

## CHAPTER 95.

[S. B. 233.]

AMENDING ACT PROVIDING FOR THE ESTABLISHMENT  
AND CREATION OF DIKING DISTRICTS, ETC.

AN ACT to amend section 7 of an act entitled "An act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes, and to provide for the means of payment thereof, and declaring an emergency," approved March 20th, 1895, and relating to diking districts, their formation and organization, the construction and maintenance of a system of dikes including the straightening, deepening and widening of rivers, water courses, and streams, and protecting the banks thereof, enlarging the rights, powers and duties of the commissioners thereof, disposing of the interests of the state in the beds and shores of navigable waters, streams or water courses, and declaring an emergency.

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

SECTION 1. That section 7 of an act entitled "An Act to provide for the establishment and creation of diking districts and the construction and maintenance of a system of dikes and to provide a means of payment thereof, and declaring an emergency," approved March 20th, 1895, be and the same is hereby amended to read as follows:

Section 7. All diking districts organized under the provisions of this act shall have the right of eminent domain with the power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the property of private corporations may be subjected to the same rights of eminent domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

Powers of  
districts.

(1st). The right, power and authority to straighten, widen, deepen and improve any and all rivers, water courses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district.

(2nd). To construct all needed and auxiliary ditches, canals, flumes, locks and all other necessary artificial appliances in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow or to assist and become necessary in the preservation and maintenance of such diking system.

(3rd). In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, water courses or streams, and such auxiliary ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, water course or stream aforesaid, or to deepen or widen the same.

Rights  
of way.

SEC. 2. The right, power and authority to acquire the necessary and needed rights of way for any and all purposes now existing by law or created by this act, may be acquired by the commissioners of any diking district over, across and upon any land, or interest therein, of the State of Washington or any county of this state, and streets, avenues, alleys or public places of any city, town or municipal corporation of this state: *Provided, however,* That the construction of such dike or dikes shall not have the effect of impairing any right, power or authority now existing on the part of any city or town to construct in, upon, underneath, above or across such dike or dikes,

sewers, water pipes, mains, or the granting of any franchise thereon, or the improvement by way of planking, replanking, paving, re-paving or any other power, right or authority which but for this act such city or town would have in or to such street, avenue, alley or public place; except, however, that such right, power or authority on behalf of such city or town shall not be exercised either by such city or town or by any person, persons, firms or corporations to whom it might grant any right or franchise, which will materially impair the efficiency of such dike or dikes. The provisions of this section as regards said system of dikes to be located within the boundaries of any incorporated city or town shall apply to the extension or enlargement of any dike or dikes already existing upon, over and across any street, avenue, alley or public place of any city or town, as well as the original construction thereof.

SEC. 3. In all proceedings hereafter had to organize diking districts, all notices, petitions or proceedings shall contain and set forth all matters and things required by existing law, and in addition thereto shall contain and set forth, so far as is necessary or applicable, all matters and things required by the provisions of this act, and all diking districts now existing, which may exercise any of the rights, powers or authority conferred by the provisions of this act, the proceedings to obtain the benefits hereof, must contain such allegations, and such steps and proceedings must be taken, as is rendered necessary by the provisions of this act; and the commissioners of existing diking districts are hereby given the right, power and authority to institute all proceedings and to take all necessary steps to secure the benefits of the provisions of this act, and all proceedings to secure the benefits thereof and all judgments to be rendered in such proceedings, including the filing of transcripts and the making of levies, and all other proceedings, shall be in addition to proceedings, assessments or levies, theretofore made in any prior proceedings.

Organiza-  
tion of  
districts.

Grant of  
overflowed  
State lands.

SEC. 4. All the right, title and interest of the State of Washington in and to so much of the beds and shores of any navigable river, stream, waterway or water course located within the boundaries of any diking district up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes, to the extent that the same under any proceedings to be had under this act shall cease to become a part of such river, stream, waterway or water course by reason of the diversion of such river, stream, waterway or water course, under any proceedings had under this act, are hereby given, granted and vested in the respective diking districts now existing or hereafter to be formed; and the commissioners of such respective diking districts are hereby given the right, power and authority to sell such beds and shores in such manner and upon such notices and proceedings as govern, under existing laws of this state, the board of county commissioners in the sale and disposition of any real estate belonging to counties of this state. The proceeds of such sales are to be used for the benefits of such diking district in the payment of any expenses connected with the construction of such dikes or maintenance thereof: *Provided, however,* That the commissioners of such diking district may, in their discretion, exchange such abandoned beds and shores for other property needed in the straightening, deepening or widening of such rivers, water courses or streams; and which exchange may be made upon such terms, conditions and in such areas as in the discretion of such commissioners they may deem advisable and for the best interests of such diking district, without any notice or other formality of proceedings whatever.

Sale.

County  
commis-  
sioners may  
sign peti-  
tion.

SEC. 5. Whenever the county owns any land situated within the boundaries of a proposed diking district, the county auditor, when so directed by the board of county commissioners of the county in which such lands are situated, is hereby authorized to sign the petition praying for the formation of such diking district for and on be-

half and as the act and deed of such county, and when so signed the same shall be considered in determining the question of a majority signature in acreage to the petition for the formation of such district.

SEC. 6. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 19th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 11th, 1907.

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## CHAPTER 96.

[H. B. 166.]

### PAYMENT OF MONEYS INTO THE STATE TREASURY.

AN ACT relative to the finances of the State of Washington and providing the time when and manner in which moneys shall be paid into the state treasury, and declaring an emergency.

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

SECTION 1. That it shall be the duty of each state officer or other person, (other than county treasurers) who is authorized by law to collect or receive moneys belonging to the state or to any department or institution thereof, to transmit to the Treasurer of the state each day, all moneys collected by him on the preceding day, together with a statement of the source from which each item of said money was derived, and to transmit to the State Auditor a duplicate of said statement: *Provided*, That the provisions of this section shall apply to the office of Commissioner of Public Lands in so far only as to require said officer to transmit all moneys received in payment in principal and interest under outstanding contracts and leases where no question is raised as to the right of the state to receive payment; and as to all cases where the right of the state to receive such moneys is in doubt the Commissioner shall transmit the same to the Treasurer within five days after the determination of the Commissioner or the Board of State Land Commimssioners that

Moneys to  
be trans-  
mitted  
daily.