

ton, to Lewiston in Nez Perce County, Idaho, and to report to the twenty-second biennial session of the legislature of the State of Washington the result of such negotiations and such agreement made, if any, and the estimated cost and expense of constructing such bridge, to be borne by the State of Washington.

Passed the House February 19, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

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## CHAPTER 114.

[H. B. 116.]

### WATER DISTRICTS.

AN ACT creating and validating the organization, establishment and existence of water districts heretofore organized or established, or attempted to be organized or established, under Chapter 161 of the Laws of 1913 and amendments thereto; validating and confirming all bonds, obligations, contracts, assessments, levies and all other acts, proceedings and things heretofore executed, issued or done by such districts or their officers; authorizing the establishment of water districts, providing for the acquirement, construction, maintenance, operation, development and regulation of a water supply for all uses and purposes, public and private other than irrigation, with full power to regulate and control the use, distribution and price thereof, and providing the method of payment therefor, and for the annexation of territory thereto; and declaring that this act shall take effect immediately.

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

SECTION 1. Water districts for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto within such districts are hereby authorized to be established in the various counties of this state, as in this act provided. Such districts may include within their

Water supply systems to be provided.

boundaries one or more incorporated cities and towns.

SEC. 2. For the purpose of formation of such water districts, a petition shall be presented to the board of county commissioners of the county in which said proposed water district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the said petition. The said petition shall be filed with the county auditor, who shall, within ten days examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners. If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the board of county commissioners of such county, the said county commissioners shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some

Formation of districts.

Petition.

Signed by 25% of electors.

No withdrawals from petitions.

County commissioners to publish notice of hearing of petition.

such newspaper of general circulation therein before the time at which the same is to be printed a notice that such a petition has been presented and stating the time of the meeting at which the same shall be presented. When such a petition is presented for hearing, the board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all; and any person, firm or corporation may appear before the said board of county commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof; and upon a final hearing said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of benefit to the majority of the land included within the said boundaries of said proposed district so established by the said board of county commissioners; provided that no change shall be made by the said board of county commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the board of county commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Hearing.

Adjournment.

County commissioners to establish boundaries.

Extension of boundaries.

If county commissioners find district of benefit special election to be called.

SEC. 3. Upon entry of the findings of the final hearing of the said petition by the said county commissioners of such county, if they find said proposed water system will be conducive to the public health, welfare and convenience and be of special benefit to the majority of the land included within the boundaries of the said proposed district, shall by resolution call a special election to be held not less than

thirty days from the date of such certificate, and shall cause to be published a notice of such election for four successive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall set the hours during which such polls will be open, boundaries of the proposed water district as finally adopted by the said county commissioners and the object of such election, and the said notice shall also be posted for ten days in ten public places in said proposed water district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

Notice of election.

Water District.....Yes

Water District.....No

Ballot form.

giving in each instance the name of such district as may be decided by the board of county commissioners. There shall not be less than one polling place in each precinct in each incorporated city or town and one polling place in each precinct outside such cities or towns.

Polling places.

SEC. 4. Whenever two or more petitions for the formation of a water district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser water district shall ever be created within the limits in whole or in part of any water district.

Duplication of territory in petitions.

SEC. 5. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district the board of county commissioners shall so declare in its canvass of the returns of such election to be made within ten days after the date of the election, and such water district shall then be and become a municipal corporation of

Majority of voters favor formation.

the State of Washington, and the name of such water district shall be "..... Water District" (inserting the name appearing on the ballot).

Election of  
water com-  
missioners.

SEC. 6. At the same election at which the proposition is submitted to the voters as to whether the water district shall be formed, three water commissioners shall be elected to hold office respectively for the terms, one, two and three years and until their respective successors are elected. The term for each nominee for water commissioner to be expressed on the ballot. And thereafter, as provided by chapter 53 of the Laws of 1923, page 172, or any amendment thereto, there shall be held each year an election for a water commissioner, to hold office for three years and until his successor is elected and qualified.

Annual  
election for  
commission-  
er.

Nominations  
of com-  
missioners.

Nominees for water commissioners shall be by petition of at least ten per cent of the qualified electors of such water district, who shall be qualified electors on the date of filing the petition, to be filed in the county auditor's office of the county in which such district is located at least thirty days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining board of water commissioners until the next regular election for water commissioners. Said board of water commissioners shall designate in their notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one voting place in each of the precincts of any city or town in such district and at least one voting place in any precinct in the water district outside of any town or city. The polls shall be open at every election held by said water district at least from one o'clock p. m. to eight o'clock p. m., but said board of water commissioners may keep the polls open for a longer period

Notice to  
designate  
whether gen-  
eral or  
special  
election.

Time of  
opening,  
closing polls,  
etc.

of time if they shall so order, but the time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

Qualification  
of electors.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 5123 of Remington's Compiled Statutes or any amendment thereto shall constitute sufficient notice to citizens residing within said water district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for registration for an election to be held in a water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for

Registration  
books de-  
livered to  
commission-  
ers.

Registration  
of voters.

a general or a special city or town municipal election, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, and in so far as the same are not inconsistent with the provisions of this act. All expense of elections for the formation of such water districts shall be paid by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed.

Manner of holding elections.

Election expense.

Board of water commissioners.

President.

Secretary.

Compensation.

Rules.

Official seal.

Public records.

SEC. 7. When the said water district shall be created as hereinbefore provided for, the officers of such district shall be a board of water commissioners consisting of three members elected as provided in section 6 of this act and said board of water commissioners shall annually elect one of their number as president and another of their number as secretary of said board. All water commissioners shall serve without compensation, except that the secretary of the said board of water commissioners may be paid a reasonable sum for the clerical services performed by him. They shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book or books kept for such purpose which shall be public records.

SEC. 8. All water districts organized under the provisions of this act shall be and are hereby author-

ized to acquire by purchase or condemnation, or both, all lands, property, property rights, water, water rights, leases or easements necessary for the purposes of the water district and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, water, or water rights, leases and easements necessary in carrying out the purposes for which said district shall have been created and such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer under said law be, and the same are hereby imposed upon the county treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply waterworks for the purpose of furnishing such water district and inhabitants thereof, and any city or town within such district, and any other persons with an ample supply of water for all uses and purposes public and private, except irrigation, with full authority to regulate and control the use, distribution and price thereof. And for the purposes aforesaid, it shall be lawful for any water district so organized in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, percolating or subterranean or any underflowing water within the state and, by means of aqueducts or pipeline to conduct the same throughout such water district, and throughout any city or town within such district and to construct and lay the same along and

Power of eminent domain.

Assessment rolls.

Water from public or navigable lakes, rivers, etc.

upon public highways, roads and streets, within such district, and to condemn and purchase, purchase or acquire, lands and rights of way necessary for said aqueducts, and pipe-lines, and such water district is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake, river or other watercourse therein up to and above high-water mark; and for all the purposes of constructing or laying such aqueducts or pipe-lines, dams, or waterworks or other necessary structures in storing and retaining water as above provided, or for any of the purposes provided for by this chapter, such water district shall have the right to occupy the beds and shores up to the high-water mark of any such lake, river, or other watercourse, and to acquire the right by purchase or by condemnation and purchase or otherwise to any water, water rights, easements or privileges named in this chapter or necessary for any of said purposes and any such water district, shall have the right to acquire by purchase or condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such water district from pollution: *Provided*, That should private property be necessary for any such purpose or for storing water above high-water mark, such water district may condemn and purchase or purchase and acquire such private property.

Aqueducts,  
pipe-lines,  
dams, etc.

Beds and  
shores of  
lakes.

May ac-  
quire water  
from municip-  
al corpora-  
tion.

Local im-  
provement  
districts.

Special as-  
sessment  
levied.

That any water district so organized may purchase and take water from any municipal corporation.

SEC. 9. Said water district shall have the power to establish local improvement districts within its territory; to levy special assessments under the mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of special benefits to pay in whole or in part the dam-

ages or costs of any improvements ordered in such water district; to issue local improvement bonds in any such improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all public assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be and the same hereby are imposed upon the county treasurer for the purposes of this act; the mode of assessment shall be in the manner to be determined by the water commissioner by resolution.

How assessments to be levied and bonds issued.

SEC. 10. It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purpose, the water district commissioners shall investigate the several portions and sections of such water district for the purpose of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor; and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe-lines to convey the same throughout such district; there may be in-

Comprehensive scheme or plan for development of water supply.

cluded as part of the system the installation of fire hydrants at suitable places throughout the district; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipe-lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

Submitted  
to electors.

Such general comprehensive scheme and plan, when finally considered or determined upon by such board of water commissioners, shall be by them adopted by resolution, which resolution shall provide for the submission thereof at a general or special election specified in such resolution to the qualified voters within such district for their ratification or rejection. No expenditure for the carrying on of any part of such plan shall be made by the water district commissioners other than the necessary salaries of engineers, clerical and office expenses of such water district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such water district unless and until such general scheme of improvements has been so officially adopted by the water district commissioners and ratified by the affirmative vote of a majority of the voters of such water district voting thereon at the election which shall be held for such purpose. Forty-five days notice of such election shall be published in one or more weekly newspapers of general circulation in such water district. If at such election a majority of the votes cast

Notice.

upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by such commission within ten days after such election. Such commission may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election a proposition that said water district incur a general indebtedness for the construction of any part or all of said comprehensive plan. *Provided, however,* That such proposition to incur indebtedness shall be submitted as to enable the voters to vote for or against the same independent of any vote on the proposition of adopting or rejecting such comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting at said election.

Indebted-  
ness pro-  
posed  
submitted at  
election.

Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

If adopted  
to be carried  
out.

In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme and after the adoption of the original comprehensive scheme, a scheme providing for additions and betterments to the original comprehensive scheme may be adopted and ratified.

Additions  
and better-  
ments.

The water district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original propo-

Indebted-  
ness there-  
for.

sition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the water district commissioners to the extent specified in the proposition to incur such general indebtedness.

SEC. 11. Whenever the qualified voters of any such water district shall have heretofore adopted or shall hereafter adopt a proposition for a water supply as set out in the preceding section, or any additions and betterments thereto, and shall have authorized a general indebtedness for all the said proposition or any part thereof, or any additions and betterments thereto, general water bonds may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to exceed 6% per annum payable semi-annually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided, however,* That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Vetoed.

Bonds issued under this act shall never be issued to run for a longer period than twenty years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds and shall be dated either July 1 or January 1.

The bonds shall be signed by the presiding officer of the board of the water district commissioners and shall all be attested by the secretary of the said board under the seal of the water district, and the

interest coupons shall be signed by the facsimile signature of the presiding officer of the board of water district commissioners and shall be attested by the facsimile signature of the secretary of the board of water commissioners.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such water district.

Vetoed.

Said bonds shall be sold in such manner as the corporate officers shall deem for the best interest of the water district, and at a price not less than par and accrued interest.

SEC. 12. Whenever a petition signed by a majority of the owners of land in the district to be therein described shall be filed with the water district commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be created to pay in whole or in part to pay the cost thereof, it shall be the duty of the water district commission to fix a date for hearing on such petition. Notice of the time and place of the hearing shall be given by publication of a notice of the hearing in a newspaper of general circulation throughout the water district once a week for two consecutive weeks before the date of the hearing. At such hearing the water district commissioners may alter the boundaries of such proposed district and prepare and adopt detailed plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district and what proportion of the cost, if any, shall be borne by the entire water district.

Petition for ordering carrying out plan.

Notice of hearing.

Boundaries fixed.

The water district commission shall forthwith by resolution order such improvement, provide the general funds of the water district to be applied thereto, acquire all necessary lands therefor, pay all damages caused thereby and commence in the name of the water district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle said water district to proceed with such work, and said water district commission shall thereafter proceed with such work and shall make and file with the county treasurer, its roll levying special assessments in the amount to be paid by special assessment against the property situated within such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the water district commission, and fixing the time not less than fifteen nor more than thirty days from the date of the first publication of such notice within which protests must be filed with the secretary of said water district commission against any assessments shown thereon and fixing a time when a hearing shall be held by said commission on said protests. At such hearing, or any adjournment thereof, the water district commission shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll and order that such assessment be made *de novo*, as to such body shall appear equitable and just and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar

Improvement  
ordered.

Eminent  
domain pro-  
ceedings.

Assessment  
roll.

Notice of  
hearing on  
roll.

Hearing on  
roll.

to such first notice shall be given, after which final approval of such roll may be made by the water district commission: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the water district commission or by any court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll. *Provided*, That in the event that any portion of the system after its installation is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation then a local improvement district with boundaries which may include one or more existing local improvement districts may be created in the water district in the same manner as is provided herein for the creation of local improvement districts; that upon the organization of such a local improvement district as provided for in this paragraph the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the local improvement districts previously provided for in this act.

Objections  
to be in  
writing.

Enlarged  
local im-  
provement  
district.

SEC. 13. The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall de-

Appeal to  
superior  
court.

Transcript  
on appeal.

scribe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. Said notice shall state a time (not less than three (3) days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference

Fees.

Appeal  
bond.

Additional  
bonds.

Notice of  
filing of  
transcript.

Hearing,  
preference.

over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Judgment  
of court.

Appeal to  
supreme  
court.

SEC. 14. Whenever any assessment roll for local improvements shall have been confirmed by the water district commission of such water district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the water district commission upon such assessment roll and the confirmation thereof, shall

Upon con-  
firmation,  
roll becomes  
conclusive.

be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the water district commission in confirming such assessment roll in the manner and within the time in this act provided.

No contest.

No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor; *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll, or (2) that said assessment had been paid.

Adjoining  
territory  
annexed.

SEC. 15. The territory adjoining or in close proximity to and in the same county with any water district, after its organization, may be annexed to and become a part of such water district in the following manner: twenty-five per cent of the legal electors residing within the territory proposed to be annexed may petition the said water district commissioners of such water district and cause the question to be submitted to the legal electors of the territory proposed to be annexed whether such territory will be annexed and become a part of such adjoining water district. Upon the filing of such petition with the board of water commissioners of the water district, if the said water commissioners shall concur in the said petition, they shall then file such petition with the county auditor, who shall, within ten days, examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have ac-

Petition.

Signatures.

cess to all registration books in the possession of the officers of any incorporated city or town in such proposed district. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed. Upon the filing of such petition for annexation with the board of water commissioners of the said water district, if the said water commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the board of county commissioners of the county in which the water district is located. The board of county commissioners of such county, upon receipt from the county auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the board of commissioners of the water district of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the board of water commissioners, at a regular or special meeting of the board of county commissioners of such county shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county and in general circulation throughout

Auditor's  
certificate.

Petition to  
be trans-  
mitted to  
county com-  
missioners.

Notice of  
filing of  
petition and  
hearing.

the territory proposed to be annexed, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, a notice that such a petition has been presented and stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the said board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the board of county commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition; and upon a final hearing the said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said board of county commissioners to the said water district will be conducive to the public health, welfare and convenience and will be of special benefit to the majority of the land included within the boundaries of the territory proposed to be annexed to the said water district and so established by the said board of county commissioners: *Provided*, That no change shall be made by the said board of county commissioners in the said boundary lines, including any territory outside of the boundary lines described in the petition; *Provided further*, That no person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the board of water commissioners to said water district.

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said water

Hearing.

Change of boundaries.

No withdrawal of names.

district to be conducive to the public health, welfare and convenience and to be of special benefit to the majority of the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said water district for the purpose of determining whether the same shall be annexed to the said water district; and such notice shall particularly describe the boundaries established by the board of county commissioners on its final hearing of the said petition, and shall state the name of the water district to which the said territory is proposed to be annexed, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said water district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

County commissioners to give notice of special election.

Contents.

Published.

For annexation to Water District

Ballots.

or

Against Annexation to Water District.

The said county commissioners shall name the persons to act as judges at such election.

SEC. 16. The said election shall be held on the date designated in such notice and shall be conducted in accordance with the general election laws of the state. In the event the original petition for annexation is signed by qualified electors then only qual-

Election.

ified electors, at the date of election, residing in the territory proposed to be annexed, shall be permitted to vote at the said election. In the event the original petition for annexation is signed by property owners as provided for in this act then no person shall be entitled to vote at such election unless at the time of the filing of the original petition he owned land in the district of record and in addition thereto at the date of election shall be a qualified elector of the county in which such district is located. It shall be the duty of the county auditor, upon request of the county commissioners, to certify to the election officers of any such election, the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of his office; and at any such election the election officers may require any such land owner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote; *Provided*, That at any election held under the provisions of this act an officer or agent of any corporation having its principal place of business in said county and owning land at the date of filing the original petition in the district duly authorized thereto in writing may cast a vote on behalf of such corporation. When so voting he shall file with the election officers such a written instrument of his authority. The judge or judges at such election shall make return thereof to the board of water commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question of such election shall be for annexation, then such territory shall immediately be and become annexed to such water district and the same shall then forthwith be a part of the said water district, the same as though originally included in such district.

Qualification  
of electors.

Auditor to  
certify  
names.

Corporation  
property  
owner.

Election  
returns.

Canvass.

SEC. 17. That all elections held pursuant to this act, whether general or special, shall be conducted by the county election board of the county in which the district is located.

County election board to conduct elections.

The expense of all such elections shall be paid for out of the funds of such water district.

Expense.

SEC. 18. The board of water commissioners are hereby authorized to levy, or cause to be levied, to carry out the purposes of this act in addition to the levy mentioned in section 11 of this act a general tax on all property located in said water district each year not to exceed two mills on the assessed valuation of the property in such water district. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund to be known as the "Water District Fund" and paid out on warrants issued on the board of water commissioners for the purposes specified in this act.

General tax levy.

"Water District Fund."

SEC. 19. Each and every water district that may hereafter be organized pursuant to this act is hereby authorized and empowered by and through its board of water commissioners to contract indebtedness for water purposes, and the maintenance thereof not exceeding one per cent of the taxable property in such water district to be ascertained by the last assessment for state and county purposes previous to and the incurring of such indebtedness.

Indebtedness, limitation.

SEC. 20. Each and every water district hereafter to be organized pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five (5) per centum of the value of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths (3/5) of the voters voting at said election in such water district

Additional indebtedness.

Approval of voters at election.

assent thereto, at an election to be held in said water district in the manner provided by this act, which election may either be a special or a general election, and the board of water commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such water district to the qualified voters of such water district at any time they may so order: *Provided*, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in section 11 of this act.

Board to create and fill positions and fix salaries.

Materials and work by contract.

Bids called.

Notice published.

Bids accompanied by certified check.

Bids opened.

SEC. 21. The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of one thousand dollars shall be let by contract; but before awarding any such contract the board of water commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the county treasurer for a sum not less than five per cent of the amount of the bid and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest

responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications; *Provided, however,* That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and re-advertise and in such case all checks shall be returned to the bidders; but if such contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the water district.

Board may reject and re-advertise.

Check forfeited.

SEC. 22. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said water district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such water district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Interest coupons.

Not paid for want of funds to be stamped.

SEC. 23. The county treasurer shall create a fund to be known as the "..... Water District

Monies of  
water dis-  
trict fund.

Special  
funds.

Fund", into which shall be paid all money received by him from the collection of taxes in behalf of such water district, and no money shall be disbursed therefrom except upon warrants of the county auditor as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the water district, into which shall be placed such moneys as the board of water commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of water commissioners.

Act addi-  
tional  
method to  
other acts.

Does not  
repeal Chap.  
161, Laws  
of 1913.

SEC. 24. This act shall not be construed to repeal, amend, or modify any law heretofore enacted providing a method for water supply for any city or town in this state, but shall be held to be an additional and concurrent method providing for such purpose. Nor shall this act be construed to repeal chapter 161 of the Laws of 1913, pages 533 to 552, or amendments thereto.

Disincor-  
poration.

SEC. 25. Any water district organized under this act may be disincorporated in the same manner (in so far as the same is applicable) as is provided in sections 8914 to 8931 inclusive of Remington's Compiled Statutes for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than 25 per cent of the voters in the water district.

Unconstitu-  
tional sec-  
tions or  
provisions.

SEC. 26. 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 invalid or unconstitutional.

Vetoed.

{ SEC. 27. Any water district now organized under any previous act may use this act as if organized under this act.

SEC. 28. That each and all of the respective areas of land heretofore attempted to be organized into water districts under the provisions of the statutes referred to in the title hereof relating to such organization of water districts, are each hereby validated and declared to be duly existing water districts having the respective boundaries set forth in their respective organization proceedings as shown by the files in the office of the board of county commissioners of the county in question.

SEC. 29. All debts, contracts and obligations heretofore made or incurred by or in favor of any such water district, and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization, and any and all assessments or levies and all other things and proceedings done or taken by such water districts or by their respective officers acting under such attempted organization, are hereby declared legal and valid and of full force and effect. *Provided, however,* That the provisions of this section and the preceding section shall not apply to any water district which has been expressly decreed to be void by the decision of the supreme court of the State of Washington in a proceeding in which such water district was a party. *And provided, further,* That the provisions of this section and the preceding section shall apply only to such water districts attempted to be organized which have maintained their organization as such since the date of such attempted organization, establishment or creation.

Vetoed.

SEC. 30. That this act is necessary for the immediate preservation of the public health and shall take effect immediately.

Effective immediately

Passed the House February 19, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor with the exception of sections 11, 27, 28 and 29, which are vetoed, March 13, 1929.