, otherwise the court shall enter a decree confirming the action of the board. Any party to the proceedings on appeal in the superior court, feeling himself aggrieved by the decree of the superior court confirming the action of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, shall have the right of appeal therefrom to the supreme court of the state of Washington within thirty days after the entry of the decree of the superior court in the manner provided by law. If, at the expiration of thirty days from the entry of the final resolution of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, no appeal has been taken to the superior court of the county in which the district is situated, or if, after hearing upon appeal the superior court shall confirm the action of the district, and at the expiration of thirty days from the entry of such decree, no appeal has been taken to the supreme court, the boundaries of the district shall thereafter be in accordance with the resolution of the board reducing the boundaries, and all lands excluded from the district by such resolution shall be relieved from all further liability for any indebtedness of the district or any unpaid assessments theretofore levied against such lands, and the owners of excluded lands, upon which assessments have been paid, shall be entitled to warrants of the district for all sums paid by reason of such assessments, payable from a special fund created for that purpose, for which levies shall be made upon the lands remaining in the district, as the board of directors may provide.

Appeal to
supreme
court.

Time for
appeal.

Finality.

Levies
upon re-
maining
lands for
payment to
owners of
excluded
lands.

SEC. 4. Whenever it shall appear, to the satisfaction of the director of conservation and development, that the irrigation system of any irrigation district, to which the department of conservation and development of the state of Washington under

Irrigation system found inadequate.

Boundaries reduced.

Director of conservation to cancel and reduce obligation of the district to the state.

Terms of cancellation or modification of obligation.

a contract with the district for the purchase of its bonds, has advanced funds for the purpose of constructing an irrigation system for the district, has been found incapable of furnishing sufficient water for the successful irrigation of all of the lands of such district, and that the board of directors of such district has reduced the boundaries thereof and excluded from the district, as provided in the preceding sections, sufficient lands to render such irrigation system adequate for the successful irrigation of the lands of the district, and that more than thirty days have elapsed since the adoption of the resolution by the board of directors reducing the boundaries of the district and excluding lands therefrom, and no appeal has been taken from the action of the board, or that the action of the board has been confirmed by the superior court of the county in which the district is situated and no appeal has been taken to the supreme court, or that upon appeal to the supreme court the action of the board of directors of the district has been confirmed, the director of conservation and development shall be and he is hereby authorized to cancel and reduce the obligation of the district to the department of conservation and development, for the repayment of moneys advanced for the construction of an irrigation system for the district, to such amount as, in his judgment, the district will be able to pay from revenues derived from assessments upon the remaining lands of the district, and to accept, in payment of the balance of the obligation of the district, the authorized bonds of the district, in numerical order beginning with the lowest number, on the basis of the percentage of the face value thereof fixed in contracts between the district and the department of conservation and development, in an amount equal to said balance of the obligation of

the district, in full and complete satisfaction of all claims of the department of conservation and development against the district.

SEC. 5. Whenever the boundaries of any irrigation district have been reduced and lands excluded from such district, as provided in this act, the directors of such district shall be authorized and directed to execute and deliver to the owners, respectively, of any lands excluded from the district, which have been deeded to the district for the non-payment of assessments theretofore levied, deeds of reconveyance and quit claim of all right, title and interest of the district in such lands, respectively.

Deeds of reconveyance to owners of excluded lands deeded to district for non-payment of assessments.

Passed the House January 1, 1926.

Passed the Senate January 4, 1926.

Approved by the Governor January 14, 1926.

CHAPTER 139.

[H. B. 182.]

APPORTIONMENT OF PUBLIC SCHOOL FUNDS.

AN ACT relating to apportionment of public school funds.

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

SECTION 1. Whenever any pupil attends a public school of the state of Washington and such pupil resides in any home or institution devoted exclusively to providing a home for orphan children which is exempt from taxation under the laws of the state of Washington, and is located in the same school district as the school such pupil attends, the attendance of such pupil in such school shall entitle the district to receive from the state's current school fund and the proceeds of the county school levy, in

Apportionment to district of state current school fund and county school levy for public school attendance of resident of tax-exempt orphan home.