

CXVIII of the Laws of 1897, be amended so as to read as follows: Section 95. The Board of Directors shall have power to sell any of the property of the district which is no longer required for school purposes at public or private sale upon such terms as they may direct if the value thereof be less than two thousand dollars. The question of the sale of school property which may be found by the Board of Directors to be unsuitable for school purposes, and to be of greater value than two thousand dollars, shall be submitted to a vote of the electors of the district, either at a general election or at a special election called to be held for that purpose, as may be directed by the Board of Directors, and if the majority of the voters of the district voting thereon shall be for the sale of the property the Directors may make the sale at public auction. The sale must be for cash and good title will be conveyed by deed of the Board of Directors, executed by the President or the Vice President and Secretary of the Board.

Directors may sell property not required for school purposes.

Vote of electors necessary, when.

Passed the House February 26th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 144.

[H. B. 222.]

CONTROL, REGULATION, DISTRIBUTION AND MEASUREMENT OF STORED WATERS.

AN ACT providing for the control, regulation, distribution and measurement of stored waters and flowing waters; providing for the appointment of a commissioner and assistants for said purposes; fixing their compensation and tenure of office, and providing a penalty for violation of this act.

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

SECTION 1. That whenever the owner, manager or lessee of a reservoir, constructed for the storage of water to be used for beneficial purposes, shall desire to use the bed of any stream, or other natural water course, for the purpose of carrying stored, or impounded water, from the

Use of natural water course.

reservoir to the user thereof, he shall, in writing, notify the superior court of any county within which said water is stored, carried or used, giving the date when it is proposed to discharge water from such reservoir, and the names of all persons and ditches entitled to its use. The court may then upon a proper showing as to the necessity therefor, appoint a commissioner with qualifications as hereinafter stated, whose duty it shall be to so close, regulate or adjust the head gates of the several ditches taking water from such stream or natural water course, that no more water will flow into said ditch than it is entitled to receive from the water stored in the reservoir or from the unregulated flow of the stream or from both, as determined by decrees of court or as shown by evidences of right properly recorded or by agreement between the parties in interest made with due regard to the legal rights of all, and any person who may be injured by the action of said commissioner, or by his failure to act as herein provided, may resort to any court of competent jurisdiction for such relief as he may be entitled to.

Commis-
sioner, ap-
pointment
of.

Qualifica-
tions of
commis-
sioner.

Term.

Compensa-
tion.

SEC. 2. Such commissioner shall possess such theoretical and practical knowledge of the science of hydraulics as will enable him to supervise the construction and operation of such measuring devices as may be necessary to place in any ditch, canal or stream for the purpose of measurement of water. Said commissioner shall hold said office and discharge the duties thereof from the date of his qualification until the first day of the October following, but said commissioner may be removed or discharged at the pleasure of the superior court appointing him. Said commissioner shall be paid for his said services at the rate of not to exceed seven dollars per day for each day he shall be actually employed in the duties of his office, to be paid by the county in which the work is performed. Said commissioner shall keep a true and just account of the time spent by him in the duties of his office and the time spent by him in the performance of his duties in each county, respectively, and shall present a true copy thereof, together with his bill for his said services, both verified by

oath, to the board of county commissioners of the county in which the work may have been done. He shall render on the first day of each and every month to the superior court appointing him, a report, verified by oath, detailing the duties performed by him as such commissioner during the preceding month. The said board of county commissioners shall, upon approval thereof by the superior court appointing said commissioner, allow the same and order a warrant drawn for the amount of said approved bill.

SEC. 3. Within ten days after his appointment, and before entering upon the duties of his office, said commissioner shall take and subscribe the oath of office prescribed by the constitution of the State, and shall file a bond to the State of Washington with good and sufficient surety or sureties, to be approved by the superior court appointing said commissioner, in the sum of \$1,000, for the faithful and impartial discharge of his duties.

SEC. 4. Said commissioner may, with the consent of the superior court appointing him, have power to employ and appoint assistants to aid him in the discharge of his duties whenever necessary. Such assistants shall take the same oath as the commissioner, and shall obey his instructions, and shall receive not to exceed five dollars per day for every day such assistant is so employed, to be paid in the manner provided for in section 2 hereof for the payment of the said commissioner.

SEC. 5. It shall be the duty of every appropriator entitled to the use of water of any stream or other natural water course along which stored and impounded waters are being carried, to place and keep in repair in the ditch or canal through which the waters are diverted, a substantial head gate which shall be of such construction that it can be locked and kept closed by the commissioner; and such appropriator shall construct and maintain, when required by the commissioner, a flume or measuring device as near the head of such ditch as is practicable for the purpose of assisting the commissioner in determining the amount of water that may be diverted into said ditch from the stream. Neglect or refusal on the part of any person

Oath.

Bond.

Assistants.

Head gates
to be provided.

Penalty.

to place and keep in repair such head gate or measuring box, or, when locked by the commissioner or his authorized assistant for the measurement or apportionment of water, any interference with or disturbance of same, shall be a misdemeanor and shall be punishable by a fine not exceeding \$100, nor less than \$20, or by imprisonment, not to exceed six months, or by both such fine and imprisonment, and the use of water through such device after having been interfered with, disturbed or changed shall be *prima facie* evidence of the guilt of the person benefited by such interference, disturbance or change.

Federal
government
may avail
itself
of act.

SEC. 6. The Federal government is hereby authorized to avail itself of all the provisions of this act.

Passed the House February 28th, 1907.

Passed the Senate March 6th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 145.

[H. B. 64.]

PROVIDING FOR FILING OF NAMES WHEN BUSINESS IS CONDUCTED UNDER AN ASSUMED NAME.

AN ACT providing that when any business, other than a corporation or a limited partnership, is conducted under an assumed name, a certificate showing the real parties in interest shall be filed with the county clerk, and fixing a penalty.

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

Carrying
on business
under as-
sumed
name, true
names to
be filed.

SECTION 1. That no person or persons shall hereafter carry on, conduct or transact business in this State under any assumed name or under any designation, name or style, corporate or otherwise, other than the true and real name or names of the person or persons conducting such business or having an interest therein, unless such person, or all of such persons, conducting said business, or having an interest therein, shall file a certificate in the office of the county clerk of the county or counties in which said business is to be conducted, which certificate shall set forth