

liens against said lands at the time the county or the irrigation district acquired title, in proportion to the amounts of the respective liens cancelled by the deed to the irrigation district or to the county: *Provided*, That there can be first deducted therefrom and reimbursed to the district or county advancing same, any expenses incurred in caring for, operating, or improving said land.

Thirteenth: When the land is owned by the United States, or this state, the provisions of subsections nine, ten and eleven shall not apply, and in such cases the deed shall be prima facie evidence of the right of possession.

Exceptions.

SEC. 2. This act shall take effect as of January 1, 1936.

Date of effect.

Passed the Senate March 1, 1935.

Passed the House March 13, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 102.

[S. B. 158.]

DIKING AND DRAINAGE DISTRICTS; WITHDRAWAL OF PROPERTY.

AN ACT authorizing property to be withdrawn from a diking and/or drainage district when such property ceases to be benefited by the improvements of such district, and providing procedure therefor.

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

SECTION 1. Whenever any piece of land in any diking or drainage district in this state shall cease to be susceptible to benefit from the diking and/or drainage improvement of such district, the owner thereof may bring civil action in the superior court of the county wherein such property is situated, against the board of commissioners of such district

Withdrawal of property.

in their official capacity, to have such property stricken from the assessment roll for such district. The procedure shall be that of other civil actions, except no judgment for costs shall be entered against such district in such proceedings.

SEC. 2. If the court is satisfied that the status of said property has changed so that it is no longer susceptible to benefit from the improvement of such district and should be removed from the assessment roll thereof, and it be established that all benefits assessed against said lands up to the date of trial have been paid, such court may enter a decree striking such land from the assessment roll of said district, and it shall not be subject to future assessment for benefits or maintenance by such district, unless, thereafter, it is again brought into such districts by the proceedings provided by law to extend the district or include benefited property which is not assessed. Nothing herein shall prevent such property from being again brought into said district in the manner provided by law generally for the inclusion of benefited property, if it appear at a future date that said property will receive benefits from the improvement in such district. Upon entry of such decree of the court a certified copy thereof shall be filed in the office of the auditor of such county wherein the property is situated, and upon receipt thereof, he shall correct the assessment roll of said district accordingly and strike the property therefrom.

Decree for
withdrawal.

Certified
copy filed.

Passed the Senate March 9, 1935.

Passed the House March 14, 1935.

Approved by the Governor March 20, 1935.