

CHAPTER 138.

[H. B. 202.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts and the organization thereof, to the authorization, issue and sale of bonds and to the levy and collection of assessments, stating the purposes for which such districts may be organized, prescribing their powers and amending sections 7417, 7418, 7419, 7429-1, being section 6, chapter 180, Laws of 1919, 7432, 7440, 7447 and 7453 of Remington's Compiled Statutes of Washington, and adding to chapter 4, Title XLVIII thereof, new sections known as 7417-1, 7417-2, 7428-1, 7428-2, 7428-3, 7431½, 7431½-1, 7431½-2, 7431½-3, 7431½-4, 7431½-5 and 7442-1, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 7417 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 7417;
Pierce's Code
§ 3197.

Section 7417. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of "irrigation" desire to organize an irrigation district for any or all of the purposes mentioned in section 2 hereof, they may propose the organization of an irrigation district in the manner provided herein; and when so organized, such district shall have all the powers that may now or hereafter be conferred by law.

Desire to orga-
nize district.

SEC. 2. That Chapter 4 of Title XLVIII, Remington's Compiled Statutes of Washington, be amended by adding thereto two new sections to be known as sections 7417-1 and 7417-2, to read as follows:

Section 7417-1. An irrigation district may be organized or maintained for any or all the following purposes:

Purposes for
which
organized.

1. The construction or purchase of works, or parts of same, for the irrigation of lands within the operation of the district.

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

3. The operation or maintenance of existing irrigation works.

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

5. The execution and performance of any contract authorized by law with any department of the federal government or of the state of Washington, for reclamation and irrigation purposes.

6. The performance of all things necessary to enable the district to exercise the powers herein granted.

Section 7417-2. Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

1. To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use.

2. To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

3. To construct, repair, operate and maintain a system of drains, as herein provided.

4. To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

SEC. 3. That section 7418 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 7418;
Pierce's Code
§ 3198.

Section 7418. 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 contain the following:

Petition.

1. A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

Contents.

2. The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

3. A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.

4. A statement of the number of directors, either three (3) or five (5), desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

5. Any other matter deemed material.

6. A prayer requesting the board to take the steps necessary to organize the 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

Bond.

Petition
published.

Notice of
hearing.

Lands in two
counties.

and act upon said petition, and shall be published once a week, for at least two weeks (three issues) 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 signed by the clerk of the board of county commissioners 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 director of the department of conservation and development from year to year, which said notice shall be published for at least two weeks (three issues) 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, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of the department of conservation and development at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make such investigation, through the division of hydraulics, of the sufficiency of the source and supply of water for the purposes of the proposed district, as he may deem necessary, and file a report of his findings, together with a statement of his costs, with the board

of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: *Provided*, that said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, 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.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district 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 established, and shall give the

Hearing.

Boundaries
established.Name of
district.Election,
notice.

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 (three issues) 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. 4. That section 7419 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 7419. 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 a map of the district and notice of the time and place of hearing the same, at least thirty

Amends Rem.
Comp. Stat.
§ 7419;
Pierce's Code
§ 3198a.

Public lands
included.

days prior to 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.

Request for
inclusion.

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

Payment
by state.

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: *Provided*, That no special assessments for other purposes than the payment of principal and interest on bonds or maintenance shall be levied against such lands while under state ownership without the written consent of the state land commissioner.

Delinquent
assessments on
public lands.

Certified to
state auditor.

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 4480 of this 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. 5. That Chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto three new sections to be known as sections 7428-1, 7428-2 and 7428-3, as follows:

Section 7428-1. Whenever, in the judgment of the district board, a system of drainage for any lands included in the operation of the district will be of special benefit to the lands of the district as a whole, it shall pass a resolution to that effect and call a further meeting of the board to determine the question. Notice of said meeting shall be given by the secretary for the same length of time and in the same manner as required by law for the meeting of the county board to hear the petition for the organization of the district. At the time and place mentioned in the notice the board shall meet, hear such evidence as shall be presented, and fully determine the matter by resolution which said resolution shall be final and conclusive upon all persons as to the benefit of said system of drainage to the lands in the district.

Drainage
for district.

Section 7428-2. Upon the passing of said resolution, the district shall in all respects have the same power and authority as is now, or may hereafter be, conferred respecting irrigation and all powers in this act conferred upon irrigation districts with respect to irrigation shall be construed to include drainage in conjunction therewith as herein provided.

Powers with
respect to
drainage.

Section 7428-3. Any district heretofore or hereafter organized and existing, may change its name by filing with the board of county commissioners of

Change of
name.

the county in which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and a change of name heretofore made by any existing irrigation district in this state, substantially in the manner above provided is hereby ratified, confirmed and validated.

Amends Rem.
Comp. Stat.
§ 7429-1;
Pierce's Code
§ 3208a.

SEC. 6. That section 7429-1 of Remington's Compiled Statutes of Washington, being section 6, chapter 180, Laws of 1919, be amended to read as follows:

Verdict in
condemnation
proceedings.

Section 7429-1. The jury, or the court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed said gross benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a de-

Special
benefits.

Gross dam-
ages, gross
benefits.

cree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. If it shall appear by the verdict that the gross benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. The verdict and findings of the court or jury as to damages and benefits shall be binding upon the board of directors of the irrigation district in their levy of assessments to pay the cost of the irrigation system or improvements on behalf of which the condemnation was had: *Provided*, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings. The damages thus allowed but not paid shall be applied *pro tanto* to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded.

SEC. 7. That chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto six new sections to be known as sections 7431½, 7431½-1, 7431½-2, 7431½-3, 7431½-4 and 7431½-5, as follows:

Section 7431½. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of law relating to irrigation districts, 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 neces-

Surveys,
plans, etc.

sary or expedient to raise additional money for said purpose, cause the necessary surveys, examinations, maps and plans to be made and shall demonstrate the practicability of the general plan of the district's proposed works and furnish the proper basis for an estimate of the cost of carrying out the same.

Section 7431½-1. Such examinations, surveys, maps, plans and specifications with estimates of cost as are deemed necessary for an understanding of the proposed plan of development shall be certified by the district board and its engineer and filed with the state director of the department of conservation and development at Olympia, Washington.

Filed with
director of
conservation
and develop-
ment.

Section 7431½-2. Said director shall forthwith consider said certified report and if he deem it advisable make, through the appropriate divisions of his department, additional studies of the project at the expense of the district, and as soon as practicable thereafter, but in any event within ninety (90) days from the receipt of said certified report, make his findings and submit the same to the district board.

Director to
investigate
and report.

Section 7431½-3. In his findings said state director shall give generally his conclusions regarding the supply of water available for the project, the nature of the soil proposed to be irrigated and its susceptibility to irrigation, the duty of water for irrigation and the probable need of drainage, the probable cost of works, water rights and other property necessary for the project, the conditions of land settlement therein, and the proper amount and dates of maturity of the bonds proposed to be issued, and such other matters as he deems pertinent to the success of the project, provided that said findings and conclusions shall be advisory only and shall not be binding upon the directors of the irrigation district.

Findings of
director.

Section 7431½-4. In the case of an irrigation district under contract or in cooperation with the United States under the provisions of the United

United States
Reclamation
Service.

States Reclamation Act, the investigation and findings above required to be made by the state director of the department of conservation and development may be made by the United States Reclamation Service with the same authority and under like conditions, if it so elects.

Section 7431 $\frac{1}{2}$ -5. Upon receipt of said findings the district board shall thereupon finally determine the plan of development and estimate and determine the amount of money to be raised and shall immediately thereafter call a special election as provided by law.

Determination on plan of development.

SEC. 8. As to existing irrigation districts the provisions of section 7, of this act relating to the filing of examinations, surveys, maps, plans and specifications of the plan of development with the Director of the Department of Conservation and Development and to an examination and the filing of findings and conclusions by that department, shall not apply.

Existing districts excepted.

SEC. 9. That section 7432 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7432; Pierce's Code § 3211.

Section 7432. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law 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: *Provided further*, That bonds, authorized by a

Election on issuance of bonds.

Form of bonds.

special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond 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 two weeks (three times). 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 results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district 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 7429 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

Notice of election.

Ballots.

See Rem.
Comp. Stat.
§ 7429;
Pierce's Code
§ 3208.

Contract with
United States.

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 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. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of

Bonds, rate of interest.

Where payable.

Denominations.

Register.

the district. Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered 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. 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

Exchange for
outstanding
issues.

Cancellation
of prior issues.

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 issue, 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 dis-

Numbered.

Interest
coupons.

Exchange.

Re-issue.

trict, 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. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

Amends Rem.
Comp. Stat.
§ 7440;
Pierce's Code
§ 3218.

SEC. 10. That Section 7440 of Remington's Compiled Statutes of Washington be amended to read as follows:

Annual
assessment.

Section 7440. 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.

For bonds.

Levy to cover delinquencies.

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 assessment 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

Levy for 1921-1922, 1923.

Funds.

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.

Annual assessment roll delinquent.

If the annual assessment roll of any district has not been delivered to the county treasurer on or before the 15th day of January in the year 1925, and in each year thereafter, he shall notify the secretary of the district by registered mail that said assessment roll must be delivered to the office of the county treasurer forthwith. If said assessment roll is not delivered within ten days from the day of the mailing of said notice to the secretary of the district, or if said roll when delivered is not equalized and the required assessments levied as required by law, or if for any reason the required assessment or levy has not been made, the county treasurer shall immediately notify the board of county 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 shall equalize the same if necessary and make the levy required by this chapter in the same manner and with like effect as if the same had been equalized and 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.

Levy to make final payment on bonds.

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. 11. That chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto a new section to be known as Section 7442-1, as follows:

Section 7442-1. All assessments authorized under this act shall be paid in legal tender of the United States except that assessments levied for the expense fund of the district may be paid with district warrants issued in payment for labor hired directly by the district, at par without interest: *Provided, however,* that in no case shall the county treasurer be authorized to pay any cash difference to the holders of any warrant so offered in payment of such assessments.

Assessment payable in cash.

SEC. 12. That Section 7447 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7447; Pierce's Code § 3225.

Section 7447. 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, and which are at that time delinquent. 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

Redemption of property sold for assessment.

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

Deed, fee.

Amends Rem.
Comp. Stat.
§ 7453;
Pierce's Code
§ 3231.

SEC. 13. That Section 7453 of Remington's Compiled Statutes of Washington be amended to read as follows:

County treas-
urer ex-officio
district
treasurer.

Section 7453. 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 pro-

vided 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 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 issued by the county auditor against the proper funds 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.

Treasurer's
report.

Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance, such claim shall be attached to a

Claims
against
district.

voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary of the board and directed to the county auditor for the issuance of a warrant against the proper fund of the district, in payment of said claim.

If any part unconstitutional.

SEC. 14. 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. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions and shall take effect immediately.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

CHAPTER 139.

[S. B. 269.]

STATE HIGHWAYS.

AN ACT relating to the acquirement of lands for rights of way and drainage of state highways and for the purpose of securing sand pits, gravel pits, borrow pits and stone quarries, and rights of way to gain access thereto, and amending section 6766 of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 6766; Pierce's Code § 6786.

Lands for rights of way, drainage, sand, gravel or borrow pits.

SECTION 1. That Section 6766 of Remington's Compiled Statutes be amended to read as follows:

Section 6766. Whenever it is necessary to secure any lands for a right of way for a state highway, or for the drainage thereof, or for the purpose of acquiring sand pits, gravel pits, borrow pits and stone quarries for the construction or maintenance,