

SEC. 3. This act shall not affect any proceeding or action pending in any court whatever at the time this act shall take effect. Actions pending.

Passed the House February 28, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 149.

[H. B. 416.]

CREATION AND MAINTENANCE OF RECLAMATION DISTRICTS.

AN Act authorizing the creation and maintenance of reclamation districts, and of general improvement and divisional districts within the boundaries of the same for the development, distribution and sale of hydro-electric power and for the irrigation and improvement of arid and semi-arid lands situated therein, prescribing the objects and powers of such districts, fixing the duties and powers of certain officers in relation thereto, providing for the levy and collection of taxes and assessments against the lands included within district boundaries, authorizing the issuance and sale of bonds and other evidences of indebtedness, and the execution of contracts with the United States or any state therein for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and amending sections 1, 2, 3, 19, 20, 24, 46, 54, 55, 71, 72, 84, 131, 143, 145, 146 and 263 of chapter 254 of the Laws of 1927, substituting a new section for section 4 of chapter 254 of the Laws of 1927, and declaring an emergency.

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

SECTION 1. That section 1 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends § 1, ch. 254, Laws of 1927.

Section 1. Reclamation districts including an area of not less than one million acres of land may be created and maintained in this state, as herein provided, for the reclamation and improvement of arid and semi-arid lands situated in such districts, and for the generation and/or sale of hydro-electric

Reclamation districts, creation of.

Electric energy.

No fees.

energy: *Provided*, That no appropriation, license, filing, recording, examination or other fee or fees, as provided in chapter 105 of the Session Laws of 1929 or in section 7399 of Remington's Compiled Statutes shall be applicable to a district or districts created under this act.

Amends § 2,
ch. 254, Laws
of 1927.

SEC. 2. That section 2 of chapter 254 of the Laws of 1927 be amended to read as follows:

District,
territory of.

Section 2. Such reclamation districts may include all or part of the territory of any county and may combine the territory in two or more counties, in which any of the lands to be reclaimed and improved are situated, or in which hydro-electric energy may be generated in connection with project works.

Amends § 3,
ch. 254, Laws
of 1927.

SEC. 3. That section 3 of chapter 254 of the Laws of 1927 be amended to read as follows:

Section 3. Such reclamation districts may be organized or maintained for any or all the following general purposes:

Purposes.

1. The construction or purchase and the operation and maintenance of dams, power and pumping works, transmission power lines, reservoirs, pipe lines, and other works or parts of same for the irrigation of lands within the operation of the district or districts and for the transmission and sale of power generated by such works.

2. The reconstruction, repair or improvement of existing irrigation works.

3. The operation or maintenance of existing irrigation works.

4. The construction, reconstruction, repair or maintenance of a system of diverting canals or conduits, from a natural source of water supply to the point of individual distribution for irrigation purposes.

5. The execution and performance of any contract authorized by law with any department of the

United States or any state therein for power, reclamation and irrigation purposes.

6. The performance of all things necessary to enable the district or districts to exercise the powers granted in this act.

7. That no permits or licenses for the appropriation of water for irrigation and/or power purposes shall be granted by the State of Washington which will interfere with the irrigation and/or power requirements of the district or districts created under this act.

SEC. 4. That there be substituted for section 4 of chapter 254 of the Laws of 1927, a new section to read as follows:

Substitute
§ 4, ch. 254,
Laws of 1927.

Section 4. Whenever fifty, or a majority of the holders of title to, or of evidence of title to, lands susceptible of irrigation in each of the several counties in which lands coming within the proposed district are located, desire to organize an irrigation district for any, or all, of the purposes mentioned in section 3 hereof, they may propose the organization of an irrigation district by filing a petition signed by the required number of holders of title, or evidence of title, to land within the proposed district with the board of county commissioners of the county in which the greatest portion of the land susceptible of irrigation, to be included in the proposed district, is located.

Petition.

Organization.

SEC. 5. That section 19 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends
§ 19, ch. 254,
Laws of 1927.

Section 19. Upon the giving of notice of hearing on the petition by the clerk of the county board aforesaid, there is hereby authorized and created a commission composed of the chairman of the board of county commissioners of each of the counties in which any of the lands to be included in the proposed reclamation district are situated, and of the state director of conservation and development and/or

Commission.

such members of the Columbia Basin commission or its representatives as may by him be designated, which commission shall consider and determine said petition.

Amends
§ 20, ch. 254,
Laws of 1927.

SEC. 6. That section 20 of chapter 254 of the Laws of 1927 be amended to read as follows:

Chairman.

Clerk.

Section 20. The state director of conservation and development, or a member of the Columbia Basin commission designated by him, shall be *ex-officio* chairman of said commission, and the clerk of the county board of the county in which the petition is filed, shall be *ex-officio* clerk of said commission. A majority of the members of said commission shall constitute a quorum for the transaction or exercise of any of its powers, functions, duties and business.

Amends
§ 24, ch. 254,
Laws of 1927.

SEC. 7. That section 24 of chapter 254 of the Laws of 1927 be amended to read as follows:

Commission
expenses.

Section 24. Except as otherwise herein provided the necessary expenses of the commission and of the members thereof in performing the duties and functions of said commission shall be borne by the respective counties concerned in proportion to the taxable value of the acreage of each included in the proposed reclamation district and said respective counties are hereby made liable for such expenses. The individual expenses of the state director of conservation and development or his representatives shall be borne by the state.

Amends
§ 46, ch. 254,
Laws of 1927.

SEC. 8. That section 46 of chapter 254 of the Laws of 1927 be amended to read as follows:

Water and
electric
energy.

Section 46. Said reclamation districts shall have authority to develop and sell, lease or rent the use of water or electric energy for use or distribution within or without the district on such terms and under such regulations as may be determined by the district board or as shall be set out and prescribed in the contract between the district and the United States or the State of Washington for the construc-

tion of the district irrigation works, and to use the income derived therefrom for district purposes.

Income from.

SEC. 9. That section 54 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends § 54, ch. 254, Laws of 1927.

Section 54. Reclamation districts created under this act shall have authority to enter into contracts with the State of Washington or the United States under any act of Congress for the assumption of the control and management of the works for such period as may be designated in the contract.

Contracts with state or U. S.

SEC. 10. That section 55 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends § 55, ch. 254, Laws of 1927.

Section 55. In case a contract has been or shall be hereafter made between the district and the State of Washington and/or the United States as herein provided, bonds of any general improvement district or of any divisional district herein authorized, may be deposited with the State of Washington and/or the United States as payment or as security for future payment at not less than ninety per cent of the par value, the interest on said bonds to be provided for by assessment and levy as in the case of bonds of the district sold to private persons and regularly paid to the State of Washington and/or 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 against the lands of any general improvement district or of any divisional district concerned, an amount sufficient to meet each year all payments accruing under the terms of any such contract.

Security bonds.

Assessment levy.

SEC. 11. That section 71, chapter 254 of the Laws of 1927 be amended to read as follows:

Amends § 71, ch. 254, Laws of 1927.

Section 71. The reclamation district board and its agents and employees shall have the right to enter upon any land, to make surveys and may locate the necessary irrigation works and the line for canal or

Right of entry.

canals and the necessary branches for the same or for necessary transmission power lines on any lands which may be deemed necessary for such location.

Amends
§ 72, ch. 254,
Laws of 1927.

SEC. 12. That section 72 of chapter 254 of the Laws of 1927 be amended to read as follows:

Crossings
and inter-
sections.

Section 72. The board of directors of any reclamation district authorized under this act, shall have power to construct district works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume which works may intersect or cross in such manner as to afford security for life and property, but said board shall restore the same when so crossed or intersected to its former state as near as may be or in a sufficient manner not to have impaired unnecessarily its usefulness.

Amends
§ 84, ch. 254,
Laws of 1927.

SEC. 13. That section 84 of chapter 254 of the Laws of 1927 be amended to read as follows:

Directors:
Terms of.

Section 84. The terms of the first directors of the district to be elected shall be determined in relation to the amount of the taxable wealth in their respective director districts. The candidates of the wealthiest one-third of the total number of director districts shall serve for a term of six years; the candidates of the next wealthiest one-third of the total number of director districts shall serve for a term of four years; the candidates of the next wealthiest one-third or lesser number of the total number of director districts shall serve for a term of two years.

Amends
§ 131, ch. 254,
Laws of 1927.

SEC. 14. That section 131 of chapter 254 of the Laws of 1927 be amended to read as follows:

Tax levy.

Section 131. For the purpose of raising revenue for any of the purposes of the reclamation district, an annual tax shall be levied on all the taxable real and personal property within the district: *Provided*, That no such tax shall be levied without the approval of the electors of said district at a general election, or at a special election called for that purpose.

Election.

SEC. 15. That section 143 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends
§ 143, ch.
254, Laws
of 1927.

Section 143. In any instance where the district, general improvement or divisional district is selling, renting or leasing water or electric energy under the provisions of this act and there is reasonable certainty of a permanent fixed income from this source, the district board shall have authority to create a special fund derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from such special fund and to sell the same to raise revenue for the payment or amortization of the cost of the construction and/or the operation and maintenance of the reclamation district or general improvement or divisional district works and for such other purposes as the State of Washington and/or the United States may require: *Provided*, That the State of Washington may, through the director of conservation and development, enter into a contract with the reclamation district, improvement or divisional district or districts or the United States to purchase, rent or lease and to sell or resell and/or distribute all or any part of the electric energy developed or to be developed at the reclamation, improvement or divisional district works at a price sufficient to amortize the cost of power development over a period of fifty years after the completion of such power development and to provide a surplus sufficient to reduce the cost of reclaiming the lands of the district or districts within economic limits: *And provided further*, That no contract or contracts as in this section provided shall be finally consummated or become binding in any way whatsoever until the legislature of the State of Washington in special or regular session shall approve the same, and provided further in such sale and/or distribution of power by the director of conservation and development preference in the

Issuing
of bonds.

Rental, sale
of electric
energy
to state.

Approval of
legislature.

purchase and/or distribution thereof shall be given to municipal corporations and cooperative associations: *And provided further*, That general improvement and divisional districts shall have (in addition to the powers granted them in chapter 254 of the Session Laws of 1927 and in this act) the same powers as are given to the reclamation districts under section 3 of this act.

Amends
§ 145, ch.
254, Laws
of 1927.

SEC. 16. That section 145 of chapter 254 of the Laws of 1927 be amended to read as follows:

Maturity
of bonds.

Section 145. Said bonds shall mature in series amortized in a definite schedule during a period not to exceed sixty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semi-annual interest not exceeding six per cent at such place, as the board shall provide.

Amends
§ 146, ch.
254, Laws
of 1927.

SEC. 17. That section 146 of chapter 254 of the Laws of 1927 be amended to read as follows:

Organization
of general
improvement
district.

Section 146. In any instance where the construction, reconstruction, betterment or extension of power and/or irrigation works or the acquisition of property and rights therein appropriate for the purpose of carrying out the provisions of this act, will specially benefit any or all the lands within the reclamation district susceptible of irrigation, the district board shall have authority to organize said lands into a general improvement district and to provide for the levy and collection of special assessments against said lands to raise revenue in support of any or all of said purposes.

Amends
§ 263, ch.
254, Laws
of 1927.

SEC. 18. That section 263 of chapter 254 of the Laws of 1927 be amended to read as follows:

Tolls.

Section 263. The district board shall have authority to fix and charge tolls for the sale or lease and/or distribution of electric power or water, as herein provided, and to collect said tolls from all persons using such service. All tolls shall be col-

lected by such officer as the board shall designate and shall be deposited monthly with the county treasurer of the county in which the organization of the reclamation district was effected, and shall be credited to such fund of the district as the district board shall designate.

SEC. 19. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately. Effective immediately.

Passed the House March 5, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 150.

[S. B. 27.]

CONTROL OF FLOOD WATERS.

AN ACT relating to the control of flood waters, authorizing the state supervisor of hydraulics to construct controlling and diversion works and providing for the payment of the cost of construction, making an appropriation and declaring an emergency.

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

SECTION 1. Whenever it shall be made to appear that the waters of any stream, as a result of freshets or other causes, have in the past and are likely in the future to cause injury to or destruction of property or loss of life, both within and without the corporate limits of any city or town and upon the request of the county commissioners of the county and/or of the city council or city commissioners or other governing body of the city in which the property likely to be endangered is situated, the state supervisor of hydraulics is hereby authorized to construct the necessary flood control works Construction of flood control works authorized.