

future reciprocal privileges to a similar number of students or graduates of the University of Washington or Washington State College.

Passed the Senate February 9, 1949.

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CHAPTER 56.

[ S. B. 84. ]

IRRIGATION DISTRICTS—BOARD OF JOINT CONTROL

AN ACT relating to irrigation districts; providing for the creation of Boards of Joint Control to administer the operation, maintenance, betterments and regulation of the water works, main and branch canals and water lines, and other water facilities of two or more irrigation districts and others which are owners of water rights having the same natural source and which use the same common works for the diversion and transportation of all or any part of their respective irrigation water supplies; prescribing the membership of the Board of Joint Control, defining its powers and duties; and declaring an emergency.

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

Joint Board of Control.

SECTION 1. A Board of Joint Control to administer the operation, maintenance, betterments and regulations of the water works, main, and branch canals, if any, and water lines and other water facilities of two or more irrigation districts and others which are the owners of water rights having the same natural source and which use the same common works for the diversion and transportation of all or any part of their respective irrigation water supplies, may be created as hereinafter provided.

Petition for creation of Joint Board.

SEC. 2. For the purpose of creating such Board of Joint Control a petition signed by three or more owners of water rights having the same natural source of water and which owners use common works for the diversion and transportation of all or any part

of their respective irrigation water supplies, as aforesaid, shall be filed with the Board of County Commissioners of the county in which the greater part of the land irrigated from said source of water supply is situated. No irrigation district shall be represented on said petition without the signatures of the entire membership of its Board of Directors.

SEC. 3. The petition for the creation of a Board of Joint Control shall be addressed to the Board of County Commissioners, shall describe generally the water works, main, and branch canals, if any, and water lines and other water facilities involved, giving them their local names, if any they have, and shall show generally the physical relationship of the lands being watered from the common use of said water works, canals, lines and other water facilities: *Provided*, That lands included in any irrigation district involved need not be described individually but shall be included by stating the name of the irrigation district and all the irrigable lands in the irrigation district named shall by that method be deemed to be involved unless otherwise specifically stated in the petition. The petition shall also state generally the reasons for the creation of a Board of Joint Control and any other matter the petitioners deem material and shall allege that it is in the public interest and to the benefit of all the owners of the lands receiving water from said common source, that said Board of Joint Control be created and pray that the Board of County Commissioners consider said petition and take the necessary steps provided by law for the creation of a Board of Joint Control. The petition shall be accompanied by a map showing the general location of the water works, main, and branch canals, if any, and water lines and other water facilities.

Contents  
of petition.

SEC. 4. Upon the filing of a petition for the creation of a Board of Joint Control the Board of County

Filing of  
petition.

Hearing of  
petition.

Commissioners at a regular meeting or at a special meeting shall examine the petition and, if found regular in form, shall accept the same for filing, and shall fix a time and place for hearing said petition.

Notice of  
hearing.

SEC. 5. Notice of the hearing on said petition shall be given by the Clerk of the Board of County Commissioners by publishing the same, at the cost of the Board of Control, if created, otherwise at the cost of the petitioners, in the official newspaper of the county in at least three weekly issues thereof: *Provided*, That the time of the hearing shall not be less than thirty days from the date of the first publication of said notice. A copy of said notice shall be posted at the regular meeting place of the Board of Directors of each irrigation district concerned in the granting or denial of said petition and a copy of the notice shall be mailed to the Department of Conservation and Development at Olympia at least thirty days prior to the day of said hearing.

Contents of  
notice.

SEC. 6. The notice of the hearing on said petition shall state that a petition praying for the creation of a Board of Joint Control to administer the operation, maintenance, betterments and regulation of the water works, main, and branch canals, if any, and water lines, naming them, if named in the petition, and other water facilities involved, has been filed with the Board of County Commissioners of the county (naming it); that said Board of Joint Control, if it is created, will have authority to provide for assessments to carry out the objects of its creation against the irrigable lands in the several irrigation districts (naming them) and against any other lands involved if set out in the petition (describing them); shall state the day, hour, and place of hearing on the petition; shall state that any person interested in the creation of said Board of Joint Control may appear on or before the day of hearing on said petition, and show cause in writing, if any he has, why the same

should not be granted, and the notice shall be over the name of the Clerk of the Board of County Commissioners.

SEC. 7. The Board of County Commissioners, at the time and place mentioned in the notice of hearing or at the time or times to which the hearing on said petition may be adjourned, shall proceed to hear the petition and all evidence submitted against and in support of the same. The Board of County Commissioners shall have full authority to adjourn the hearing from time to time not exceeding four weeks in all and to grant or reject the petition, and to determine the matter; any irregularities or omissions in the allegations of the petition shall not be held or construed to deprive the Board of County Commissioners of jurisdiction and authority to consider and determine the matter of any such petition accepted by it for consideration and said Board of County Commissioners shall have full authority to make such independent investigation of the matter of such petition as it shall deem advisable and to base its judgment on such independent investigation as well as upon the evidence submitted for and against the petition upon a hearing thereon as hereinafter provided.

Hearing.

Independent investigation.

SEC. 8. If the Board of County Commissioners determine that the creation of a Board of Joint Control is in the public interest and is of benefit to the lands concerned, it shall so find and adopt a resolution creating the Board of Joint Control, designating it (give [giving] the name of county) County Joint Control Board No. (specify number), and the County Board at the same time shall appoint the president of the Board of Directors of each irrigation district involved and the resident owner of each individual tract of land involved or such other person as any said landowner shall designate in writing, as the first members of said Board of Joint Control and said

Resolution to create Board of Joint Control.

President of board of directors.

Members of Board.

Copy filed  
with County  
Assessor.

Board of Joint Control shall consist of said membership. A copy of said resolution creating the Board of Joint Control certified by the Clerk of the County Board shall be filed with the County Assessor of the county in which the Board of Joint Control was created and with the County Assessor in any other county in the state in which any lands involved are situated, within five days after said resolution is adopted.

Office of  
Board.

Oath of  
office.

Filing of  
oath.

Term of  
office.

Selection of  
members of  
Board.

SEC. 9. The principal office and place of business of the Board of Joint Control shall be at a place to be designated by the Board in the county in which the Board was created. Each member of the Board before entering on the duties of his office shall subscribe a written oath for the faithful discharge of his duties as such member and file the same with the County Clerk of said county. The filing of such oath shall be without Clerk's fee. The term of office of members of the Board shall be for one year or fraction thereof ending on the first Monday in March next following their selection and until their respective successors are selected as herein provided. The term of the first members of the Board shall also be as above stated. In January of each year the Board of Directors of each irrigation district concerned shall designate in writing and deliver to the Board of Joint Control, the name of the person who shall represent the district on the Board of Joint Control for the ensuing year. Likewise, the owners of land concerned but not in the irrigation district, shall each designate in writing a person to represent their respective lands and file the same with the Board of Joint Control and that Board shall select from the list of persons so filed, one person to represent the lands outside any irrigation district on the Board of Joint Control for the ensuing year. The persons so selected as aforesaid shall constitute the Board of Joint Control for such year and until their respective

successors are selected and have qualified. Any irrigation district or owner of land not in a district as the case may be, which fails to designate its or his representative and to file the same as above provided shall not be entitled to representation on the Board unless and until such requirements are complied with.

SEC. 10. In the month of March in each year the members of the Board of Joint Control shall meet and organize as a board for the ensuing year and shall select a chairman from their number and appoint a secretary who may, but need not, be a member of the Board, and who shall keep a record of their proceedings, and perform such other duties as the Board shall prescribe. Business of the Board shall be transacted at meetings thereof and a majority of the qualified membership of the Board 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 members present. All meetings of the Board shall be public.

Meetings of Board.

SEC. 11. Each member of the Board of Joint Control shall receive not to exceed ten dollars per day in attending meetings of the Board to be determined by the Board, and such compensation, not exceeding ten dollars per day for other services previously authorized and rendered the Board, and in addition thereto, the members shall receive necessary expenses in attending meetings or when otherwise engaged on the business of the Board. The Board shall fix the compensation to be paid the secretary and all other agents and employees of the Board.

Compensation of members.

SEC. 12. A Board of Joint Control created under the provisions of this act shall have full authority to enter into and perform any and all necessary contracts, to appoint and employ and discharge the necessary officers, agents and employees, to sue and

Authority of Board.

Members not personally liable.

be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation districts and others represented on the Board as a whole have a common interest without making such districts and other parties to the suit to represent said districts and others in all matters of common interest as a whole within the scope of this act and to do any and all lawful acts required and expedient to carry out the purposes of this act: *Provided*, That nothing in this act contained shall be held or construed to give the Board of Joint Control authority to abridge, increase or modify the water rights of any irrigation district or others represented on the Board or the privileges or burdens incident thereto or connected therewith and in the apportionment of expenses and outlays chargeable to the respective irrigation districts and others, the Board shall be bound by their respective water rights and appurtenant privileges and burdens.

Budget of expenses and outlays.

SEC. 13. In September of each year the Board of Joint Control shall prepare a budget of its estimated expenses and outlay for the ensuing calendar year and the apportionment thereof chargeable against the several irrigation districts and others coming within the jurisdiction of the Board and shall fix a time and place when said budget shall be considered and adopted by the Board. Notice of the hearing of the budget signed by the secretary of the Board shall be published in at least two weekly issues of a newspaper of general circulation in each county in which any lands chargeable with said expense and outlay of the Board are situated. The date of the first publication of such notice shall be not less than ten days prior to the day of said hearing.

Time and place of hearing.

Notice of hearing.

Hearing.

SEC. 14. At the time and place stated in said notice the Board shall meet and consider any objections and suggestions as to the items of said budget which may be offered by any interested person and may

adjourn its meeting from time to time not exceeding ten days in all and shall finally determine the same and adopt a budget for its operations for the ensuing calendar year.

SEC. 15. Immediately after final adoption of the budget the secretary of the Board shall mail or deliver a copy thereof showing the apportionment of the charge to each irrigation district, to the secretary of each irrigation district coming under the jurisdiction of the Board of Joint Control and it shall be the duty of each irrigation district to include in its levy for the ensuing year, the amount apportioned and charged to it in the budget.

Adoption of budget.

Levy based on budget.

SEC. 16. The Board of Joint Control shall have authority to make and equalize a levy of such charge and apportionment in the same manner and with the same legal effect as the Board of Directors might do, for any irrigation district failing to include the amount of such charge in its levy on or before January first following the adoption of the budget of the Board of Joint Control.

Failure to include charge in levy.

SEC. 17. When said budget has been finally adopted, the secretary of the Board shall forthwith mail or deliver a copy of the budget showing the apportionment and charge to the representative on the Board of Joint Control of each tract of land under the jurisdiction of the Board, but not in an irrigation district, and such charge shall be in the nature of a special assessment against said land and a lien against the same, from and after January first following, superior to any other lien except that for general taxes, and said special assessment shall be payable to the County Treasurer at the same time and shall be collected and enforced by the County Treasurer in the same manner as general taxes. Collections of said special assessments shall be placed by the County Treasurer in the control fund of the Board of Joint Control hereinafter provided for.

Levy on land not in an irrigation district.

Special assessment.



Control Fund.

SEC. 18. There is hereby created in the County Treasurer's office of the county in which the Board of Joint Control was created, a special fund to be designated Control Fund of the (naming the county) County Joint Control Board No. (specifying the number). The County Treasurer shall distribute all collections for this fund to said Control Fund. The Treasurer of any other county collecting assessments for this fund shall remit the same monthly to the County Treasurer of the county in which the Board of Joint Control was created.

Vouchers against Control Fund.

SEC. 19. The Board of Joint Control shall issue vouchers for its operations against said Control Fund and the County Treasurer shall pay out monies from said fund upon warrants drawn by the County Auditor of said county.

Excluded from act.

SEC. 20. This act shall not apply to any irrigation district under contract with any agency of the Federal government for the construction or operation of its irrigation system without the express approval of the executive Federal officer in control of said project.

Emergency.

SEC. 21. This act is necessary for the preservation of the public peace, health, safety and welfare, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

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