

CHAPTER 129.

[H. B. 149.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, to the organization and government thereof, to the authorization, issue and sale of bonds, the levy and collection of assessments, and providing for the inclusion of public lands of the state in existing irrigation districts and the exclusion of lands and former irrigation districts from consolidated irrigation districts and the reestablishment of such former districts, providing for drainage in irrigation districts and amending sections 6417, 6417-1, 6418, 6419, 6426, 6427, 6428, 6430, 6431, 6432, 6433, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6449, 6451, 6456, 6457, 6457-2, 6457-3, 6457-4, 6457-5, 6457-6, 6457-7, 6462, 6464, 6471, 6475, 6476, 6477, 6478, 6479, 6480, 6481, 6482, 6483, 6488, 6489, 6491, 6493, of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington, and adding thereto new sections to be numbered 6427-2 and 6427-3, and repealing section 6432-1, 6432-2, 6432-3, 6432-4, 6432-5 and Chapter 154 of the Laws of 1919.

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

SECTION 1. That Section 6417 of Rem. & Bal. Code be amended to read as follows:

Proceedings
to establish.

Section 6417. For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries of such district, and the number of directors, either three (3) or five (5), desired by such district, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as an irrigation district. The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and

conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the Hydraulic Engineer from year to year until such time as the Director of Conservation and Development shall be appointed and qualified and assume and exercise the duties of his office after which said newspaper shall be designated by said Director, which said notice shall be published for at least two weeks prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice shall also be served by registered mail at least two weeks before said hearing upon the State Hydraulic Engineer who shall sit with the Board of County Commissioners at the hearing upon said petition in an advisory capacity. When the petition is presented, the Board of County

Commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited be included within such district; any lands included within any district which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: *And provided further*, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district. The Board of County Commissioners shall, as soon as it has established the boundaries of said proposed district, enter an order establishing and defining such boundaries, and ordering that directors for such district be elected from the district at large, and designating a name for the proposed district, and calling an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the purpose of electing directors. The clerk of the Board of County Commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as estab-

lished, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

SEC. 2. That Section 6417-1 of Rem. & Bal. Code be amended to read as follows:

Section 6417-1. Whenever any state, granted, school or other public lands of the state shall be situated in any irrigation district organized under this act, such lands shall be subject to the provisions of this act in the same manner in which lands of like character held under private ownership are subject thereto except as hereinafter provided: *Provided*, That no state, granted, school or other public lands of the state shall be included in any such district except upon the consent of the commissioner of public lands to the inclusion of such lands in such district, and he shall be served with a copy of the petition proposing to include any such lands in any district, together with notice of the time and place of hearing the same, at least twenty days prior to

Inclusion of
state lands.

such hearing, and if he shall determine that such public lands will be benefited by being included in such district, he shall give his consent thereto in writing or shall file with the board a statement of his objections thereto: *Provided further*, That any state, granted, school or other public lands of the state which are situated within the boundaries of any irrigation district, but were not included within such district at the time of its organization, may be so included in such district after a hearing as herein provided. Whenever the commissioner of public lands or any interested person shall desire to have such lands included in the district, he shall file a request to that effect in writing with the district board, which shall thereupon fix a time and place for hearing such request and cause a notice of the same to be given by posting a copy of said notice in three (3) public conspicuous places in the district, one of which shall be at the place of hearing, at least twenty (20) days before the hearing, and by mailing, by registered mail, a copy of the notice to the commissioner of public lands. Said notice shall describe the lands to be included and direct all persons objecting to such inclusion to appear at the time and place stated and present their objections. At said hearing, the district board shall consider all objections to such inclusion and shall have the power to adjourn to a later date for cause and by resolution to determine the matter. The determination of the district board shall be final and conclusive upon all persons, except in no case shall any such lands be included in any district without the written consent of the commissioner of public lands.

Upon the inclusion of any state, granted, school or other public lands of the state within the limits of such organized district, the state shall be entitled to receive its proportion of water as in case of other land owners upon payment by the state, as herein

provided, of such sums as shall be determined by the board of directors upon agreement with the commissioner of public lands, and at the time to be so fixed, which sums shall be such equitable amount as such lands should pay having regard to the length of time the district has been organized and to the present condition of the irrigation system, as well as to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit, if equitable, for any sums paid as water rent by the occupant of said lands prior to the inclusion of same in the district, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Any public lands which shall be included in any irrigation district shall not be sold for delinquencies, but immediately after the delinquency thereof, the amount of the assessment shall be certified by the county treasurer of the county in which the land is situated to the commissioner of public lands, whose duty it shall be to certify the same to the State Auditor, who shall, at the next session of the Legislature, unless such assessment, or assessments, have been paid in the meantime, certify to the Legislature the amount of such assessments and the Legislature shall provide for the payment of the same with interest by appropriation out of the general fund of the state, and the amount so paid shall be added to the appraised value of the tract of land against which the delinquent assessment was certified and shall be collected at the time and in the manner provided in Section 4253 of Remington & Ballinger's Code. The certificate of the county treasurer herein provided for shall contain (1) a description of the state, school, or granted lands by legal subdivisions, (2) the amount of the assessment against each legal subdivision separately stated.

SEC. 3. That Section 6418 Rem. & Bal. Code be amended to read as follows:

Elections,
how con-
ducted.

Section 6418. For the purpose of the election above provided for, the Board of County Commissioners must establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place for, and appoint the necessary election officers for each of said precincts, but said precincts may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided in the election of directors for the district: *Provided*, That where any non-assessable area is situated within the boundaries of any irrigation district, any notice, delinquent list or other announcement required by this act to be posted, may be so posted in such area, and any election held or to be held pursuant to the provisions of this chapter, may be held within such area.

The Board of County Commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation District Yes," the board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the three, or in case of five directors, then the five, persons receiving the highest number of votes to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the offices of the county auditor and the county assessor of each county in which any portion of the district may lie. From and after the date of the filing of such order, the organization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties

of their office, upon qualifying in accordance with law, and shall hold office until their successors are elected and qualified. Immediately upon the filing of said certified copy of said order, it shall be the duty of the county assessor to write the name of the irrigation district on the permanent tax roll in a column provided for that purpose opposite each description of land, or any portion thereof, which is included within the boundaries of said district. Said column shall be carried forward each year on the current tax roll. In the event of a change in the boundaries of any irrigation district, the assessor shall note the same in said column upon the tax roll.

Any person of the age of twenty-one (21) years, being a citizen of the United States and a resident of the State of Washington and who holds title to land or evidence of title to land embraced within the boundaries of any irrigation district, or proposed irrigation district, in the case of an election for the organization thereof, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the general election laws of the state shall not apply, provided at all times the majority of the board of directors shall be residents of the county or counties within which the district is situated; and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the non-resident candidates who received the highest number of votes shall be considered in ascertaining and computing the result of the election: *And provided further*, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided*, That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said

Qualifica-
tions of elec-
tors.

corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct nearest his place of residence.

SEC. 4. That Section 6419 of Rem. & Bal. Code be amended to read as follows:

Directors,
election of.

Section 6419. There shall be elected in each organized irrigation district of this state, a board of directors who are electors of the district. An annual election to the office of director shall be held on the second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That the directors elected at any organization election called by the Board of County Commissioners shall serve until the first Tuesday of January following the first annual election; and at the first annual election there shall be elected three directors, if the board consists of three directors, and the candidate receiving the highest number of votes shall serve a term of three years next succeeding such election, the candidate receiving the next highest number of votes shall serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve a term of one year next succeeding such election, and when a board of five directors exists, the two candidates receiving the highest number of votes shall each serve a term of three years next succeeding such election, the two candidates receiving the next highest number of votes shall each serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve for a

term of one year next succeeding such election, or until a successor is elected and qualified. Whenever a district now organized desires to increase the number of its board of directors, such question shall be submitted to the electors at a regular election, and at the same time two directors shall be elected to serve as such in the event the electors by majority of votes cast at such election increase the number of said board. The person receiving the highest number of votes for the office of director at said election shall serve for the three year term next succeeding and the person receiving the next highest number of votes shall serve for a term of two years. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the Board of County Commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of twenty-five hundred dollars (\$2500.00), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was effected, and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars (\$2500.00) to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any

Oath and
bond.

irrigation district is appointed fiscal agent of the United States, or is authorized by the United States in connection with any irrigation project in which the United States is interested, to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

SEC. 5. That Section 6426 of Rem. & Bal. Code be amended to read as follows:

Organization
and meet-
ings of board
of directors.

Section 6426. The directors of the district shall organize as a board and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the directors and principal place of business of the district shall be at some place in the county in which the organization was affected, to be designated by the directors. The directors shall hold a regular monthly meeting at their office, on the first Tuesday in every month, or on such other day in each month as the board shall direct in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by order of a majority of the directors, but in case all di-

rectors do not join in said order, the secretary shall give the members not joining, five (5) days' notice of such meeting, which notice shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting: *Provided*, That if all members of the board are present, no order for said special meeting shall be necessary and any business may be transacted at such special meeting as could be transacted at a regular meeting. All meetings of the directors must be public. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board there shall be a concurrence of at least a majority of the directors. All records of the board shall be open to the inspection of any electors during business hours. The board shall have the power, and it shall be its duty, to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe their duties, and to establish equitable by-laws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter, including the acquisition, construction and operation and maintenance of drainage works and wasteways: *Provided*, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions

of said contract in relation thereto. The by-laws, rules and regulations must be printed in convenient form for distribution in the district. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes within this act, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: *Provided*, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee-simple title of the state or other public ownership. The board of directors shall have authority to develop and to sell, lease, or rent the use of water or power derived from the operation of the district irrigation or drainage works for delivery to occupants of public or other lands situated within or adjacent to the district, or to municipal corporations, at such prices and on such terms as it deems best: *Provided*, No water or power shall be furnished for use outside of said district until all demands and requirements for water and power for use in said district are furnished and supplied by said district: *And provided further*, That as soon as any public lands situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sums shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and

such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

SEC. 6. That Section 6427 of Rem. & Bal. Code be amended to read as follows :

Section 6427. The board, and its agents and employees, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation or drainage works, power plants, power sites or power lines and the line for any canal or canals, and the necessary branches of laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation and drainage works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for the said district, and may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done in order to carry out the the purposes of this act; and in carrying out the aforesaid purposes the bonds of the district may be used by the board, at not less than ninety per centum of their par value in payment. The board may enter into any obligation or contract with the United States or with the State of Washington for the supervision of the construction, for the construction, reconstruction, betterment, extension, sale or purchase, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the State Reclamation Act, or under the provisions

Powers of
board of
directors.

of the Federal Reclamation Act, and all amendments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply or for reclamation purposes in general under any Act of Congress which, for the purposes of this act, shall be deemed to include any Act of Congress for reclamation purposes heretofore or hereafter enacted providing for and permitting such contract, or for the collection of money due or to become due to the United States, or for the assumption of the control and management of the works; and in case contract has been or may hereafter be made with the United States, as herein provided, bonds of the district may be deposited with the United States as payment or as security for future payment at not less than ninety per centum of their par value, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to 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 provided in Section 6437 of Remington & Ballinger's Annotated Code and Statutes of Washington an amount sufficient to meet each year all payments accruing under the terms of any such contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or the State of Washington or other authorization of the district by the United States or the State of Washington to make collections of money for or on behalf of the United States or the State of Washington in connection with any federal or other reclamation project, whereupon the district, and the county treasurer for the district, shall be authorized to so act and to assume the duties and liability incident to such action, and the said board shall have

full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto.

The use of all water required for the irrigation of the lands within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs, power plants, sites, and lines, and all other property required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in condemnation proceedings to acquire any property or property rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of lands, real estate and other property by private corporations: *Provided*, That the irrigation district, at its option, pursuant to resolution to that end duly passed by its board of directors may unite in a single action proceedings for the acquisition and condemnation of different tracts of land needed by it for rights-of-way for canals, laterals, power plants, sites, and lines and other irrigation works which are held by separate owners. And the court may, on the motion of any party, consolidate into a single action separate suits for the condemnation of rights-of-way for such irrigation works whenever from motives of economy or the expediting of business it appears desirable so to do: *Provided further*, That there shall be a separate finding of the court or jury as to each tract held in separate ownership.

In any condemnation proceeding brought under the provisions of this act to acquire canals, laterals and ditches and rights-of-way therefor, sites, reservoirs, power plants and pumping plants and sites therefor, power canals, transmission lines, electrical

equipment and any other property, and if the owner or owners thereof or their predecessors shall have issued contracts or deeds agreeing to deliver to the holders of said contracts or deeds water for irrigation purposes, or authorizing the holders thereof to take or receive water for irrigation purposes from any portion of said property or works, and if the delivery of said water or the right to take or receive the same shall in any manner constitute a charge upon, or a right in the property and works sought to be acquired, or any portion thereof, the district shall be authorized to institute and maintain said condemnation proceedings for the purpose of acquiring said property and works, and the interest of the owners therein subject to the rights of the holders of such contracts or deeds, and the court or jury making the award shall determine and award to such owner or owners the value of the interest to be so appropriated in said condemnation proceedings.

SEC. 7. That Section 6428 of Rem. & Bal. Code be amended to read as follows:

Section 6428. The title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided: *Provided, however,* That any property so acquired by the district may be conveyed to the United States, or the State of Washington, in so far as the same may be for the benefit of the district under any contract that may be entered into with the United States, or the State of Washington, pursuant to this act.

The title acquired by an Irrigation District under the provisions of this act shall be the fee simple title

Title to
property,
in whom
vested.

Conveyance
to United
States or
state.

or such lesser estate as shall be designated in the decree of appropriation.

SEC. 8. That Section 6430 of Rem. & Bal. Code be amended to read as follows:

Section 6430. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in Gold Coin of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: *Provided*, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof.

Bond issues,
elections for.

Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the re-

sults thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this chapter governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in Section 6427 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of Congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All

Submission
of question
of U. S. con-
tracts.

bonds issued under this act shall bear interest at such rate not exceeding 6% per annum as the board of directors may determine, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the State of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto: *Provided*, That if an issue of bonds having been authorized at an election, shall remain, in whole or in part, unsold, and a subsequent issue shall be authorized pursuant to the provisions of this act, said subsequent authorization shall operate to cancel and nullify the previous authorization, except as to such bonds as may have been issued and sold under said previous authorization and the board of directors shall be authorized to exchange bonds issued under said new authorization for bonds issued and sold under said previous authorization at the fair market value of said new issue, and in that event the bonds previously issued and sold shall be surrendered to the board and cancelled. *Provided further*, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of cancelling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto.

Form and
contents of
bonds.

If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby cancelled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the Secretary of the Interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous is-

sue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the Board of Directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such re-issue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years.

Reissue of
bonds.

SEC. 9. That Section 6431 of Rem. & Bal. Code be amended to read as follows:

Section 6431. The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interest of the district so to do. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor, property or property rights, labor and material necessary

Sale or
pledge of
bonds.

for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three (3) weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: *Provided*, That such bonds shall not be sold for less than ninety per cent of their face value: *And provided further*, That the proceeds of all bonds sold for cash must be paid by the purchaser to the county treasurer of the county in which the office of the board is located, and credited to the bond fund.

SEC. 10. That Section 6432 of Rem. & Bal. Code be amended to read as follows:

Bonds and
interest, how
paid.

Section 6432. Said bonds and interest thereon and all payments due or to become due to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington, as in Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments until fully paid as hereinafter provided. And in addition to

this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States or the State of Washington accompanying which bonds have not been deposited with the United States or the State of Washington, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, or the State of Washington, according to the terms thereof, the holder of said bonds, or any part thereof or the United States or the State of Washington as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district.

SEC. 11. That Section 6433 of Rem. & Bal. Code be amended to read as follows:

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion to the benefits accruing to the lands as-

Assessments,
how and
when made.

sessed and equitable credit shall be given to the lands having a partial or full water right: *Provided*, That nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the right under such contract shall first have been acquired by said district, and in acquiring such rights, the district may exercise the right of eminent domain. The secretary must, between the first Monday in March and the first Tuesday in September in each year, to and including the year 1923, and between the first Monday in March and the first Tuesday in November beginning with the year 1924 and each year thereafter, prepare an assessment roll with appropriate headings in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

FIRST, the name of the person to whom the property is assessed. If the name is not known to the secretary, the property shall be assessed to "unknown owners."

SECOND, Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

THIRD, In further columns with appropriate headings shall be specified the ratio of benefits, or, when deemed by the secretary more practicable, the per acre value, or the amount of benefits, for general and special district and local improvement district purposes, and the total amount assessed against each tract of land.

Any property which may have escaped assessment for any year or years, shall in addition to the

assessment for the then current year, be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Where the district embraces lands lying in more than one county the assessment roll shall be so arranged that the lands lying in each county shall be segregated and grouped according to the county in which the same are situated.

SEC. 12. That Section 6435 of Rem. & Bal. Code be amended to read as follows:

Section 6435. On or before the first Tuesday in September in each year to and including the year 1923, and on or before the first Tuesday in November beginning with the year 1924 and each year thereafter, the secretary must complete his assessment roll and deliver it to the board, who must immediately give a notice thereof, and of the time the board of directors, acting as a board of equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment roll must remain in the office of the secretary for the inspection of all persons interested.

Equalization
of assess-
ments, notice
of.

SEC. 13. That Section 6436 of Rem. & Bal. Code be amended to read as follows:

Section 6436. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long

Equalization
of assess-
ment, meet-
ings for

as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may change the same as may be just. The secretary of the board shall be present during its session, and note all changes made at said hearing; and on or before the 30th day of October in each year to and including the year 1923, and on or before the 15th day of January beginning with the 1925 and each year thereafter he shall have the assessment roll completed as finally equalized by the board.

SEC. 14. That Section 6437 of Rem. & Bal. Code be amended to read as follows:

Amount of
levy.

Section 6437. The Board of Directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The Board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further

amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year.

It shall also be the duty of the board when making the levy in the years 1921, 1922 and 1923 to take into account the change of dates in the year 1924 and thereafter, and the board shall add a sufficient amount to the assessments levied in those years to take care of all obligations maturing before the due date of the assessment levied in 1924. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of Irrigation District," the "Contract Fund of Irrigation District," the "Expense Fund of Irrigation District," and "Coupon Warrant Fund of Irrigation District": *Provided*, That in districts acting as fiscal agent for the United States or the State of Washington such assessments may also be paid to the secretary of such districts when so authorized by the Board of Directors and under such rules and regulations as the board may adopt. The Secretary shall issue a receipt for such payments and shall be accountable on his official bond for the safe keeping of such funds and shall remit the same at least once each month to the treasurer of the county wherein the land is located on which payment was made. Upon receipt of such funds the county treasurer shall issue his official receipt therefor in like manner as though payment had been made direct to him by the land owner.

In case of neglect or refusal of the board of directors to cause such assessment or levy to be made as herein provided, then the assessment shall be made, equalized and levied by the board of county

Failure to
make assess-
ment or levy.

commissioners of the county in which the office of the board of directors is situated, and said board of county commissioners shall cause an assessment roll for the said district to be prepared and make the levy required by this chapter in the same manner and with like effect as if the same had been made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid.

SEC. 15. That Section 6438 of Rem. & Bal. Code be amended to read as follows:

Section 6438. The assessment upon real property shall be a lien against the property assessed, from and after the first Monday in March in the year in which it is levied, but as between grantor and grantee such lien shall not attach until the first day in November of such year, until and including the year 1923 and the first Monday in February of the year 1925 and each year thereafter, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments and for general taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the

Lien of
assess-
ment.

lien for all payments due or to become due under any contract with the United States, or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington, as in Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

SEC. 16. That Section 6439 of Rem. & Bal. Code be amended to read as follows:

Section 6439. On or before the first day of November in each year to and including the year 1923, and on or before the fifteenth day of January in the year 1925, and each year thereafter the secretary must deliver the assessment roll or the respective segregations thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall on that date become due and payable. Within twenty days thereafter the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent at 5 o'clock in the afternoon of the 31st day of December next thereafter in each year to and including the year 1923 unless sixty per cent thereof shall then have been paid, and that if this [is] allowed to become delinquent, a penalty of five per cent thereof will be added to the amount thereof, and if sixty per cent thereof be paid on or before the said 31st day of December, the remainder thereof will not become delinquent until April 30th next following: *Provided*, That beginning with the year 1925 and each year thereafter, said notice shall state that

Collection of
assessments,
notice.

said assessments will become delinquent at 5 o'clock in the afternoon of the 31st day of May next thereafter unless fifty per cent thereof shall then have been paid, and that if thus allowed to become delinquent, a penalty of five per cent thereof will be added to the amount thereof, and if fifty per cent thereof be paid on or before the said 31st day of May, the remainder thereof will not become delinquent until November 30th next following. The notice shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district.

Upon receiving the assessment roll, the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessment.

Upon the payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On the 31st day of December of each year to and including the year 1923 unless sixty per cent shall have been paid as aforesaid, and on the 31st day of May in the year 1925 and each year thereafter unless fifty per cent shall have been paid as aforesaid, all unpaid assessments are delinquent, and thereafter the treasurer of the county in which the land is located must collect thereon for the use of the district the aforesaid

penalty of five per cent and interest at the rate of twelve per cent per annum from the date of delinquency.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

SEC. 17. That Section 6440 of Rem. & Bal. Code be amended to read as follows:

Section 6440. On or before the first day of February in each year to and including the year 1924, the county treasurer of the county in which the land is located shall cause to be posted the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due, opposite each name and description, in all cases where payment of sixty per cent (60%) of the assessment has not been made on or before the 31st day

Publication
of delin-
quency list,
how made.

of December, next preceding; likewise on or before May 15th in each year to and including the year 1924, he must cause to be posted the delinquency list of all persons delinquent in the payment of the instalment of forty per cent (40%) as in this act provided. Also, on or before the 30th day of June, beginning with the year 1925 and each year thereafter, he must post the delinquency list, made up as aforesaid, in all cases where payment of fifty per cent (50%) of the assessment has not been made on or before the 31st day of May next preceding: likewise, on or before the 15th day of December beginning with the year 1925 and each year thereafter, he must post the delinquency list of all persons delinquent in the payment of the final instalment of fifty per cent (50%) as in this act provided. He must append to and post with the delinquency list a notice that unless the assessment delinquent, together with costs and percentages, are paid the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors and three copies in public places in each of the established voting precincts within the portion of said district lying in said county. Concurrent as nearly as possible with the date of the posting aforesaid, the said county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments, together with costs and percentages, are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notices must be published once a week for three successive weeks in a

newspaper of general circulation published in the county within which the land is located. But said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from date of posting and from the date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

SEC. 18. That Section 6441 Rem. & Bal. Code be amended to read as follows:

Section 6441. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessments due as shown on the delinquent list, five per cent of the amount thereof. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which postponement he must give notice at the time of making such postponement and between the hours of 10:00 o'clock A. M. and 3 o'clock P. M. the county treasurer making the sale must commence the same beginning at the head of the list, and continuing alphabetically or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of postponement, but the sale must be completed within three weeks from the first day fixed.

Sales, when
and how
made.

SEC. 19. That Section 6442 of Rem. & Bal. Code be amended to read as follows:

Section 6442. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the county treasurer by whom the sale is to be made, and prior to the sale, what portion of the property he

Sales, how
conducted,
certificate.

wishes sold, if less than the whole; but if the owner or possessor does not, then the treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including \$1.00 to the treasurer for duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said \$1.00. If the purchaser does not pay the assessment and costs before 10:00 o'clock A. M. the following day, the property must be re-sold on the next sale day for the assessments and costs. In case there is no purchaser in good faith for the same on the first day that the property is offered for sale, and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the irrigation district as the purchaser, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. An irrigation district, as a purchaser at said sale, shall be entitled to the same rights as a private purchaser, and may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were being made by the owner. If no redemption is made of land for which an irrigation district holds a certificate of purchase, the district will be entitled to receive a treasurer's deed therefor in the same manner as a private person would be entitled thereto and may convey the title so acquired, by deed, executed and acknowledged by the president and secretary of the board: *Provided,*

That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property.

Provided further, That when lands shall have been deeded by the county treasurer to the district and if title shall remain vested in the district, and in the judgment of the board of directors, said sale shall have resulted from unavoidable accident, inadvertency, or misfortune and without intent on the part of the owner or person entitled to make redemption, to permit said assessments to become delinquent and the land to be sold, the board of directors may, pursuant to an order entered upon the minutes of the board, cause said land to be re-conveyed to the owner or person entitled to redemption within the period of one year after need is issued, upon the payment by the owner or person who would have been entitled to make redemption before deed, of the total amount of the assessments, penalty, costs of sale and interest at the rate of twelve per cent per annum, current assessments, and an additional penalty of twenty-five per cent of the amount for which the land was sold: *Provided further,* That this act shall apply to all sales made to an irrigation district prior to the date when this act becomes effective and the owner or other person rightfully seeking redemption thereof, shall be entitled to the benefit of this provision until one year subsequent to the date when this act becomes effective.

After receiving the amount of assessments and costs, the county treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the

amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the treasurer making the sale and one copy delivered to the purchaser, and the other filed in the office of the county treasurer of the county in which the land is situated: *Provided*, That upon the sale of any lot, parcel, or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents (25c) and in case of a sale to a person or a district, of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

SEC. 20. That Section 6443 of Rem. & Bal. Code be amended to read as follows:

Sales, record
to be kept of.

Section 6443. The county treasurer, before delivering any certificate must file the same and enter in the assessment book opposite the description of the land sold, the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the description on the margin of the assessment book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

On filing the certificate of sale as provided in the preceding paragraph the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money and one per cent per month from the day of sale until redemption for the use of the purchaser.

SEC. 21. That Section 6444 of Rem. & Bal. Code be amended to read as follows:

Redemption,
when made,
deed.

Section 6444. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest within two years from the date of purchase,

by paying the amount of the purchase price and interest, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the irrigation district is the purchaser, the redemptioner shall pay in addition to the purchase price and interest, the amount of any assessments levied against said land during the period of redemption. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignee. No redemption shall be made except to the county treasurer of the county in which the land is situated.

Upon completion of redemption the county treasurer to whom redemption has been made shall enter the word "redeemed," the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within two years from the sale the county treasurer of the county in which the land sold is situated must make to the purchaser, or his assignees a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (25c) and when any person or district holds a duplicate certificate covering more than one tract of land, the

Deed to purchaser.

Fee.

several parcels, or tracts of land, mentioned in the certificate may be included in one deed.

SEC. 22. That Section 6449 of Rem. & Bal. Code be amended to read as follows:

Coupons and
bonds, when
paid.

Section 6449. Upon the presentation of the coupons due to the treasurer of said county, he shall pay the same from the bond fund belonging to such district and deposited with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in some daily newspaper for such period of time not less than four weeks as the board shall order for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided*, That no bond shall be redeemed under the foregoing provision at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States gold bearing bonds, or the bonds of the State, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

SEC. 23. That Section 6451 of Rem. & Bal. Code be amended to read as follows:

Treasurer of
district.

Receipts and
disburse-
ments.

Section 6451. The county treasurer of the county in which is located the office of any irrigation district shall be and is hereby constituted *ex-officio* district treasurer of said district, and any county treasurer

collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be the duty of the county treasurer of each county, in which lands of the district are located, to collect and receipt for all assessments and taxes levied as in this chapter provided. There shall be deposited with the county treasurer of the county in which the office of the board of directors is located, all sums collected for the defraying of the expenses of the district, whether said sums are collected by tolls, assessments or special assessments, and they shall be placed by the said county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing irrigation districts, or provided for by this chapter, and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him or any portion thereof, upon warrants drawn on the several funds, signed by the president and countersigned by the secretary of the district, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer. The said treasurer shall report, in writing, on the first Monday in each month to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing on the first Monday in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of

receipts for the month preceding and the amount and items of expenditures during the preceding month, and said report shall be filed in the office of the board.

SEC. 24. That Section 6456 of Rem. & Bal. Code be amended to read as follows:

Special as-
sessment,
how levied.

Section 6456. The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter including any purpose for which the bonds of the district or the proceeds thereof might be lawfully used. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of Section 6430. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used and the number of installments in which it is to be paid. At such election the ballot shall contain the words "Assessment Yes" and "Assessment No." If the majority of the votes cast are "Assessment Yes" the board may immediately or at intervals thereafter incur indebtedness to the amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used, and may provide for the payment of said indebtedness by the issue and sale of coupon notes of the district to an amount equal to said authorized indebtedness, which coupon notes shall be payable in such equal installments not exceeding three in number as the board shall direct. Said coupon notes shall be payable by assessments levied at the time of the regular annual levy each year thereafter until fully paid. The amount of the assessments to be levied shall be ascertained by adding

fifteen per cent for [the] anticipated delinquencies to the whole amount of the indebtedness incurred and interest. Each assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid to the county treasurer of the county to the credit of said district, for the purposes specified in the notice of such special election: *Provided, however,* That the board of directors may at their discretion issue said coupon notes in payment for labor or material, or both, used in connection with the purposes for which such indebtedness was authorized. Coupon notes issued under this section shall bear interest at a rate not to exceed eight per cent per annum, payable semi-annually.

SEC. 25. That section 6457 of Rem. & Bal. Code be amended to read as follows:

Section 6457. The board of directors or other officers of the district shall have no power to incur any debt or liability whatsoever either by issuing bonds or otherwise in excess of the express provisions of this chapter: *Provided,* That the board may without an election and levy therefor pay the necessary costs and expenses of organizing and may make surveys, do engineering work, and conduct a general investigation to determine the feasibility of the proposed irrigation project, and may incur an indebtedness therefor prior to levy, which indebtedness on account of surveys, engineering and investigations shall not exceed fifty cents (50c) an acre, and shall be assessable against the lands within the district; and any such indebtedness heretofore incurred by any irrigation district and any such assessments levied or collected for surveys, engineering and investigation purposes are hereby ratified and

Excess liability void, exceptions.

validated. In cases of emergency making it necessary to incur indebtedness in order to continue the operation of the irrigation system or any part thereof, the board of directors may incur such indebtedness not exceeding such amount as shall be actually necessary to meet the requirements of said emergency, the same to be declared in a resolution of the board adopted prior to the incurring of said indebtedness: *Provided further*, That the board may incur such indebtedness as shall be necessary to enable them to carry on the ordinary administrative affairs of the district and if the district shall acquire an irrigation system prior to the making of its first regular annual levy, the board shall have power to incur such indebtedness as shall be necessary to pay the ordinary expenses of operation and maintenance until the regular annual levy shall be made.

Warrants.

The board may cause warrants of the district to be issued for the payment of any indebtedness incurred under this section, which warrants shall bear interest at a rate not to exceed eight per cent per annum, and it shall be the duty of the board to include in their next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue of this section.

Notwithstanding anything in this act contained the board of directors of every irrigation district shall have the power to issue as a general obligation of such district, coupon warrants in denominations not in excess of \$500, bearing interest evidenced by coupons payable semi-annually not to exceed eight per cent (8%) per annum. Such warrants shall mature in not more than five (5) years and may be used, or the proceeds thereof, in the purchase of grounds and buildings, machinery, vehicles, tools or other equipment for use in operation, main-

tenance, betterment, reconstruction or local improvement work, and for creating a revolving fund for carrying on such work as in this act provided. The proceeds of such warrants shall be turned over to the treasurer of the district who shall place the same in an appropriate fund and pay out the same upon warrants of the irrigation district properly drawn thereon. The maximum indebtedness hereby authorized shall not exceed one dollar (\$1.00) per acre of the total irrigable area within such irrigation district. No warrant shall be sold for less than par. Such warrants shall state on their face that they are a general obligation of the irrigation district, the purposes for which they may be used, and that they are payable on or before maturity. They shall be retired by assessments levied in accordance with the provisions of this act at the time other assessments are levied.

The board of directors of every irrigation district shall also be authorized in its discretion to accumulate by assessment a fund to be designated and known as the "Capital Fund" to be used for the purposes for which the aforesaid warrants may be used. The total of such fund shall not exceed one dollar (\$1.00) per acre of the total irrigable area within such irrigation district and shall be accumulated in not less than five (5) annual installments. Such fund shall not be permanently depleted or reduced but shall be replaced from year to year by assessments on any lands of the district benefited by the use thereof. The reasonable value of all grounds, buildings, machinery, vehicles, tools or other equipment on hand, purchased with such fund, and the revolving fund, if any, derived from such fund, shall be construed and deemed a part of such capital fund.

"Capital
Fund."

SEC. 26. That section 6457-2 of Rem. & Bal. Code be amended to read as follows :

Petition for
local im-
provement,
notice and
hearing.

Section 6457-2. In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven (7) days before such date. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement ; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, that the lands within said local improvement district are to be assessed for such improvement and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any land owner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; that coupon bonds of the irrigation district will be issued to meet the cost thereof and that such bonds will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven (7) days before such date and the hearing thereon shall not be held in less than twenty (20) days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization

of local improvement districts initiated upon petition.

SEC. 27. That section 6457-3 of Rem. & Bal. Code be amended to read as follows:

Adoption of plans.

Bond issue.

Section 6457-3. If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifteen (15) in which the cost of said improvement shall be paid. The cost of said improvement shall be provided for by the issuance of local improvement district coupon bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose. Said bonds shall bear interest at a rate not to exceed eight per cent (8%) per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said bonds and that said bonds are also a general obligation of the said district. No bond shall be issued in denomination exceeding one thousand dollars (\$1,000.00) and no bond shall be sold for less than par.

No election shall be necessary to authorize the issuance of such local improvement bonds. Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of said district affixed and shall be registered by the treasurer of the irrigation district with his seal affixed.

The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Con-

struction fund of local improvement district number.....”

Whenever such improvement district has been organized, the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof: *Provided*, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessment as if said lands had been incorporated in said improvement district at the beginning of its organization.

Extension of boundaries.

SEC. 28. That section 6457-4 of Rem. & Bal. Code be amended to read as follows:

Section 6457-4. The cost of said improvement shall be especially assessed against the lands within such local improvement district in proportion to the benefits accruing thereto, and shall be levied and collected in the manner in this act provided for the assessments of construction costs.

Special assessments.

All provisions in this chapter contained for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor or the bonds issued to meet the cost thereof. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district shall constitute a special fund to be called “bond redemption fund of local improvement district No.....”

The cost or any unpaid portion thereof, of any such improvement, charged or to be charged or assessed against any tract of land may be paid in one payment by the owner or any one acting for him, under and pursuant to such rules as the board of directors may adopt, and all such amounts shall be paid over to the county treasurer who shall place the same in the appropriate fund. No such payment shall thereby release such tract from liability to assessment for deficiencies or delinquencies of the levies in such improvement district until all of the bonds, both principal and interest, issued for such local improvement district have been paid in full. The receipt given for any such payment shall have the foregoing provision printed thereon. The amount so paid shall be included on the annual assessment roll for the current year, provided, such roll has not then been delivered to the treasurer, with an appropriate notation by the secretary that the amount has been paid. If the roll for that year has been delivered to the treasurer then the payment so made shall be added to the next annual assessment roll with appropriate notation that the amount has been paid.

SEC. 29. That section 6457-5 of Rem. & Bal. Code be amended to read as follows:

Section 6457-5. In the event of the failure of the lands within the local improvement district to furnish money sufficient for the payment of principal or interest of the bonds for such local improvement work and there shall be a default in the payment of principal or interest as aforesaid, the amount delinquent shall be paid by the general warrants of the irrigation district at large, but the lands of the local improvement district shall not thereby become released from liability for special assessment therefor. Such warrants, if issued, shall be redeemed as

Payment of
bonds.

soon as there shall be available money in the bond redemption fund of the local improvement district.

SEC. 30. That section 6457-6 of Rem. & Bal. Code be amended to read as follows:

Section 6457-6. It shall be lawful for any irrigation district which has issued local improvement district bonds for said improvements, as in this chapter provided, to issue in place thereof an amount of general bonds of the irrigation district not in excess of such issue of local improvement district bonds, and to sell the same, or any part thereof, or exchange the same, or any part thereof, with the holders of such previously issued local improvement district bonds for the purpose of redeeming said bonds: *Provided, however,* That all the provisions of this chapter regarding the authorization and issuing of bonds shall apply, and: *Providing, further,* That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessments for the payment thereof: *And provided further,* That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or local improvement district bonds herein provided for, shall be deemed a prior lien.

Refunding
bonds.

SEC. 31. That section 6457-7 of Rem. & Bal. Code be amended to read as follows:

Section 6457-7. Any irrigation district may contract with the United States, or the State of Washington, for local improvement work, and for such purpose may form local improvement districts as herein provided.

Contracts
with U. S. or
state for im-
provement.

Authorization of local improvement district bonds or of contract with the United States, or the State of Washington, for local improvement work may be confirmed in the same manner as provided in sections 6490 to 6494, inclusive.

SEC. 32. That section 6462 of Rem. & Bal. Code be amended to read as follows :

Change of
boundaries.

Section 6462. The boundaries of any irrigation district now or hereafter organized under the provisions of this chapter may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, except as hereinafter expressly in section 6475 prescribed: *Provided*, That in case contract has been made between the district and the United States, or the State of Washington, as in section 6427 provided, no change shall be made in the boundaries of the district, and the board of directors shall make no order changing the boundaries of the district until the secretary of the interior, or the state reclamation board, or the director of conservation and development shall assent thereto in writing and such assent be filed with the board of directors.

SEC. 33. That section 6464, Rem. & Bal. Code, be amended to read as follows :

Notice of
petition.

Section 6464. The secretary of the board of directors shall cause a notice of the filing of such petition to be posted and published in the same manner and for the same time that notice of special elections for the issue of bonds are required by this chapter to be given. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition, and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to ap-

pear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this chapter.

SEC. 34. That section 6471, Rem. & Bal. Code, be amended to read as follows:

Section 6471. 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.

Record of
change of
boundary.

SEC. 35. That section 6475 of Rem. & Bal. Code be amended to read as follows:

Section 6475. The boundaries of any irrigation district or consolidated irrigation district, now or hereafter organized under the provisions of this chapter, may be changed, and tracts of land which were included within the boundaries of such district, or former irrigation districts which were included within the boundaries of such consolidated district, at or after its organization under the provisions of this chapter, may be excluded therefrom

Exclusion of
land from
district.

in the manner herein prescribed; but neither such change of the boundaries of the district or consolidated district, nor such exclusion of lands from the district, nor such exclusion of a former district from a consolidated district, shall impair or affect its organization or the rights of the district in or to property, except that all property of a consolidated district, the title to which was derived from a former district by, and at the time of, the consolidation shall revert to and become the property of such former district when re-established as herein provided; nor shall it affect, impair or discharge any contract, obligation, lien, or charge for or upon which such district or such consolidated district was or might become liable or chargeable had such change of its boundaries not been made, or had not any such land been excluded from such district, or any such former district been excluded from such consolidated district, unless the holders of such lien, obligation, charge or contract right chargeable against the district, or consolidated district consent to such exclusion in the manner hereinafter provided in section 6480 for the consent of the bondholders.

SEC. 36. That section 6476 of Rem. & Bal. Code be amended to read as follows:

Section 6476. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, or fifty or a majority of the holders of title to lands constituting any portion of an irrigation district, or consolidated district as the case may be, for which lands similar grounds for exclusion may exist, or fifty or a majority of the holders of title to lands which constituted a former irrigation district included with a consolidated district, may file with the board of directors of such district, or of such consolidated district, as the case may be, a petition praying that such tracts, and any

Petition for
exclusion.

other tracts contiguous thereto, or such land which constituted such former district, may be excluded and taken from said district, or consolidated district, as the case may be, and in the latter case that such former district may be re-established. The petition for the exclusion of tracts of land from a district shall describe the boundaries of the land which the petitioners desire to have excluded from the district, and also describe the land of such of said petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. The petition for the exclusion of a former district from a consolidated district shall give the corporate name and number of such former district and shall describe the lands of each of said petitioners by legal sub-division or lot and block numbers and name of city, town or addition of platted lands. Every such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

SEC. 37. That section 6477 of Rem. & Bal. Code be amended to read as follows:

Section 6477. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lies within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district,

Notice of
petition for
exclusion.

and in case of the posting of said notices, one of said notices must be so posted on the lands, or within the boundaries of the former district, proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands, or the name and number of the former district, mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

SEC. 38. That section 6478 of Rem. & Bal. Code be amended to read as follows:

Hearing of
petition.

Section 6478. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all objections thereto presented in writing, by any person showing cause, as aforesaid, why the prayer of said petition should not be granted. The failure of any person interested in said district or consolidated district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, or the former district mentioned should not be excluded from the consolidated district, as the case may be, shall be deemed and taken as an assent by him to such exclusion, and the filing of such petition with such board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to such exclusion.

SEC. 39. That section 6479 of Rem. & Bal. Code be amended to read as follows :

Section 6479. The board of directors, if they deem it not for the best interest of the district, or consolidated district, as the case may be, that the lands, or the former district, mentioned in the petition, or some portion thereof, should be excluded from said district, or consolidated district, shall order that said petition be denied ; but if they deem it for the best interests of the district, or consolidated district, as the case may be, that the lands, or the former district, as the case may be, be excluded from the district, or consolidated district, and if no person interested in the district shows cause, in writing, why the prayer of the petition should not be granted, or if having shown cause withdraws the same, and also, if there be no outstanding bonds of the district, and no contract between the district and the United States, or the state of Washington, then the board may order that the lands mentioned in the petition, or some defined portion thereof, or the former district mentioned in the petition, be excluded from the district, or consolidated district, as the case may be, and the former district be re-established.

Board may
exclude
lands, when.

SEC. 40. That section 6480 of Rem. & Bal. Code be amended to read as follows :

Section 6480. If there be outstanding bonds of the district, or consolidated district, as the case may be, or if such district shall have entered into a contract with the United States, or the State of Washington, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, or the former district mentioned in the petition, as the case may be, should be excluded from the district, or consolidated district, and the former district re-established. The resolu-

Assent of
bondholders,
when re-
quired.

tion shall describe such lands so that the boundaries can readily be traced, or shall give the corporate name and number of the former district. The holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the board may make an order by which the lands, or the former district, mentioned in the resolution may be excluded from the district, and in case contract has been made with the United States, or the state of Washington, the Secretary of the Interior, or the State Reclamation Board, or the Director of Conservation and Development may assent to such change. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect, as evidence, as the acknowledgment of such conveyance. The assent of the Secretary of the Interior need not be acknowledged. The assent shall be filed with the board, and in the office of the county clerk in each county comprised within the district and must be recorded in the minutes of the board; and said minutes, or certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent of the bondholders, and in case of contract with the United States, or the state of Washington, such assent of the Secretary of the Interior, or the state reclamation board or the director of conservation and development, be not filed, the board shall deny and dismiss said petition.

SEC. 41. That section 6481 of Rem. & Bal. Code be amended to read as follows:

Election to
exclude land.

Section 6481. If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid, which have not been withdrawn, then the board may order an

election to be held in each district to determine whether an order shall be made excluding said land from said district, or excluding said former district from said consolidated district, as the case may be, and such former district be re-established, as mentioned in said resolution. The notice of such election shall describe the boundary of all lands, or shall give the corporate name and number of the former district, which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election, in a newspaper published within the county where the office of the board of directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of such counties. Such notice shall require the electors to cast ballots, which shall contain the words "For exclusion" and "Against exclusion", or words equivalent thereto. Such election shall be conducted in the manner prescribed in this chapter for the holding of special elections on the issuance of bonds. In every case where the petition is for the exclusion of a former district from a consolidated district the resolution of the board ordering an election shall provide for the holding of such election separately in the territory comprising such former district and in the territory comprising that portion of the consolidated district not included in such former district, and for canvassing and counting of the votes cast at such election separately.

SEC. 42. That section 6482 of Rem. & Bal. Code be amended to read as follows:

Section 6482. 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

Action of
board upon
result of
election.

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 re-established 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 re-established district, and shall call an election to be held in such re-established 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 re-established 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 district, 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 re-established 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. 43. That section 6483 of Rem. & Bal. Code be amended to read as follows:

Section 6483. Upon the entry in the minutes of the board of any of the orders hereinbefore mentioned, a copy thereof, certified by the president and the secretary of the board, shall be filed for record in the offices of the county auditor and the county assessor of each county within which are situated any of the lands of the district, and thereupon said district, and said consolidated district and said re-established district, if any, shall each be and remain an irrigation district as fully, as to every intent and purpose, as it would be had no change been made in the boundaries thereof, or had the lands excluded therefrom never constituted a portion thereof.

Orders to be recorded.

SEC. 44. That section 6488 of Rem. & Bal. Code be amended to read as follows:

Section 6488. In case of the exclusion of any lands under the provisions of this act, the board of directors shall determine what refund, if any, shall be made to any person or persons who have paid any assessments to such district on any lands so excluded, but such refund, if any, shall be on a basis equitable alike to lands remaining in the district and lands excluded therefrom. Such payment shall be made in the manner as other claims against the district, and from such fund or funds as the board of directors may designate, and which may be legally applied to such payments. The board may, in its discretion, determine what portion, if any, of the assessments

Assessments to be refunded.

remaining unpaid shall be cancelled. Said cancellation, if any, shall be accomplished by an order entered upon the minutes of the board and certified to the office of the county treasurer. Upon the filing of such certified order, said assessments, or any portion thereof, cancelled by said order shall be marked "Cancelled" upon the treasurer's records. The lien of such portion of said assessments, if any, as the board shall refuse to cancel, shall continue against the lands excluded, and the district shall retain all of its rights as to such assessments or portions thereof as if said lands had not been excluded.

SEC. 45. That section 6489 of Rem. & Bal. Code be amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district whether said bonds or any of them have or have not then been sold, may be judicially examined, approved and confirmed, or in case a contract shall have been made by an irrigation district for the payments of moneys to the United States, or the state of Washington, and bonds be not deposited with the United States or the state of Washington, as in section 6427: *Provided*, The board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

Special proceedings to confirm bonds or U. S. or state contracts.

SEC. 46. That section 6491 of Rem. & Bal. Code be amended to read as follows :

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district or in the proceedings for the issue of sale of said bonds or for the authorization of contract with the United States, or the state of Washington, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district (giving its name) praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district or for the authorization of contract with the United States, or the state of Washington, may be examined, approved, and confirmed by said court.

Procedure upon filing petition.

SEC. 47. That section 6493 of Rem. & Bal. Code be amended to read as follows :

Section 6493. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the

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legality of the formation of said district or the legality or validity of said bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States, or the state of Washington. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Repealing
clause.

SEC. 48. Sections 6432-1 to 6432-5 both inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington and Chapter 154 of the Laws of 1919 are hereby repealed.

Partial
invalidity.

SEC. 49. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Emergency.

SEC. 50. That sections 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 of this act are necessary for the immediate preservation of the public health and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 14, 1921.

Passed the Senate March 5, 1921.

Approved by the Governor March 19, 1921.