

CHAPTER 254.

[S. B. 232.]

RECLAMATION ACT.

AN ACT authorizing the creation and maintenance of reclamation districts, and of general improvement and divisional districts within the boundaries of the same for the irrigation and improvement of arid and semi-arid lands situated therein, prescribing the objects and powers of such districts, fixing the duties and powers of certain officers in relation thereto, providing for the levy and collection of taxes and assessments against the lands included within district boundaries, authorizing the issuance and sale of bonds and other evidences of indebtedness, and the execution of contracts with the United States or any state therein for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and declaring that this act shall take effect immediately.

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

Authority to create reclamation districts.

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

May include territory of one or more counties.

SEC. 2. Such reclamation districts may include all or part of the territory of any county and may combine the territory in two or more counties, in which any of the lands to be reclaimed and improved are situated.

Purposes.

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

Acquisition of works for irrigation.

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

Improvement of existing irrigation works.

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

3. The operation or maintenance of existing irrigation works.

Maintenance of present irrigation works.

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

Construction, etc., of conduits for water distribution.

5. The execution and performance of any contract authorized by law with any department of the United States or any state therein for reclamation and irrigation purposes.

Execution of contracts with U. S.

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

Incidental powers.

SEC. 4. For the purpose of creating such a district, a petition signed by the owners of not less than a majority of the acreage of lands held in private ownership susceptible of irrigation and proposed to be included in the district, shall be filed with and presented to the board of county commissioners of the county in which the greatest portion of the lands susceptible of irrigation to be included in the proposed district is located; *Provided*, That such petition shall not be filed as provided herein, or hearings had thereon for the organization of such a reclamation district, until the Congress of the United States by appropriate enactment shall have recognized the project and shall have authorized the department of the interior to enter into a contract providing for the development of the project proposed.

Petition for irrigation district.

Development of project authorized by U. S. Condition precedent.

SEC. 5. Said petition shall describe the lands proposed to be irrigated in township and ranges and in case of smaller bodies of land, in legal subdivisions or fractions thereof, shall give the name of the county in which said respective irrigable lands are situated, and shall state all the possible sources

Contents of petition.

District not confined to water supply mentioned in petition.

of water supply from which said lands can be irrigated: *Provided*, That nothing herein contained shall be construed to limit the power of any district organized under the provisions of this act to utilize any other source of water supply not mentioned in the petition. Said petition shall also define the boundaries of the proposed district, which said boundaries shall include all of the lands, a major portion of which can be irrigated from the proposed sources of water supply, shall give the name by which the petitioners desire the district to be designated and shall state that the petitioners desire to have the territory included within the boundaries defined, organized into a reclamation district under the provisions of this act.

Boundaries of proposed district to be defined, name of district, etc.

State lands may be included in district and assessed.

SEC. 6. State, granted, school or other public lands of the State of Washington may be included in such districts, and may be included in any general improvement district or divisional district authorized herein within the reclamation district and subjected to special assessments for general improvement or divisional district purposes.

Contractual interest in state land treated as owner's private property.

SEC. 7. All leases, contracts, or other form of holding any interest in any state or public land shall be treated as the private property of the lessee or owner of the contractual or possessory interest; *Provided*, That nothing in this act shall be construed to effect the title of the state or other public ownership, nor shall any lien for assessments or taxes attach to the fee simple title of the state or other public ownership.

No lien for taxes or assessment attach to fee simple of state.

U. S. lands may be included in district.

SEC. 8. Lands of the federal government may be included within such districts; and such lands may be included in any general improvement or divisional district authorized herein, in the manner and subject to the conditions specified in the statutes of the United States.

Conditions.

SEC. 9. Lands held by private persons under possessory rights from the federal government may be included within the operation of the district, and as soon as such lands are held under title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other landowners upon payment by him of such sums as shall be determined by the district board and at the time to be fixed by said district board, which sum 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.

Individual's possessory rights to federal lands.

May include in district.

May receive water.

Payments to be made.

Credit for water rent prior to private ownership.

Lands subject to future assessments.

SEC. 10. Persons signing said petition shall state following their respective names, in a place provided in said petition for that purpose, the legal description of the lands owned by them and the estimated irrigable acreage contained in the same: *Provided*, That the petitioners shall be *prima facie* deemed to be the owners of lands susceptible of irrigation for the purposes of the petition in the absence of evidence to the contrary submitted prior to the day of the hearing hereinafter provided for on said petition.

Petitioners to describe land and estimate irrigable acreage.

Signers deemed owners.

SEC. 11. The ownership of land of any of the petitioners may be shown by the county general tax roll of the county in which such land is situated, last equalized prior to the time of the filing of said petition with the county board. Any item on said assessment roll may be proved by a certificate of the county officer having the custody of said tax roll at the time of making said certificate.

Ownership shown by tax roll.

Assessment roll as proof.

Petition :
 Form and
 number.
 Lands
 grouped ac-
 cording to
 county.
 Withdrawal
 of petition-
 ers' names.

SEC. 12. The petition for organization of such reclamation district shall consist of any number of separate instruments of uniform similarity, numbered consecutively. For convenience, lands represented on said instruments may be grouped separately according to the county in which said lands are situated. No petitioner shall have the right to withdraw his name from the petition after the same has been filed with said county board.

Petition
 defective.
 Procedure
 to cure.

SEC. 13. If it shall appear that said petition or any part thereof does not contain the matters and things required by the statute, said county board shall make an order specifying the deficiency and shall return said petition or the part thereof found to be deficient to the persons filing the same.

More than
 one petition
 filed.
 Hearing.
 Priority of
 petition
 covering
 largest area.

SEC. 14. In the event that more than one petition for the organization of a reclamation district covering any of the same territory, is filed with the same board or with different boards of county commissioners prior to the date of the issuance of the order fixing the time and place for a hearing on one of said petitions as herein provided, the petition covering the largest territory shall first be determined and voted upon by the electors concerned.

Petition
 sufficient.
 Entry of
 order fixing
 time of
 hearing.
 Notice.
 No news-
 paper in
 county.

SEC. 15. If and when said county board finds that the petition is sufficient it shall enter an order to that effect and shall fix a time and place for a hearing on said petition which said time shall be not less than thirty days nor more than ninety days from the date of said order and shall direct the clerk of the board to publish notice of said hearing, setting forth the matters and things hereinafter required in a newspaper of general circulation published in each county in which any lands to be included in the district are situated. If there should be no newspaper of general circulation published in any county involved, then the county board shall

designate some newspaper of general circulation published outside said county for the publication of said notice as to the lands situated in said county.

Publication designated.

SEC. 16. Said notice shall be published once a week for at least two weeks (three issues) before the time when the hearing on said petition is to be held.

Notice.

Times published.

SEC. 17. Said notice shall state that a petition has been filed with said county board for the purpose of creating a reclamation district under the provisions of this act and may be inspected during office hours by any interested person, shall specify the boundaries of the district proposed in the petition, shall mention the time and place of hearing on said petition and shall state that all persons having or claiming any interest in said land, or any part thereof, and all persons otherwise interested are required at or before the time of said hearing to file in writing with the clerk of the county board such objections as they may have, if any, to the creation of said district. Said notice shall be signed by the clerk of the board.

Recitals required in notice.

Signed by clerk.

SEC. 18. Said clerk shall also mail a copy of said notice to each member of the commission hereinafter provided for, at least two weeks before the day of said hearing.

Copy of notice mailed to members of commission.

SEC. 19. Upon the giving of notice of hearing on the petition by the clerk of the county board aforesaid, there is hereby authorized and created a commission composed of the chairman of the board of county commissioners of each of the counties in which any of the lands to be included in the proposed reclamation district are situated, and of the state director of conservation and development, and also the chief engineer of the United States reclamation service or such divisional or district engineer in such service as said chief engineer may appoint,

Creation of commission.

Personnel.

which commission shall consider and determine said petition.

Director of conservation chairman, clerk of county board, clerk of commission.

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

Quorum.

Clerk may vote in case of a tie.

SEC. 21. The clerk of the commission shall not be entitled to vote on matters coming before it, except in case of a tie vote of the members thereof, in which event said clerk shall cast the deciding vote.

Powers of commission.

SEC. 22. Said commission is hereby given full authority to receive evidence, to make independent investigation, to determine and establish the boundaries of the district, to adjourn its meeting from time to time and place to place, and to do any and all things necessary or incidental to the determination of the petition and the establishment of the boundaries of the reclamation district.

Period of meeting adjournments.

SEC. 23. The period of such adjournments, however, shall not exceed ninety days in all and in case of lack of a quorum, one or more members of the commission may adjourn to a day certain and notify the absent members of the day to which said hearing was adjourned.

Expenses of commission borne by counties concerned.

SEC. 24. Except as otherwise herein provided the necessary expenses of the commission and of the members thereof in performing the duties and functions of said commission shall be borne by the respective counties concerned in proportion to the taxable value of the acreage of each included in the proposed reclamation district and said respective counties are hereby made liable for such expenses.

The individual expenses of the state director of conservation and development shall be borne by the state.

State pays expenses of conservation director.

SEC. 25. The hearing on said petition shall be held at the office of the county board of the county where the petition is filed or at such other convenient place as said county board shall designate.

Place of hearing on petition.

SEC. 26. At the time and place designated in said notice the commission shall meet to consider said petition. Said commission shall first determine whether notice of the hearing on said petition has been published in the manner and for the time required by this act and shall file the affidavits of the publishers as to the time of publication in their respective newspapers among the records of the hearing.

Hearing by commission.

Jurisdictional steps.

SEC. 27. If it is determined that the notice of the hearing has been properly published, the commission shall proceed to consider the petition, and to receive any pertinent evidence that may be offered.

Finding as to publication.
Petition considered.
Evidence received.

SEC. 28. Said commission shall have full authority to increase or diminish and change the boundaries of the proposed district and to fix the same so as to subserve the best interests of the district and to enable it to carry out the objects of its creation, and shall establish and define said boundaries.

Commission may increase or diminish district.

Define boundaries.

SEC. 29. At said hearing the commission shall give the district a name, shall fix a day for and order an election to be held therein for the purpose of determining whether or not the district shall be created under the provisions of this act.

Name the district and order an election.

SEC. 30. The clerk of the commission shall forthwith mail by registered mail a copy of said order for an election to the county auditors of each of the counties in which any lands within the boundaries of the proposed reclamation district are located.

Order for election mailed to county auditors.

Commission to file all records with county board.

SEC. 31. Upon full determination of the petition and the ordering of said election, the commission shall turn all papers and records involved in its deliberations over to the board of the county where the petition to organize the reclamation district was filed, and said papers and records shall be preserved among the records of said county board.

Election.

How conducted.

SEC. 32. Notice of said election shall be given by the same officer in the same manner and for the same length of time, electors shall have the same qualifications, and said election shall be provided for, held and conducted by the same officers and the results thereof determined by the same officers in the same manner, and with the same force and effect as nearly as may be as that provided in this act for general reclamation district elections.

Notice of election; contents.

SEC. 33. The notice of said election shall specify the boundaries of the proposed district as established by the commission and shall state that the object of said election is to determine whether or not said district shall be created under the provisions of this act, shall state that votes will be received at the regular polling places of the county precincts, except in the following new precincts for such election, (new precincts and voting places for the same shall be specified) and shall state that the polls will be open from eight o'clock a. m. to eight o'clock p. m. on said election day. The ballot for said election shall contain the words: Reclamation district—"Yes", and Reclamation district—"No."

Form of ballots.

SEC. 34. The board of county commissioners of the county in which the petition to organize the district is filed shall receive from the several county auditors concerned their abstracts of election returns, herein provided for, shall tabulate the same and declare the result of the election.

Election returns to board of county in which petition filed.

SEC. 35. If upon the tabulation of said abstracts of the returns of said election as herein provided, it appears that a majority of the votes cast at said election were in favor of the creation of the district, the said county board shall by order entered in the minutes of its proceedings declare the territory included within the boundaries defined in the notice of election duly organized into a reclamation district within the provisions of this act, under the name and style theretofore designated and thereafter no other reclamation district including any of the same territory shall be organized under the provisions of this act.

Creation of district voted.

Entry of order declaring result.

Same territory may not be included in another district.

SEC. 36. Said county board shall then cause a copy of such order, duly certified by the clerk of the board to be immediately filed for record in the office of the county commissioners of any other county in which any portion of the territory embraced in such district is situated.

Order certified to other counties in district.

SEC. 37. It shall be the duty of the clerk of the board of county commissioners of every county in which any lands included in the district are situated forthwith to certify and file for record in the county auditor's office of his county, a statement to the effect that, under the provisions of this act, certain lands (describing them in township and range and in case of smaller bodies of land in legal subdivisions or fractions thereof) were, by order of the board of county commissioners of.....county (naming the county) entered on the day of (naming the day, month and year) included in the reclamation district (using the name designated in the order of the county board establishing the district). Said statement certified by the clerk of the county board shall be entitled to record in the office of the county auditor without payment of filing or recording fee.

Clerk of each county board to file in auditor's office order establishing the district.

No recording fee.

Only state
may question
legal exist-
ence of
district.

SEC. 38. From and after such filing the creation of the district shall be complete and its existence cannot thereafter be legally questioned by any person except the State of Washington in an appropriate court action brought within six months from the date of the order of the county board tabulating the abstracts of the returns of the organization election and creating said district. If the existence of said district is not challenged within the period above specified, the State of Washington shall thereafter be forever barred from questioning the legal existence of said district by reason of any defect in the organization thereof.

State may
not contest
after six
months.

Preliminary
costs of
organization.

SEC. 39. Any reclamation district created under the provisions of this act shall be liable for the necessary costs preliminary to and involved in preparing the petition for the organization of the district, in publishing any notice required and in conducting the election approving the creation of the district.

District
liable.

Change of
name of re-
clamation
district.

SEC. 40. Any reclamation district created under the provisions of this act may change its corporate name by filing with the board of county commissioners of each of the counties in which any of the lands included within the operation of the district are situated a certified copy of a resolution of its board of directors adopted by a 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.

Reclamation
districts

SEC. 41. Reclamation districts created under this act shall be political subdivisions of the state

and shall be held and construed to be municipal corporations within the provisions of the state constitution relating to exemptions from taxation and within the provisions relating to the debt limits of municipal corporations; *Provided*, That nothing herein contained shall be construed as a limitation on general improvement and divisional districts, authorized herein, to contract obligations. Said reclamation districts shall not be liable for the torts of their officers, agents and servants.

are municipal corporations.
Tax exemptions.
Debt limitation.
Contractual obligation limitation.
Not liable for torts.

SEC. 42. Any judgment obtained against the reclamation district on account of any contract or transaction, made for or on behalf of any general improvement district or divisional district herein authorized, or on account of the construction or maintenance of any improvement for such improvement district or divisional district, shall be chargeable exclusively against the improvement district or divisional district concerned and assessments may be levied against the lands therein to satisfy said judgment.

Judgment against reclamation district account of improvement or divisional district.

SEC. 43. A reclamation district created under this act shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be specifically conferred by law.

Reclamation district a corporation.

SEC. 44. Said reclamation districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of taxes and special assessments in the manner herein provided against the lands within

Powers of district.

the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this act.

May create general improvement and divisional districts.

Levy assessments, issue bonds, etc.

SEC. 45. Said reclamation districts shall have authority to create general improvement districts and divisional districts to include any or all the lands within the reclamation district, to provide for the levy and collection of special assessments against the respective lands benefited, and to issue bonds, and other evidences of indebtedness, as in this act provided.

May develop and sell water and electric power.

SEC. 46. Said reclamation districts shall have authority to develop and sell, lease or rent the use of water or electric energy at the district works and/or generating plants for use or distribution within or without the district on such terms and under such regulations as shall be set out and prescribed in the contract between the district and the United States for the construction of the district irrigation works, and to use the income derived therefrom for district purposes.

May issue bonds payable from income from sale of power.

SEC. 47. Said reclamation districts shall also have authority to issue and sell bonds of the district payable from the income derived from the sale or rental of water or electric power as in this act provided.

Authority.

SEC. 48. Said reclamation districts shall also have authority:

May acquire system to sell irrigable water.

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

Maintain system of drains.

2. To construct, repair, operate and maintain a system of drains as in this act provided.

Regulate land settlement.

3. To regulate the settlement of lands within the district under the provisions of any contract with the State of Washington or the United States.

This section shall not be construed as in any manner affecting or abridging any other powers of said reclamation district conferred by law.

Powers of other districts not abridged.

SEC. 49. Reclamation districts created under this act may accept appointment as fiscal agent or other authority of the United States to make collections of money for or on behalf of the United States in connection with any federal or other reclamation project whereupon the reclamation district and the county treasurer for said district shall be authorized to act and to assume the duties and liabilities incident to such action and the district board shall have full power to do any and all things required by the said statute now or hereafter enacted in connection therewith and to do 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.

May accept U. S. fiscal appointment.

SEC. 50. Any person, firm or corporation except the State of Washington or the United States, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or material entered into when the total amount to be paid therefor exceeds one thousand dollars, shall enter into a surety bond to be approved by the district board, payable to the district for at least seventy-five per cent of the contract price conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

Except state and U. S., bond required of contractors.

SEC. 51. Contracts entered into by reclamation districts authorized under this act for construction or for services or materials, may provide that payments shall be made in such monthly amounts or in such monthly proportion of the contract price as the board shall determine as the work progresses or as the services or materials are furnished on monthly

Contracts; monthly payments permitted.

Amount retained until contract completed.

estimates of the value thereof approved by the board; *Provided*, That at least ten per cent of each of the monthly estimates shall be retained until the contract is completed and its completion approved by the district board.

Public bids in awarding contracts.

SEC. 52. Contracts for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A

Notice for proposals.

notice calling for sealed proposals shall be published in such newspaper or newspapers of such general circulation as the board shall designate for a period of not less than two weeks (three issues) prior to the date of the opening of the bids. Such proposals shall be accompanied by a certified check for

Period of publication.

Certified check to accompany bid.

such amount as the board shall decide upon to guarantee compliance with the bid, and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder; *Provided*, That the board shall have authority to reject any and all bids.

Award to lowest and best bidder.

May reject all bids.

SEC. 53. The board shall have authority to enter into any obligation or contract authorized by law with the United States or with any state therein for the supervision of the construction, for the construction, reconstruction, betterment, extension, sale or purchase, or operation or maintenance of the necessary works for the delivery and distribution of water therefrom or for any other service furthering the objects for which said reclamation district is created under the provisions of the law of the State of Washington or of the United States and all amendments or extensions thereof and the rules and regulations established thereunder.

May contract with federal or state governments for water or other service.

May contract with U. S. for assumption of control of water works.

SEC. 54. Reclamation districts created under this act shall have authority to enter into contracts with the United States under any act of Congress

for the assumption of the control and management of the works for such period as may be designated in the contract.

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

May deposit with U. S. as payment or security bonds of general improvement or divisional district.

Assessment and levy to pay interest on bonds. Collections payable to U. S.

No bonds deposited.

Levy of amount to annually meet all payments under the contract.

SEC. 56. No contract, however, providing for the levy of such assessments shall be entered into with the State of Washington or the United States as above provided unless a proposition of entering into such a contract shall have first been submitted to the electors of the general improvement district or divisional district concerned, and by said electors approved.

No contract providing for assessments until submitted to voters of the district.

SEC. 57. Elections held for the purpose of approving a contract with the State of Washington or the United States as herein provided, shall be called, noticed, conducted and canvassed in the same manner and with the same force and effect as in the case of bond elections held in general improvement districts or in divisional districts as authorized in this act.

Elections for approving contract—

How conducted.

No obligation if liability not stated in contract.

SEC. 58. The reclamation district shall not be liable under any contract creating an obligation chargeable against the lands of any general improvement district or of any divisional district authorized herein unless such liability is specifically stated in such contract.

Resolution of district board for system of drainage.

SEC. 59. Whenever in the judgment of the reclamation district board a system of drainage for any lands included in the operation of any general improvement or divisional district therein will be of special benefit to the lands of the general improvement or divisional 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 commission to hear the petition for the organization of the reclamation 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.

Further meeting called.

Notice of board meeting.

Hearing.

Resolution of board.

Finality.

District powers as to drainage.

SEC. 60. 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 the reclamation district with respect to irrigation shall be construed to include drainage in conjunction therewith as herein provided.

Same as powers respecting irrigation.

Drainage improvement beneficial to road or sewer system.

SEC. 61. Whenever any drainage improvement constructed under the provisions of this act results in benefit to the whole or any part of a public road, road bed or track thereof, or will facilitate the con-

struction or maintenance of any sewer system in any city or town, the state, county, city, town or subdivision or any of them responsible for the maintenance of said public road, or sewer, shall be liable for assessment for the cost and maintenance of such drainage improvement.

Assessment of state or city for cost of improvement.

SEC. 62. The taking and damaging of property or rights therein or thereto by a reclamation district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this act, shall have and exercise the power of eminent domain to acquire any property or rights therein or thereto either inside or outside the operation of the district and outside the State of Washington if necessary, for the use of the district.

Right of eminent domain within or without district and outside the state.

SEC. 63. Reclamation districts exercising the power of eminent domain shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

Power of eminent domain; procedure in exercising.

SEC. 64. The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

Consolidation of condemnation suits optional.

Separate verdicts.

SEC. 65. 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

Verdict for damages.

What considered in determining amount.

accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, 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 special 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 special 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 decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

Benefits equal or exceed damages.

Judgment for owner for costs only.

SEC. 66. If it shall appear by the verdict that the gross special 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 in the district.

Damages payable from district funds; court may not prevent tax levy against uncondemned lands to pay.

SEC. 67. If the damages found in any condemnation proceedings are to be paid for from funds of the reclamation district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect taxes for district purposes against the uncondemned lands situated within the reclamation district.

Damages payable from special assessments.

SEC. 68. If the damages found in any condemnation proceedings are to be paid for from special assessments levied in behalf of any general improvement or divisional 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 district in their levy of assessments to pay the cost of

the system or improvements on behalf of which the condemnation was had, as herein provided.

SEC. 69. 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; *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.

Damages applied
pro tanto.

Remaining
lands
assessed for
deficiencies.

SEC. 70. The title acquired by the reclamation district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation and in case such proceedings are brought in behalf of any general improvement or divisional district, the reclamation district shall hold title to lands so acquired as trustee for said general improvement or divisional district as the case may be.

Title
acquired.

Reclamation
district
trustee for
improvement
and
divisional
districts.

SEC. 71. The reclamation district board and its agents and employees shall have the right to enter upon any land, to make surveys and may locate the necessary irrigation works and the line for canal or canals and the necessary branches for the same on any lands which may be deemed necessary for such location.

May enter
upon any
land for
irrigation
purposes.

SEC. 72. The board of directors of any reclamation district authorized under this act, shall have power to construct district works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume which route of said canal or canals may intersect or cross in such manner as to afford security for life and property, but said board shall restore the same when so crossed or in-

May con-
struct works
across
streams,
highways,
etc.

To restore
same to
former state.

tersected to its former state as near as may be or in a sufficient manner not to have impaired unnecessarily its usefulness.

Intersect
railroad.
Duty of
company.

SEC. 73. Every company whose railroad shall be intersected or crossed by district works shall unite with said board in forming said intersections and crossings and shall grant the privileges aforesaid.

Ascertain-
ment of
railroad
crossing
damages.

SEC. 74. If such railroad company and said board or the owners or controllers of said property, thing or franchise so to be crossed, cannot agree upon the amount to be paid therefor or the points or manner of said crossings or intersections, the same shall be ascertained and determined in all respects as herein provided for the taking of land under the power of eminent domain.

Right of
way through
state lands.

SEC. 75. The right-of-way is hereby given, dedicated and set apart to locate construction and maintenance works over and through any of the lands which are now or may be the property of the State of Washington.

Personnel
board of
directors of
district.

SEC. 76. The affairs of the district shall be managed by a board of directors composed of a number of qualified resident electors of the district equal to the number of director districts contained in said reclamation district.

Director's
term of
office.

SEC. 77. Except as herein otherwise provided, the term of the office of director shall be six years from and after the second Monday in January next succeeding his election.

County
board to
divide ter-
ritory into
director
districts.

SEC. 78. The county board at the time of making the order creating a reclamation district under the provisions of this act, shall divide the territory of the reclamation district into regional divisions to be known as "director districts".

Territory of
each county.

SEC. 79. All the territory of each county included within the boundaries of the reclamation district

shall constitute a director district which shall be designated by the name of the county in which it is located.

A director district.
Name.

SEC. 80. The county board of the county in which each director district is located shall within ten days after receipt of the order creating the reclamation district appoint and certify to the county board of the county in which the reclamation district was affected, the appointment of a resident director from said director district to act as a member of the first board of directors of said reclamation district.

Appointment of resident district director.

SEC. 81. The first members of the district board so appointed shall hold office until their successors have been elected at the time of the next general state and county election, and have been qualified.

Tenure of office of first district board members.

SEC. 82. At the time of the next general state and county election, an election shall be held in each of the director districts in the reclamation district for the purpose of electing directors of the district.

Election of district directors at general election.

SEC. 83. Candidates for the office of district director shall be nominated in the manner herein provided for such nominations.

Nomination for district director.

SEC. 84. The terms of the first directors of the district to be elected shall be determined in relation to the amount of the taxable wealth in their respective director districts. The candidates of the two wealthiest director districts shall serve for a term of six years; the candidates of the next two wealthiest director districts shall serve for a term of four years; the candidates of the two next wealthiest director districts shall serve for a term of two years.

Terms of first elected district directors.

How determined.

SEC. 85. After the first terms have been served, all directors shall serve for a term of six years.

Term of office six years.

SEC. 86. In case of any vacancy occurring in the office of director, such vacancy shall be filled by ap-

Filling vacancies.

pointment of a resident elector of the director district represented by the former incumbent by the board of directors of the reclamation district, and the person so appointed shall serve until the time of the next general state and county election when the vacancy shall be filled for the remainder of the unexpired term by an election in the director district concerned.

Directors.
Oath of
office.

Bond.

Recordation
of oath and
bond.

SEC. 87. 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 conditioned for the faithful discharge 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 affected, and said oath and bond shall be recorded in the office of the clerk of the superior court and filed with the secretary of the district.

Secretary of
district.

Oath of
office.

Bond.

SEC. 88. 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 to be fixed by the board of directors, and said bond shall be approved and filed as in the case of the bond of a director.

District au-
thorized to
make irriga-
tion collec-
tions for
U. S.

Additional
bonds of
secretary,
director and
county
treasurer.

SEC. 89. In case any district authorized in this act 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 of the county where the organization of the district was effected 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, filed and paid for as herein provided for other official bonds.

Approval and filing of bonds.

SEC. 90. Any such additional bonds required by the secretary of interior as above provided 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.

May sue upon bonds.

SEC. 91. All official bonds executed by district officers under the provisions of this act shall be secured at the cost of the district.

Bonds at cost of district.

SEC. 92. The directors of the reclamation district shall organize as a board and shall elect a president from their number and appoint a secretary who shall be secretary of the district and who shall keep a record of the proceedings of the board and shall have custody of the official records of the district.

Selection of president and secretary of reclamation district board.

SEC. 93. The office of the directors and principal place of business of the reclamation district shall be some place in the reclamation district to be designated by the directors.

Office and place of business.

SEC. 94. Said office and official place of business may be changed by passing a resolution to that effect at a previous meeting of the board entered in the minutes thereof and by posting a notice of the same in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto, and by the previous posting of a copy of said notice for the same length of time at or near the new location of the office.

Notice of change of place of business.

SEC. 95. The directors shall hold a regular monthly meeting at their office on such day in each month as the board shall designate in their by-laws

Regular meetings of board.

Adjourned meetings.

and may adjourn any meeting from time to time as may be required for the proper transaction of business; *Provided*, That the day of the regular monthly meeting cannot be changed except in the manner prescribed herein for changing the place of business of the district.

Changing day of regular meetings.

Special meetings.

SEC. 96. Special meetings of the board may be called at any time by order of a majority of the directors. Any member not joining in said order shall be given at least a three days' notice of such meeting, unless the same is waived in writing, which notice shall also specify the business to be transacted and the board at such special meetings shall have no authority to transact any business other than that specified in the notice, unless the transaction of any other business is agreed to in writing by all the members of the board.

Notice.

Transaction of business limited to purpose specified.

Meetings to be public.

SEC. 97. All meetings of the board of directors shall be public. All records of the board shall be open for the inspection of any elector of the district during business hours of the day in which any meeting of the board is held.

Public access to records.

Quorum of board.

SEC. 98. 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.

May adopt seal, establish by-laws.

SEC. 99. The board shall have the power and it shall be its duty to adopt a seal of the reclamation district and to establish equitable by-laws, rules and regulations for the government and management of the affairs of the district. The by-laws, rules and regulations must be printed in convenient form for distribution in the district.

By-laws to be printed and distributed.

Per diem of members of board.

SEC. 100. The members of the board of directors shall each receive not to exceed five dollars per day in attending the meetings, to be determined by said

board, and such compensation, not exceeding five dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, said directors shall receive necessary expenses in attending meetings or when otherwise engaged in district business. The board shall fix the compensation to be paid to the secretary and all other officers, agents and employees of the district.

Necessary expenses.

Compensation of officers and employees.

SEC. 101. No director or any other officer named in this act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment; *Provided*, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as a day laborer.

Officers may not have interest in district contracts.

Violation.

Penalty.

Exception:

Officer may be employed as a day laborer.

SEC. 102. Every person, upon the expiration or sooner termination of his term of office as an officer of the district, shall immediately turn over and deliver, under oath, to his successor in office, all records, books, papers and other property under his control and belonging to such office. In case of the death of any officer, his legal representative shall turn over and deliver such records, books, papers and other property to the successor in office of such deceased person.

Termination of office.

Surrender of records to successor.

SEC. 103. Every person hired by the district and having in his custody or under his control, in connection with his contract of hire, any records, books,

Employees to surrender when services terminate records, etc.

papers or other property belonging to the district shall immediately upon the expiration of his services, turn over and deliver, under oath, to the district board or any member thereof, all such records, books, papers or other property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Violation.

Penalty.

County
treasurer
ex officio
district
treasurer.

SEC. 104. The county treasurer of the county in which the organization of the reclamation district was effected shall be and is hereby constituted ex officio district treasurer of said district and of any general improvement district or divisional district organized therein.

Liability of
treasurer
upon bond.

SEC. 105. Any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for malfeasance, misfeasance or nonfeasance in office relative to any of his duties prescribed herein.

Duty of
treasurer
to collect
and account.

SEC. 106. 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 act provided, and he shall account to the district for all interest received on such funds from any public depository with which the same may be deposited.

All
collections
deposited
with
treasurer
of county in
which
organization
effected.

SEC. 107. There shall be deposited with the county treasurer of the county in which the organization of the reclamation district was effected, all sums collected for and on account of taxes levied by the reclamation district, also all sums collected by tolls, regular annual assessments or voted special assessments, all proceeds from bond sales and all other funds belonging to the reclamation district or collected in behalf of any general improvement district or divisional district within the reclamation district, and all said funds shall be placed by the

county treasurer in the appropriate fund of the district.

SEC. 108. Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance the claim shall be attached to a voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary and directed to the county auditor of the county in which the organization of the reclamation district was effected, for the issuance of a warrant against the proper fund of the district in payment of said claim.

Claims
against
district.

Verification
and
approval.

Issuance of
warrant.

SEC. 109. Said 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 such treasurer.

Payment of
warrants by
treasurer.

SEC. 110. The said treasurer shall report in writing during the first week 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 district.

Monthly
financial
statement by
treasurer.

SEC. 111. The secretary shall also report to the board in writing during the first week in each month, the amount and items of expenditures during the preceding month and said report shall be filed in the office of the board.

Monthly
report by
secretary.

SEC. 112. General elections may be held in the reclamation district at the same time that general state and county elections are held to determine any proposition that may be legally submitted to the electors.

Time of
general
elections.

Special elections; when.

SEC. 113. Special elections may be held at any time upon resolution of the district board.

General and special election.

SEC. 114. Notice of any general or special reclamation district election held under the provisions of this act shall be given by the same officials in the same manner and for the same length of time, and said election shall be provided for, held and conducted by the same officials and the results thereof determined by the same officials in the same manner and with the same force and effect as nearly as may be as that provided by the general laws of the State of Washington relating to state and county elections.

Governed by general election laws.

SEC. 115. All county voting precincts lying wholly within the reclamation district shall also constitute the voting precincts of such district. In any instance where the county voting precinct lies only partly within the district, that part of the county voting precinct lying within the reclamation district shall constitute the voting precinct of such district.

Voting precincts.

Polling places.

SEC. 116. The polling places for the county voting precincts shall also be the polling places for all voting precincts of the reclamation district, which coincide with or are a part of said county voting precincts.

Polling places outside district voting precinct; election valid.

SEC. 117. No reclamation district election, otherwise regular, shall be invalid by reason of the fact that some of the polling places for said election were located outside the district voting precinct.

Certified poll list of registered voters attached to precinct poll books.

SEC. 118. The registration clerk of any county voting precinct, partially included in a reclamation district voting precinct, is hereby authorized and it shall be his duty to prepare and certify at the expense of the district a poll list of all registered voters of said reclamation district voting precinct and to attach the same to the poll books for his county voting precinct.

SEC. 119. At least thirty days prior to any general district election, the secretary of the reclamation district shall certify to the county auditor of each county in which the election is to be held, any proposition to be voted on in such precincts.

Secretary to certify to auditor proposition to be submitted to voters.

SEC. 120. The reclamation district ballot for any district election shall be separate from that for any other election held at the same time and place and shall be printed by the county auditor of each county concerned.

District election ballots separate from other ballots.

Printed by auditor.

SEC. 121. In any case where the reclamation district voting precinct includes only part of the county voting precinct, the precinct election officials for said precinct shall check the names of the electors offering to vote at the district election against the registered poll list attached to the registration book, and any said elector whose name appears on said poll list shall receive a district ballot and shall be entitled to vote at said district election.

District precinct includes only part of county voting precinct.

Checking poll list.

Elector may vote in that precinct.

SEC. 122. Precinct election officials shall make return of reclamation district elections to their respective county canvassing boards, which boards are hereby constituted canvassing boards for all district voting precincts in their respective counties.

Making returns.

Canvassing boards.

SEC. 123. Immediately upon conclusion of the canvass of the returns of the reclamation district election held in the precincts located in his county, the county auditor shall mail to the chairman of said district board, an abstract of the result of said district election in his county.

Votes canvassed.

Auditor to mail result to chairman of board.

SEC. 124. Upon receipt of all the required abstracts of any said reclamation district election, the district board shall meet and tabulate the same, and by resolution declare the result of the district election.

Meeting of district board. Tabulation of returns and declaration of result.

Each director district represented on reclamation district board.

SEC. 125. Each director district shall be entitled to representation on the reclamation district board.

Expiration of term of director of director district.

SEC. 126. At the time of the general state and county election next prior to the expiration of the term of office of any director representing a director district on the reclamation district board, a candidate for such position shall be elected from such director district by the electors of such district.

Election of successor.

Director district elections.

SEC. 127. Director district elections shall be provided for, noticed, conducted, canvassed and abstracts of the returns mailed to the reclamation district board, by the same respective officials and in the same manner substantially, the voters thereat shall have the same qualifications and shall vote at the same respective polling places, as that provided herein for general reclamation district elections held in said director districts.

How conducted.

Declaration of candidacy.

SEC. 128. Any qualified resident elector of any director district which is entitled at that time to elect a candidate for the office of reclamation district director may become a candidate for such office by filing, at least thirty days prior to the election, his declaration of candidacy with the county auditor of his county and by paying a fee of one dollar for said filing.

Filing fee.

Ballots.

SEC. 129. The ballots for the election of any reclamation district director shall contain the names of all candidates for such office, who have filed and paid the fee for their respective declarations as aforesaid.

Primary election law not applicable.

SEC. 130. The provisions of the law of the state relating to primary elections shall not apply to district elections authorized in this act.

Annual tax levy.

SEC. 131. For the purpose of raising revenue for any of the purposes of the reclamation district, an annual tax shall be levied on all the taxable real

and personal property within the district; *Provided*, That no such tax shall be levied without the approval of the electors of said district at a general election, or at a special election called for that purpose, until after a contract has been entered into with the United States for the construction of a portion at least of the irrigation works for said district.

No levy until approved by voters and after contract with the U. S. for irrigation construction.

SEC. 132. Said taxes shall be assessed by the county assessors of each county in which any land within the reclamation district is situated, the valuations of the property assessed shall be equalized by the board of equalization of each said respective county, and the levy made on estimates furnished by the district board, by the board of county commissioners of each said respective county, at the same time general state and county taxes are assessed, property values equalized and taxes levied respectively.

Assessment, valuations, equalization, levy, same time as general taxes.

SEC. 133. Taxes so levied shall become a part of the general tax roll of the county and shall be collected and the property charged therewith sold in the same manner, at the same time, with the same penalties attached in case of delinquency, as the general state and county tax, and the proceeds thereof credited to the reclamation district in the office of the county treasurer of the county in which the organization of the reclamation district was effected, as herein provided.

Part of general tax roll. Collected as other taxes.

SEC. 134. Reclamation districts created under the provisions of this act are hereby authorized and empowered to contract indebtedness for district purposes in any manner, when they deem it advisable, not exceeding an amount, together with the existing indebtedness of such district, of one and one-half per cent of the taxable property in such district to be ascertained by the last assessment for

Reclamation district indebtedness.

Limit.

state and county purposes previous to the incurring of such indebtedness.

SEC. 135. Such reclamation districts may contract indebtedness for strictly district purposes in excess of the amount specified in the preceding section, but not exceeding in amount, together with existing indebtedness, five per cent of the taxable property, to be ascertained as in the last preceding section, whenever three-fifths of the voters therein voting at an election held for that purpose assent thereto.

Indebtedness limit; increase submitted to voters.

SEC. 136. Elections held in the reclamation district for the purpose of authorizing district indebtedness, may be held during a regular or at a special election as the district board shall determine.

Elections to authorize indebtedness; time.

SEC. 137. The notice of election for the authorization of reclamation district indebtedness shall set forth the proposition generally as to amount, duration, and terms of indebtedness and the purpose thereof.

Notice of election.

Contents.

SEC. 138. The reclamation district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district.

Authority to issue bonds.

SEC. 139. Said bonds shall be in such denominations as the board shall determine, shall be serial in form with maturities providing a definite schedule of amortization and shall be payable at such place as shall be designated thereon.

Bonds to be serial.

SEC. 140. Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding six per cent per annum, payable semi-annually on the first day of January and of July in each year, with coupons attached, for each interest payment.

Interest rate.

Date payable.

SEC. 141. Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to the coupons. The coupons shall be signed by the same officers but the signature on the coupons may appear by lithographic facsimile.

Bonds:
Signatures,
seal, etc.

SEC. 142. 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.

Statement
on bonds as
to authority
for issuance.

SEC. 143. In any instance where the district is selling, renting or leasing water or electric energy under the provisions of this act and there is reasonable certainty of a permanent fixed income from this source, the district board shall have authority to create a special fund derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from such special fund and to sell the same to raise revenue for district purposes.

Water or
electric
power.
Certain
income.
Special fund
created.
Issuance of
bonds
against fund.

SEC. 144. Bonds payable from such special fund shall not be an obligation of the reclamation district and they shall state on their face that they are payable solely from a special fund derived from a certain fixed proportion (naming it) of the gross income derived by the district from the sale, rent or lease of water or power, as the case may be, and such fixed proportion of such gross income shall be irrevocably devoted to the payment of such bonds until the same are fully paid.

Such bonds
not district
obligation;
Payable
solely from
the special
fund.

SEC. 145. Said bonds shall mature in series amortized in a definite schedule during a period not to exceed twenty-five years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semi-annual

Bonds
mature
within 25
years.
Denomina-
tions.

Interest rate.

interest not exceeding six per cent at such place, as the board shall provide.

Acquisition and improvement of property, etc., for irrigation purposes.

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

Creation of general improvement district.

Special assessments.

Resolution to organize improvement district.

SEC. 147. For the purpose of organizing such an improvement district, the district board shall pass a resolution outlining in general terms the proposed improvement to be constructed or property or rights to be acquired, finding that the same will be of special benefit to any or all the lands susceptible of irrigation within the reclamation district, and ordering a survey and investigation with respect to the matter.

Survey and investigation ordered.

Investigation cost payable from reclamation district funds.

Tax levy therefor; limit.

SEC. 148. The cost of making said survey and investigation shall be paid from any funds available for the purpose in the treasury of the reclamation district; *Provided*, That the annual tax levy made by the reclamation district for such purpose shall not exceed one mill in any year.

Authority of district board in investigating; extent.

SEC. 149. The district board shall have full authority to make such survey and investigation as in its judgment shall be necessary to obtain reliable information upon which to determine whether the proposed improvement shall be made or property or rights acquired, and for this purpose the district board shall employ such services of every nature as may be required.

SEC. 150. The district board shall also have authority to enter into contracts with the proper department of the State of Washington or the federal government, to make such survey and investigation, or any part of same or to render any other service as may be deemed advisable.

May contract with state or U. S. to make investigation.

SEC. 151. Upon the completion of said survey and investigation, the district board shall cause to be filed in its office a written report of the same. Said report shall specify the character of the proposed improvement to be made, or property or rights to be acquired, shall state in reasonable detail the probable cost of same, including integral parts thereof; *Provided*, That such estimate of the cost shall be held to be preliminary only and shall not be binding as a limit on the amount that may be expended in carrying out the proposed project. Said report shall also outline a plan for financing the proposed project, shall contain any recommendations that may be deemed advisable, and shall be identified by the signature of the secretary of the district as the official report of the survey and investigation in the proceedings to organize said improvement district.

Report of investigation.

Recitals.

Cost estimated only preliminary.

Shall outline plan for financing project.

SEC. 152. The district board shall thereupon fix a time and place for a hearing on said report and shall cause notice of said hearing to be published in the same manner and for the same length of time as provided herein in case of notice of hearing on the petition to organize the reclamation district.

Notice for hearing on report.

SEC. 153. Said notice shall state that all or part of the lands included in the reclamation district (naming it) are proposed to be organized as a general improvement district for the purpose of making a certain improvement (stating its nature generally) or acquiring certain property or rights (naming the same) as the case may be, that the lands within the

Notice: Recitals.

proposed improvement district (where part only of the lands in the reclamation district are to be included, such part shall be described in township, ranges and where necessary in lesser legal subdivisions) are to be assessed to pay for said improvement, or property or rights therein; that a report containing further information concerning the matter is on file in the office of the board of the reclamation district and may be inspected at any time, during business hours, by any interested person; that a hearing thereon will be held (stating the time and place); that all persons interested may appear before the board at the time and place named in the notice and show cause, if any they have, why the proposed district should not be organized, the proposed project carried out, and said lands assessed for that purpose. Said notice shall be signed by the secretary of the reclamation district.

Opportunity
for
protestants
to appear.

SEC. 154. On the date set for said hearing, the district board shall meet at the place designated in the notice, and if it appear that due notice of such hearing has been given, shall proceed with the hearing and may adjourn said hearing from time to time and place to place.

Meet at
time and
place
specified by
notice.

Adjourned
meetings.

SEC. 155. At said hearing, the district board shall hear all objections and receive all pertinent evidence offered and shall, in any event, receive evidence as to whether all the lands included in the proposed improvement district will be benefited by the proposed project.

Hearing.

SEC. 156. The district board at said hearing may adopt, or for good reason, change, add to or modify the plans for the system of improvement, and shall exclude lands not benefited; said board shall have full authority to determine all the questions properly before it at said hearing.

Board may
adopt or
modify
plans.

SEC. 157. If at said hearing the district board approves the plan of improvement or acquisition of property or rights therein, it shall make and enter an order to that effect, shall specify the lands that will be specially benefited by the proposed project and shall declare the improvement district duly organized under the name of General Improvement District No..... of..... Reclamation District.

Plan approved by board.

Entry of order organizing and naming general improvement district.

SEC. 158. The finding of the board that the lands included within the general improvement district will be benefited by the proposed improvement or acquisition of property or rights therein, shall be a legislative determination that such lands will be specially benefited to the extent necessary to pay in full all costs and obligations of every nature required in making and maintaining such improvement or for the acquisition of property or rights, and such determination shall be conclusive upon the courts, except for actual fraud or arbitrary action on the part of the district board when making such finding as to lands benefited.

Finality of finding of board as to benefits, etc.

SEC. 159. The special benefits conferred upon the lands involved in the general improvement district by any such improvement or by the acquisition of any property or rights therein shall not be deemed to accrue at any one time but shall be deemed to be benefits continuing throughout the period of the life of the project, which render said lands subject to assessment, from year to year as herein provided, to pay for and carry out the object for which such improvement was made or property or rights therein acquired.

Special benefits continue during life of project.

Subject lands to annual assessments.

SEC. 160. The board of directors of the reclamation district shall have full authority to manage and conduct the business affairs of the general improvement district, to employ and appoint such

Reclamation district board to have full control of improvement district.

Appoint employees.

By-laws.

Only lands of improvement district chargeable for acts of board.

Authority to levy assessments.

May organize irrigable lands into divisional districts.

Organization, financing, etc., of divisional districts;

Powers of board.

agents, officers and employees as may be necessary and prescribe their duties, to establish reasonable by-laws, rules and regulations for the government and management of the affairs of the improvement district, and generally to perform any and all acts necessary to carry out the purpose of the general improvement district; *Provided*, That no act done nor contract entered into by the district board for or in behalf of any improvement district or in behalf of any divisional district herein authorized, shall in any manner bind the reclamation district or render the same liable except as herein specifically provided, but such act or contract shall be chargeable exclusively to the lands of the improvement district or divisional district concerned.

SEC. 161. Said district board shall have authority to levy assessments as herein provided against the benefited lands included within the operation of the general improvement or divisional district for any of the objects or purposes for which the general improvement or divisional district was organized.

SEC. 162. For the purpose of carrying out any of the objects for which a reclamation district may be created and maintained, under the provisions of this act in units of development of lesser area than that contemplated in the organization of a general improvement district, the district board shall have authority to organize the lands susceptible of irrigation in one or more of such units of development, into divisional districts.

SEC. 163. All the powers which the district board, other officers and the electors therein, now or shall hereafter have under the provisions of this act to organize, manage, finance and operate a general improvement district, said board, other officers and said electors, shall have to organize, manage, finance and operate divisional districts, and such

divisional districts may be organized, managed, financed and operated to develop and improve the lands susceptible of irrigation within their operation for any of the purposes for which a general improvement district may be organized, managed, financed and operated.

SEC. 164. Divisional districts shall be organized in the same manner as that provided herein for the organization of general improvement districts.

How
divisional
districts
organized.

SEC. 165. Any assessments levied against the lands included in any said divisional district, any contracts entered into, any evidences of indebtedness issued, or obligations arising, in behalf of any said divisional district, shall be in addition to and independent of any assessments, contracts, evidences of indebtedness, or obligations arising in behalf of any general improvement district, authorized under the provisions of this act.

Assessments
and other
indebtedness
against lands
of divisional
district
additional to
improvement
district
debts.

SEC. 166. The district board and other proper officers shall have authority to levy and collect assessments against the lands included in any said divisional district, enter into contracts, issue evidences of indebtedness, and do everything that may be necessary to carry out the purposes of the divisional district organization, in similar form and manner as that provided in this act with respect to general improvement districts.

District
board's
authority as
to assess-
ments, etc.,
against
lands of
divisional
district.

SEC. 167. In any instance in which any tract of land not susceptible of irrigation in its natural state has been included in any general improvement district or divisional district herein authorized through inadvertency or mistake on the part of the district board at the time of the organization of such general improvement district or divisional district, the same may be excluded from the district concerned by a petition made by the owner or owners thereof and filed with the district board; *Provided*, That the

Exclusion of
non-irrigable
land
mistakenly
included
within
district.

Petition
therefor.

Excluded land liable for its proportion of indebtedness.

exclusion of said land or lands shall not relieve the same of its obligation to pay assessments for bonds outstanding at the time said petition is filed with the district board without written consent of the holders of said bonds.

Petition for exclusion.

SEC. 168. Upon the receipt of any petition for exclusion of lands from any general improvement district or divisional district, the board shall fix a time and place for hearing said petition and give notice thereof at the expense of the landowner concerned by publication in a newspaper of general circulation published in the county where the lands petitioned to be excluded are situated, for a period of two weeks (three issues) prior to the date of the hearing.

Notice of hearing.

Hearing.

SEC. 169. At the time and place named in the notice, the board shall consider the petition and shall have full authority to grant or deny the same.

Power of board.

Petition granted.

SEC. 170. In the event that there are outstanding bonds, the board shall have authority, if it believes that the petition should otherwise be granted, to grant the same for all purposes except that of the levy of assessments to pay the principal and interest of outstanding bonds.

Land to pay its portion of debts.

May grant exclusion and absolve from liability.

SEC. 171. In the event that a petition for exclusion as herein provided is unconditionally granted by the district board, said land shall thereafter be relieved from any obligation to pay special assessments levied in behalf of the district from which the same is excluded.

Excluded lands not relieved of assessment obligation; Reduction of assessments.

SEC. 172. In the event that lands petitioned to be excluded cannot be relieved of the obligation to pay assessments for outstanding bonds, the board shall have authority, when sitting as a board of equalization, to make an equitable reduction in the amount of assessments levied against such land for bond purposes.

SEC. 173. For the purpose of furthering or carrying out any of the objects for which a general improvement or divisional district was organized, for the purpose of raising additional moneys for that purpose or for refunding outstanding improvement or divisional district bonds, the district board shall have authority to issue and sell the negotiable coupon bonds of the district in such amounts as shall be approved by the electors of the general improvement or divisional district at an election called for that purpose, as herein provided.

District board may issue bonds to be approved by voters.

SEC. 174. Bonds issued under the provisions of this act shall be negotiable, serial bonds, in such series, maturities and denominations as the board shall determine, payable in gold coin of the United States, at such place as the board shall provide, from funds derived from the levy and collection of special assessments against the benefited lands within the operation of the general improvement or divisional district and shall draw interest at a rate not to exceed six per cent per annum.

Only serial bonds to be issued.

Payable from special assessments against benefited lands.

Rate of interest.

SEC. 175. Such bonds shall not constitute an obligation of the reclamation district and shall so specify on their face, but said bonds shall constitute a general obligation of the general improvement or divisional district for the benefit of which the same are issued and all the lands included in such general improvement or divisional district shall be and remain liable to be assessed for their payment until the principal and interest of said bonds are fully paid; *Provided*, That in case the plan of improvement contemplates the construction of units progressively, the levy and collection of assessments against lands in any undeveloped unit, may at the option of the district board be deferred until such lands are sufficiently developed to equitably bear such exactions.

Bonds not an obligation of reclamation district.

Are general obligation of improvement or divisional district.

Progressive unit construction.

Levy against undeveloped unit deferred.

General election laws govern bond elections in general improvement and divisional districts.

SEC. 176. Elections held in a general improvement or divisional district for the purpose of determining whether bonds of the district shall be issued, shall except as otherwise herein provided, be called by the district board, shall be provided for, noticed, conducted and the results thereof determined in the same manner and by the same officers respectively in each county concerned as nearly as may be as provided in the general election laws of the state for special municipal and district elections.

Election precincts and officials.

SEC. 177. The several county election boards of the respective counties concerned shall have full authority and it shall be their duty to establish election precincts within the general improvement or divisional district for such bond elections and to appoint the necessary election officials, and to do such other things as may be necessary and proper for the holding of such an election; *Provided*, That wherever possible the regular county voting precincts, polling places and election officials shall be used for said elections.

Notice of election.

What shall recite.

SEC. 178. Notice of said election shall state the amount and maturities of the proposed bonds and in general terms the objects for which said bonds are to be issued, shall specify any precincts and the location of any polling places other than the regular county precincts and polling places therein, shall state that the polling places will be open from eight o'clock a. m. to eight o'clock p. m. on the day of said election and shall be signed by the clerk of said respective county election boards.

Non-assessable area within voting precinct.

Posting notice.

SEC. 179. Where any non-assessable area is situated within any voting precinct within the general improvement or divisional district, any notice or other announcement required by law to be posted, may be so posted in such area, and any election held

or to be held pursuant to the provisions of this act, may be held within such area.

Election within area.

SEC. 180. The election officials for every voting precinct for said bond elections shall mail their returns to the county election board of the county in which such precincts are located, and such board shall canvass the returns of said election.

Returns.

SEC. 181. Immediately upon the canvass of said election, the county auditors of the several counties concerned shall mail an abstract of the result of said election in the precincts of their respective counties to the board of directors of the reclamation district.

Canvass.

Abstract of result to reclamation district board.

SEC. 182. The reclamation district board shall tabulate said abstracts of election returns and if it appears that a majority of the votes cast at any such election are in favor of the proposition submitted at said election, the board shall so declare and enter a resolution authorizing the issuance of bonds in the amounts and maturities and for the objects proposed.

Tabulation of returns.

Declaration of result.

Resolution authorizing issuance of bonds.

SEC. 183. General improvement or divisional district bonds issued under the provisions of this act shall not be sold for less than ninety per cent of their par value, and refunding bonds shall not be sold or exchanged for less than their par value.

Bonds. Minimum price at which may sell.

SEC. 184. Such bonds may be pledged to the United States under any contract with the United States authorized by federal statute, for the purpose of furthering any of the objects and purposes of the district organization.

May pledge bonds to U. S. for district development.

SEC. 185. Such bonds, or any portion thereof, may be sold at public or private sale, and property or property rights, labor and material, necessary to carry out the objects and purposes of said bond is-

May sell bonds at private or public sale.

May accept labor and material for bonds.

sue may be received by the district board in payment therefor.

Bonds negotiable.

SEC. 186. All general improvement or divisional district bonds issued under the provisions of this act shall be negotiable in form, shall be signed by the president of the reclamation district board and secretary of said district and shall have the seal of the district impressed thereon.

Bonds registered.

SEC. 187. The county treasurer of the county in which the organization of the reclamation district was effected shall register said bonds before the delivery of the same to the purchaser 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 impressed thereon is the seal of the district.

Bond register to disclose consideration for bonds.

SEC. 188. It shall be the duty of the district board to inform the treasurer as to the consideration received by the district for said bonds and the treasurer shall specify the same in said bond register.

Proceeds of bond sales to county treasurer.

SEC. 189. The proceeds of bond sales for cash shall be paid by the purchaser to the county treasurer of the county in which the organization of the district was effected or to his duly authorized agent and credited to the proper fund.

Bonds a prior lien upon fund.

SEC. 190. Bonds issued for or in behalf of any general improvement district or any divisional district under the provisions of this act, shall constitute a lien upon the moneys in any fund set apart for their payment paramount and superior to that of any other obligation of whatsoever nature against said fund except that of a prior bond issue payable from said fund.

Assessments.

SEC. 191. Assessments made in order to carry out the purposes of any general improvement dis-

trict or of any divisional district, authorized in this act, shall be made annually on an *ad valorem* basis against the lands and improvements thereon, included within the operation of any such district; *Provided*, That in assessing lands having and using a water right independent of the district system, the value of such water right shall be deducted from the assessable value of said lands.

Annual and ad valorem.

Value of independent water right deducted from assessable value.

SEC. 192. On or before the first Tuesday in November of each year, the secretary of the district shall prepare and file with the district board for the use of any general improvement or divisional district authorized under this act, an assessment roll on which must be listed all the assessable property within such general improvement or divisional district.

Preparation and filing of assessment roll.

SEC. 193. On such assessment roll must be specified in separate columns, under appropriate headings, the following:

Assessment roll—what to contain.

1. The name of the person to whom the property is assessed, if not known then to "Unknown Owners."

Name of owner.

2. Land by township, range, section or fractional section and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon.

Acreage description.

3. 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, and the improvements thereon.

Town lots.

4. The cash value of real estate other than city or town lots.

Value of real estate.

5. The cash value of improvements on such real estate.

Value of improvements.

Value of lots.
Value of improvements.
Total value.
Value after equalization.

6. The cash value of city and town lots.
7. The cash value of improvements on city and town lots.
8. The total value of all property assessed.
9. The total value of all property after equalization by the board of directors.
10. Such other things as the board of directors may require.

Basis of valuation for district assessment.

SEC. 194. The value of such lands and improvements thereon shown on the county general tax roll, last equalized, shall be taken as the basis of valuation wherever possible in preparing said district assessment roll.

Property omitted from county general tax roll—valuation on district roll.

SEC. 195. Lands and improvements not shown on the county general tax roll shall be given such valuation on the district assessment roll as the secretary shall determine having regard to the equalized valuation of similar private lands in the vicinity for general tax purposes.

Equalization of values fixed by Secretary.

SEC. 196. The values of land fixed by the secretary on the district assessment roll shall be conclusive upon all persons unless challenged before the district board at the time of the equalization of said roll.

Property not assessed in past—assessed for other years and penalized.

SEC. 197. 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 expense caused the district on account of such delinquency.

Delinquency expense.

Lands of improvement district in more than one county—assessment roll.

SEC. 198. Where the general improvement or divisional 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 segre-

gated and grouped according to the county in which the same are situated.

SEC. 199. On or before the first Tuesday in November each year, the secretary shall complete the general improvement or divisional district assessment roll and deliver it to the district board who shall immediately direct the secretary to 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 in each of the counties comprising such district.

General improvement and divisional district assessment roll delivered to board.

Notice of equalization meeting.

SEC. 200. The time fixed for said meeting shall not be less than twenty nor more than thirty days for [from] the day of the first publication of the notice and in the meantime the assessment roll shall remain in the office of the secretary for the inspection of all persons interested.

Time for meeting.

SEC. 201. Upon the day specified in the notice of the meeting of the board of equalization, 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 as may be necessary, not to exceed ten days exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them and the board may change the valuation as may be just.

Hearing by board of equalization.

SEC. 202. The secretary shall be present during the sessions of the board of equalization, and note all changes made in the valuation of property and in the names of the persons whose property is assessed and on or before the first day of January next following, he shall complete the assessment roll as finally equalized by the board and deliver the segregations of the same to the respective county treasurers concerned.

Notation of changes in valuation.

Assessment roll completed.

Delivery to county treasurers.

SEC. 203. The board of directors shall in each year before said assessment roll for any general improvement or divisional district herein authorized, is delivered to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds issued for the benefit of said district, and shall beginning in the year preceding the maturity of any series of the bonds of any issue, levy an assessment for the ensuing year and from year to year in an amount sufficient to pay and discharge said outstanding bonds as they mature.

Levy of assessment for ensuing annual interest and bond maturity.

SEC. 204. Said board shall also levy an assessment sufficient to provide for 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 authorized under this act. A similar levy of assessment shall be made by the board for any other item chargeable against the lands of such district under the provisions of this act.

Levy for payments due state or U. S.

Levy for other charges.

SEC. 205. The board shall also at the time of making the annual levy for any general improvement or divisional district authorized under this act, estimate all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount to cover any deficit that may have resulted from any delinquent assessments for any preceding year.

Levy to meet deficits and probable delinquencies.

SEC. 206. Assessments against lands in any general improvement or divisional district authorized under this act, 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 General Improvement or Divisional District No.....," the "Contract Fund of General Improvement or Divisional District No.....," the

Assessments paid constitute special funds.
Name of funds.

Bond fund.

Contract fund.

“Coupon Warrant Fund of General Improvement or Divisional District No.....,” and any other special fund authorized by law.

Coupon warrant fund.

SEC. 207. If the annual assessment roll or segregation thereof for any general improvement or divisional district authorized under this act, has not been delivered to the respective county treasurers concerned on or before the first day of January following the equalization thereof, any said county treasurer shall immediately notify the secretary of the district by registered mail that unless said roll is delivered to said county treasurer within ten days from the receipt of said notice, the board of county commissioners of the county in which the organization of the reclamation district was effected will cause an assessment roll for the district to be prepared and shall equalize the same if necessary and make the levy required by this act.

Assessment roll delivery delayed.

Notice by county treasurer to secretary that county commissioners will prepare assessment roll and equalize.

SEC. 208. Any levy of assessments so made by said board of county commissioners shall be made in the same manner and with like effect as if the same had been made and equalized by the board of directors of the reclamation district and all expenses incidental thereto shall be borne by the district.

Levy by Co. Commissioners. Effect.

SEC. 209. In case of the neglect or refusal of the secretary of the reclamation district to perform the duties imposed by law, then the treasurer of the county in which the organization of the reclamation district was effected may perform such duties and shall be accountable therefor on his official bond as in other cases.

Failure of secretary of district to perform duties—imposed upon county treasurer.

SEC. 210. The assessment upon the real property in any general improvement or divisional district authorized under this act, shall be a lien against the property assessed from and after the first day of March in the year in which it is levied but as between a grantor and a grantee such lien shall not attach.

Assessment a lien after March 1st of year levied.

Between grantor and grantee.

Attaches
succeeding
year.

until the first Monday of February of the succeeding year.

Lien for
assessments;
priority.

SEC. 211. The lien for said assessments shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage, judgment or otherwise except a lien for prior assessments and for general taxes, and such lien shall not be extinguished until the assessments are paid or the property sold for the payment thereof and deed issued as provided by law.

When
assessments
delinquent.

SEC. 212. The assessments specified in said assessment roll shall become due and payable on the first Monday of February of the year succeeding the equalization of said assessments at the office of each respective county treasurer and said assessments shall become delinquent at five o'clock in the afternoon of the thirty-first day of May thereafter unless fifty per cent thereof shall have been paid.

Interest on
delinquent
assessments.

SEC. 213. If the whole or fifty per cent thereof shall not have been paid on or before five o'clock in the afternoon on the thirty-first day of May as above provided, the said assessments shall become delinquent and shall draw interest at the rate of twelve per cent per annum until paid.

May pay
assessments
in two semi-
annual in-
stallments.

SEC. 214. If fifty per cent of said assessments against any tract of land is paid on or before five o'clock in the afternoon of the thirty-first day of May aforesaid, then the remainder thereof will not become delinquent until the thirtieth day of November next following. The second instalment of assessments shall become delinquent at five o'clock in the afternoon on the thirtieth day of November unless sooner paid and the same interest shall attach thereto as provided in the case of the delinquency of the entire assessment.

SEC. 215. Upon receiving the assessment roll for any general improvement or divisional district

authorized herein, the county treasurer shall prepare therefrom an assessment book in which shall be written the descriptions of the land as they appear 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 provided in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Treasurer's assessment book—what shall contain.

SEC. 216. Upon the payment of any said assessment, the county treasurer shall enter the date of 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.

Entries in assessment book of payments, etc.

SEC. 217. It shall be the duty of the county treasurer of the county in which any land in the general improvement or divisional 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 such district shall be accompanied by a statement showing the condition of 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 for any general improvement or divisional district or proceeding had for the enforcement and collection of such assessments pursuant to this act.

Treasurer to supply on request statement showing condition of assessments against any land.

Effect of failure to render statement.

SEC. 218. It shall be the duty of the county treasurer of any county other than the county in which the organization of the reclamation district was effected to make monthly remittances to the

Remittances by treasurers of counties other than organization county

county treasurer of the county in which the organization of the reclamation district was effected, covering all amounts collected by him for any said general improvement or divisional district during the preceding month.

Delinquency
lists posted.

SEC. 219. On or before the thirtieth day of June in each year each respective county treasurer concerned shall post the delinquency list which must contain the names of persons and the descriptions of the property delinquent and the amount of assessments, interest and costs opposite each name and the description in all cases where payment of fifty per cent or more of the assessment against any tract of land has not been made on or before the thirty-first day of May next preceding. Likewise on or before the fifteenth day of December in each year he must post the delinquency list of all persons delinquent in the payment of the final instalment of the fifty per cent of said assessments as in this act provided.

Notice of
sale of lands
delinquent.

SEC. 220. Said county treasurer must append to and post with the delinquency list a notice that unless the assessment delinquent together with interest and costs are paid, the real property upon which said assessments are a lien will be sold at public auction. Said notice and delinquent list shall be posted at least twenty days prior to the date of the 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 one copy in each of three public places in the portion of said general improvement or divisional district lying in said county.

Publication
of list of
places of
posting and
notice of sale
of delinquent
lands.

SEC. 221. Concurrent as nearly as possible with the day of the posting required in the preceding section, the said county treasurer shall publish a list of the places where said notices are posted and in connection therewith a notice that unless said delinquent

assessments together with the interest and costs are paid, the real property upon which the said assessments are a lien will be sold at public auction.

SEC. 222. Such notice must be published once a week for two successive weeks (three issues) 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 thirty nor more than forty-five days from the date of posting and from the date of the first publication of the notice thereof and the place must be at some point designated in said notices by said treasurer.

Period of publication of notice.

Time of sale.

SEC. 223. The treasurer of the county in which the land is situated shall conduct the sale of all land situated therein and must collect the assessments due as shown on the delinquency list together with interest from the date of delinquency at the rate of twelve per cent per annum, and the costs of sale.

Treasurer to conduct the sale.

SEC. 224. On the day fixed for the sale or on some subsequent day to which the treasurer may have postponed it, of which postponement he must give notice at the time of making such postponement, and between the hours of ten o'clock a. m. and three 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 numerical order of the parcels, lots and blocks until completed.

Day of sale.

Order in which land sold.

SEC. 225. The county treasurer may postpone the date of commencing the sale or may postpone the sale from day to day by making oral notice thereof at the time of the postponement, but the sale must be completed within three weeks from the first day fixed.

Notice of postponement of sale.

When sale must be completed.

Delinquent owner may designate portion he desires sold.

SEC. 226. The owner or person in possession of any real estate offered for sale for assessments 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 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, interest and cost due including one dollar to the treasurer for a duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said one dollar.

Sale of smallest portion of undivided interest.

Sale not completed by purchaser.

Property resold.

SEC. 227. If the purchaser does not pay the assessment, interest and costs before ten o'clock a. m. the day following the sale, the property must be resold on the next day for the assessment, interest and costs.

No purchaser for property.

Sold to the reclamation district.

SEC. 228. In case there is no purchaser in good faith for the property 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 reclamation district as the purchaser, and the duplicate certificate shall be held with the original in the office of the county treasurer.

Entry "Sold to the district" treasurer credited.

SEC. 229. In case the district is the purchaser, the treasurer shall make an entry "Sold to the district", and he shall receive proper credit for the amount of the sale in his settlement with the district.

Rights of district as purchaser.

SEC. 230. A reclamation district as 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 as redemption were it made by

the owner. Such transfer shall be made by the president and secretary of the district on the duplicate certificate which shall be delivered by the county treasurer to the assignee. The assignee shall be required to pay a fee of one dollar for such duplicate certificate.

Transfer of certificate of sale.

Fee payable by assignee.

SEC. 231. If no redemption is made of land for which a reclamation 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 by the president and secretary of the board.

No redemption.

Treasurer's deed to district.

District may convey as a private person.

SEC. 232. Authority to convey any property thus acquired must be conferred by resolution of the board entered on its minutes fixing the price at which such sale may be made.

Conveyance only by resolution authorizing.

SEC. 233. In the event that the district board shall determine that the best interests of the district will be conserved by the leasing of any property acquired for delinquent assessments, it shall have authority to lease the same for a period not exceeding five years on such terms and conditions as the board may require.

District's authority to lease delinquent property acquired.

SEC. 234. All moneys received by the reclamation district for transfers of certificates of sale, or through sale or lease of property acquired on account of sales for delinquent assessments, shall be paid to the county treasurer of the county in which the lands involved are situated and by him credited to the funds for which the assessments were levied in proportion to the right of each fund respectively.

Receipts by district from transfer of sale certificates, leases, credited to funds for which assessments were levied.

SEC. 235. When lands have been deeded by the county treasurer to the reclamation district on account of delinquent assessments, if title shall remain vested in the district and if in the judgment of the

Lands sold to the district for delinquent assessments.

Title still in district.

When redemption by owner permitted. Conditions of redemption.

board of directors said sale for delinquent assessments shall have resulted from unavoidable accident, inadvertency or misfortune and without intent of the owner or persons 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 reconveyed to the owner or person entitled to redemption within the period of one year after deed is issued, upon the payment by said owner or person who would have been entitled to make redemption before issuance of deed, of the total amount of assessments, interest and costs, subsequent assessments and an additional penalty of twenty-five per cent of the amount for which the land was sold; *Provided*, That nothing herein contained shall be construed to prevent the district from selling or leasing property acquired at sales for delinquent assessments immediately after the deed has been delivered to the district.

District may immediately sell or lease delinquent property acquired.

Delinquency certificate.

Treasurer's certificate of sale.

SEC. 236. After receiving the amount of assessments, interest and costs, the county treasurer must make out in duplicate a certificate dated on the day of the 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 year of assessment, and specifying the time when the purchaser shall be entitled to a deed.

Certificate filed with county treasurer.

Duplicate to purchaser.

SEC. 237. The certificate of sale must be signed by the treasurer making the sale and filed in his office. A duplicate of said certificate shall be delivered to any purchaser, other than the district.

More than one tract included in one certificate.

SEC. 238. 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. 239. The county treasurer before delivering any copy of a certificate of sale, 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 descriptions 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.

Recordation of copy of certificate of sale.

SEC. 240. On filing the certificate of sale as provided herein, 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, the costs of the certificate, and interest thereon at twelve per cent per annum from the date of sale until redemption for the use of the purchaser.

Lien of assessment vests in certificate purchaser.

Divested by redemption.

SEC. 241. 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 one year from the date of purchase by paying the amount of the purchase price, cost of certificate and interest and the amount of any assessments which any such purchaser may have paid thereon after purchase by him together with like interest on such amount, and if the reclamation 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: when; how.

SEC. 242. 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 or his assignee and pay it on demand to

Redemption in specie.

Redemption made only to county treasurer.

such person or his assignee. No redemption shall be made except to the county treasurer of the county in which the land is situated.

Redemption entry.

SEC. 243. 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.

Treasurer's deed to certificate holder if redemption not within time.

SEC. 244. If the property is not redeemed within one year from the date of sale, the county treasurer of the county in which the land sold is situated, must make to the purchaser or his assignee 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.

Fee for deed.

SEC. 245. The treasurer shall receive from the purchaser for the use of the district one dollar for making such deed. 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.

One deed for more than one parcel.

Treasurer's deed as evidence.

SEC. 246. The matter recited in the certificate of sale must be recited in the deed and such deed duly acknowledged or proved is *prima facie* evidence that:

Assessment.

1. The property was assessed as required by law.

Equalization.

2. The property was equalized as required by law.

Levy.

3. The assessments were levied in accordance with law.

Non-payment.

4. The assessments were not paid.

5. At a proper time and place the property was sold as prescribed by law, and by the proper officers.

Property sold.

6. The person who executed the deed was the proper officer.

Deed by proper officer.

SEC. 247. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the secretary inclusive up to the execution of the deed.

Conclusive-ness of deed.

SEC. 248. The deed conveys to the grantee the absolute title to the lands described therein free from all encumbrances except when the land is owned by the United States or the State of Washington in which case it is *prima facie* evidence of the right of possession.

Lands conveyed free of encumbrances.

If owned by state or U. S. deed evidence of possessory right.

SEC. 249. The assessment book or delinquency list, or a copy thereof, certified by the secretary showing unpaid assessments against any person or property is *prima facie* evidence of the assessment of the property, the delinquency, the amount of the assessments due and unpaid and that all the forms of law in relation to the assessment and levy of such assessment have been complied with.

Assessment book for delinquency list evidence of what.

SEC. 250. When land is sold for assessments correctly imposed as the property of a particular person no misnomer of the owner or supposed owner or other mistake relating to the ownership thereof effects the sale or renders it void or voidable.

Sale for assessments not invalidated by certain errors.

SEC. 251. The holder of any certificate of delinquency for general taxes may, before commencing any action to foreclose the lien of such certificate, pay in full all general improvement or divisional district assessments due and outstanding against the whole or any portion of the property included in such certificate of delinquency, and the amount of all assessments so paid together with interest at the rate of twelve per cent per annum reckoned from the

General tax certificate holder may pay all assessments and foreclose or may foreclose subject to district assessments.

date of delinquency of said assessments shall be included in the amount for which foreclosure may be had or if said certificate holder elects to foreclose such certificate without paying such assessments, the purchaser at such foreclosure sale shall acquire title to such property subject to all such district assessments.

Foreclosure sale to county for general taxes. Land subject to subsequent district assessments.

SEC. 252. Property within a general improvement or divisional district authorized under the provisions of this act, acquired by a county pursuant to a foreclosure and sale for general taxes, shall, nevertheless, be liable for all assessments levied by the district subsequent to the date of the sale for delinquent general taxes to the county, which assessments the board of county commissioners may at its option pay from the current expense fund of the county or execute and deliver to the district a deed from the county to the district in lieu of the payment of said assessments.

Payment by county from expense fund or land deeded to district.

SEC. 253. The county treasurer shall have authority to sell lands, owned by the county, for delinquent assessments levied against the same subsequent to the acquisition of said property by the county in the same manner and with the same force and effect as though said property were owned by a private individual.

County lands.

Sale for delinquent assessments subsequent to county's acquisition.

SEC. 254. Special assessments may be voted by the electors of any general improvement district or divisional district within the reclamation district for any of the purposes for which bonds of the district as herein authorized may be issued.

Special assessments may be authorized by voters.

SEC. 255. In the event that special assessments are voted by the electors of the district, levy for the same against the lands within such district shall be made on the completion and equalization of the assessment roll each year, which special assessment

Special assessments voted.

Annual levy.

roll shall be prepared, equalized, the levy made and assessments collected at the same time and in the same manner and by the same officers that the assessment roll is prepared, equalized and assessments collected for the payment of bonds and the district board and other officers shall have the same powers and functions for the purposes of said voted special assessment as possessed by them in case of levy of assessments to pay bonds of the district.

Special
assessment
roll—
preparation,
etc.

SEC. 256. When it is desired to levy special assessments for any of the purposes for which bonds of the district may be issued, the proposition to levy such special assessments shall be submitted to the electors of the general improvement district or divisional district as the case may be, at an election called for that purpose.

Levy of
special as-
sessments
submitted to
voters at
called
election.

SEC. 257. Such election shall be called, provided for, notice thereof given, shall be conducted, and the results thereof canvassed by the same officers in the same manner and with the same force and effect as provided herein for bond elections in such districts.

Election
as in case of
district bond
elections.

SEC. 258. The notice of election 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 instalments in which it is to be paid. The ballot at such election shall contain the words "Assessment—Yes" and "Assessment—No".

Notice of
election—
recitals.

Ballot.

SEC. 259. If the majority of the votes cast at such election 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.

Assessment
voted.

Board may
incur in-
debtedness—
limit.

SEC. 260. Said board in such event may provide for the payment of said indebtedness by the issue and sale of coupon notes of the district to an amount

Issue of
coupon notes
to pay in-
debtedness.

Payable in
three in-
stalments.

equal to said authorized indebtedness which coupon notes shall be payable in such equal instalments, not exceeding three in number, as the board shall direct. .

Annual levy
to pay
coupon notes.

SEC. 261. Said coupon notes shall be payable exclusively by assessments levied at the time of the regular annual levy each year thereafter until fully paid. All the lands within the general improvement district or divisional district as the case may be, shall be and remain liable to an annual assessment for the payment of said coupon notes with interest until fully paid.

Lands liable
to assess-
ment to pay
notes.

Rate of
interest.

SEC. 262. Coupon notes issued under the provisions of this act shall bear interest at a rate not to exceed seven per cent per annum, payable semi-annually.

Board may
fix tolls
electric and
water power
for domestic
purposes.

SEC. 263. The district board shall have authority to fix and charge tolls for the distribution of electric power or water, for domestic purposes as herein provided, and to collect said tolls from all persons using such service. All tolls shall be collected by such officer as the board shall designate and shall be deposited with the county treasurer of the county in which the organization of the reclamation district was effected, monthly and shall be credited to such fund of the district as the district board shall designate.

To collect
monthly.

Bond of
collectors.

SEC. 264. Any officer of the district collecting tolls as herein provided, shall be required to give a surety bond in double the probable amount of monthly collections conditioned that he will faithfully account to the reclamation district for all tolls collected under the provisions of this act.

SEC. 265. At the instance of the board of directors of any reclamation district created under this act, the superior court of the State of Washington

shall have original jurisdiction to judicially examine, approve and confirm any or all proceedings pertaining to the organization of the reclamation district or of any general improvement or divisional district therein, and any or all proceedings had or contemplated in the exercise of any of the functions or powers of any of such districts.

Superior court has original jurisdiction to hear and confirm district organization proceedings, etc.

SEC. 266. For the purpose of securing such judicial determination, the board of directors of the reclamation district shall file in the superior court of the county in which the lands of said district or some portion thereof are situated, a petition praying in effect that the proceedings aforesaid be examined, approved and confirmed by the court.

Petition for judicial determination.

SEC. 267. The petition shall state the facts generally showing the proceedings which are sought to be judicially examined.

Contents of petition.

SEC. 268. The court shall fix a 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 mention the time and place fixed for the hearing of the petition and the prayer of the petition, and shall state that any person interested in said proceedings may on or before the day fixed for the hearing of said petition demur to or answer the same.

Time for hearing. Notice of filing of petition, etc.

SEC. 269. The notice shall be given and published in the same manner and for the same length of time as that required herein for the notice of hearing on the petition to organize a reclamation district.

Publication of notice.

SEC. 270. Any person interested in the proceedings sought to be judicially examined may demur to or answer said petition.

Who may appear.

SEC. 271. The rules of pleading, practice and appeal provided by the statutes of this state which

Court rules applicable.

are not inconsistent with any of the provisions herein, are applicable to and shall govern the special proceedings for the judicial examination and determination of any of the district proceedings aforesaid.

Motion for
new trial.

SEC. 272. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issues to [to] be re-examined on such new trial and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

Action in
rem.

SEC. 273. Said action shall be one *in rem* against all persons claiming any right or interest in the proceedings concerned and 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 to approve and confirm each and all of the proceedings mentioned in the petition seeking judicial determination and all other proceedings which may affect the proceedings in question.

Court to
disregard
errors not
affecting
substantial
rights of
parties.

SEC. 274. The court in inquiring into the regularity, legality and correctness of said proceedings, must disregard any error, determination 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 and subsequent parts of the proceedings.

Judgment
final unless
appeal
within time.

SEC. 275. The judgment rendered in such action unless appealed from within the time prescribed herein and upon final judgment upon appeal, shall be conclusive as to all matters determined by the court in said action against every person including those under disability as well as those free from disability.

SEC. 276. The cost of the special judicial proceedings authorized herein may be allowed and apportioned between all of the parties in the discretion of the court. Apportionment of costs.

SEC. 277. An appeal from an order granting or refusing a new trial or from the judgment in said action must be taken by the parties aggrieved within thirty days after the entry of said order or said judgment. Thirty days to appeal from order granting or refusing new trial.

SEC. 278. The provisions of this act and all proceedings thereunder shall be liberally construed with a view to effect their objects. Liberal construction.

SEC. 279. 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. Partial invalidity.

SEC. 280. 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. Emergency.

Passed the Senate February 25, 1927.

Passed the House March 3, 1927.

Approved by the Governor March 21, 1927.