

such funds shall revert to and be paid by the treasurer into the general expense fund of the municipality or component municipalities.

Unexpended funds.

SEC. 23. The provisions of this act and all proceedings taken hereunder shall be liberally construed in order to carry out the purposes of this act. The adjudication of invalidity of any section, clause, or partial section of this act shall not impair or otherwise affect the validity of this act as a whole, or any part thereof.

Act construed liberally.

Partial invalidity.

SEC. 24. 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 17, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 17, 1951.

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## CHAPTER 200.

[ S. B. 125. ]

### IRRIGATION AND RECLAMATION DISTRICTS.

AN ACT relating to irrigation and reclamation districts; amending sections 89.12.050, 89.12.070, 89.12.100, and 89.12.130, R.C.W.

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

SECTION 1. Section 89.12.050, R.C.W., as derived from section 5, chapter 275, Laws of 1943, is amended to read as follows:

Amendment.

A district may enter into repayment and other contracts with the United States under the terms of the federal reclamation laws in matters relating to federal reclamation projects, and may with respect to lands within its boundaries include in the contract, among others, an agreement that:

Federal reclamation projects; districts may contract with United States, terms.

Limitations on delivery of water by United States project works.

(1) The district will not deliver water by means of the project works provided by the United States to or for lands not conforming in area and boundaries to the established farm units nor to or for more than one unit held by one landowner, except that as to lands held by one having equitable or legal title on May 27, 1937 (or the date on which the project or division becomes authorized in the case of projects other than the Columbia Basin project) or the heir or devisee of such owner delivery may be made to or for a total irrigable area not exceeding one hundred and sixty acres or a nominal quarter section. These limitations shall not apply to lands owned by the United States or any agency thereof. In case of excess land acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the date of acquisition; delivery of water, thereafter ceasing until the transfer thereof to a landowner qualified to secure water therefor.

Do not apply to federal lands.

Excess land acquired by foreclosure, etc., water supplied on temporary basis.

Landowners to execute recordable contracts; when.

(2) As a condition to receiving water by means of the project works, each landowner in the district shall be required to execute, within six months from the date of the execution of the repayment contract, a recordable contract covering all his lands within the district, agreeing as to such lands for himself, his heirs, successors, and assigns to any or all of the provisions set forth below in this subsection: *Provided*, That any landowner, having failed to execute the contract within this period, may be permitted to do so within one year after the date of judicial confirmation of the validity of the repayment contract, but only in accordance with such rules and regulations as may be prescribed by the secretary concerning this privilege.

Notwithstanding the time limitations of the preceding paragraph but subject to such rules and regulations as may be prescribed therefor by the secretary, the privilege of executing recordable contracts is hereby extended as follows: (i) To any landowner as to a tract of land to which he, or his ancestors or devisors if he holds as an heir or devisee, held legal or equitable title on October 28, 1947;

Contracts which may be executed notwithstanding above time limitations.

Land which owner held Oct. 28, 1947.

(ii) To any landowner as to a tract of land as to which he has held legal or equitable title for not less than ten years (including the period of holding by his ancestors or devisors where title is held as an heir or devisee), or as to which he furnishes proof in writing satisfactory to the secretary as to the terms of the transaction and consideration paid by him (or by his ancestors or devisors where title is held as an heir or devisee) for the tract and as to which there is a finding by the secretary that the transaction was *bona fide* and for a consideration not in excess of the full fair market value of the tract, valued as of the date of that transaction without reference to or increment by reason of the project. Any such recordable contract may be executed only on or before December 31, 1951, or on or before a date to be fixed by the secretary as to each irrigation block in which the lands are situated, such date to be approximately two years before the commencement of the development period for that block.

Land held not less than ten years.

Land acquired by transaction approved by secretary.

Time to execute contract.

Each such recordable contract may provide any or all of the following:

Contract provisions.

(A) That the landowner will conform his lands by purchase, sale, or exchange at the appraised value to the area and boundaries of the pertinent established farm unit or units and will dispose of excess land then or thereafter owned by him at its appraised value; that the secretary is thereby given an irrevocable power of attorney to sell in behalf of

Lands to conform to unit.

Secretary: power of attorney to sell excess.

the landowner any such excess land at the appraised value; and that the United States is thereby given, without further consideration, an option to buy any excess land at the appraised value: *Provided*, That sales under such power or option, unless otherwise provided in writing by the owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time;

United States option to buy excess.

Cash sale only.

Sale of land during certain period restricted to appraised value.

(B) That from the date of execution thereof and to a date five years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or non-excess lands, shall be made for a consideration exceeding its appraised value, and in connection with any conveyance of, or contract to convey, such an estate within such period the grantor or vendor or the grantee or vendees or any lien holder thereof shall, within thirty days from the date of the conveyance or contract, file in the office of the auditor in the county in which the land is located an affidavit describing the conveyance or contract and the consideration therefor;

Affidavit describing consideration; to be filed.

Excessive consideration or failure to file affidavit.

(C) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within the thirty days the required affidavit, or is made for a consideration in excess of the appraised value, the secretary, at any time within two years of the day on which there is filed for recording in the county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of the estate to receive water by means of the project works, by a written notice of cancellation: *Provided*, That the power to cancel as to any given parcel of land may be waived

Cancellation of right to receive water.

by the secretary at any time within the two year period by a written notice of waiver: *Provided further*, That after any such cancellation a water right for the estate involved by means of the project works may be acquired only on terms and conditions satisfactory to the secretary; and

Waiver of cancellation.

Water right after cancellation.

(D) That should any freehold estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (B) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection (B) of section 89.12.070.

Conveyance of estate within limiting period; subject to R.C.W., 89.12.070, subsec. (B).

(3) All lands within the district not covered by recordable contracts or otherwise not eligible to receive water by means of the project works shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the secretary may prescribe for postponement in payment of all or part of the assessment but not beyond the expiration of the period during which the price limit under subsection 2 applies.

Lands not covered or eligible; subject to assessment.

(4) Without compliance with other provisions of state law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before the date fixed by the board between a date ten days after the official notice of the election on the repayment contract and the date of such election. The date limiting the time of such filing shall be announced in the notice of the proposed election, and lands for which the notice is filed shall be deemed excluded from the district for all purposes as of the time of the filing.

Withdrawal of lands from district.

[Am. Rem. Supp. 1943, § 7525-24.]

[R.C.W. 89.12.070 is sec. 2, *infra*, this chapter.]

Amendment. SEC. 2. Section 89.12.070, R.C.W., as derived from section 7, chapter 275, Laws of 1943, is amended to read as follows:

Affidavit; fraudulent misrepresentation as to true consideration. (a) Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, a freehold estate in land covered by a recordable contract or which is sought to be covered by a recordable contract, in the affidavit required or which may be required in connection therewith shall be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both.

Penalty. Contract or conveyance during limiting period; excess consideration invalid. (b) Should a freehold estate in lands subject to the recordable contract be conveyed or contracted to be conveyed, after the execution of such recordable contract and within five years from the time water becomes available for such lands at a consideration in excess of the appraised value of the estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder shall be invalid as to that part of the consideration in excess of the appraised value of the estate involved. If the transaction involves deferred payments, the invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

Deferred payments. Vendee or grantee may recover excess. The vendee or grantee in any such transaction at any time within two years from the date of such conveyance or contract and on filing a correct affidavit may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

Court costs. In connection with any judgment or decree hereunder in favor of a vendee or grantee, the vendee or grantee may recover court costs and reasonable attorney's fees.

[Am. Rem. Supp. 1943, § 7525-26.]

SEC. 3. Section 89.12.100, R.C.W., as derived from section 10, chapter 275, Laws of 1943, is amended to read as follows: Amendment.

If state lands within a district have been segregated into farm units and the appraised value thereof established, the state shall recognize and accept the appraisal as determining the market value of such lands, and shall offer the state lands for sale for cash on the following terms and conditions: Inclusion of state lands.  
  
Terms and conditions of sale.

(1) Sales shall be made only at the appraised value; (2) only one farm unit shall be sold to any person; (3) applicants for the purchase of a farm unit shall be selected, as nearly as practicable, in accordance with the provisions of subsection (C) of section 4 of the act of congress of December 5, 1924 (43 Stat. 702); and (4) each applicant shall be required to execute a recordable contract within six months from the date the state's conveyance or contract to convey is made, whichever is the earlier, if such a contract is required as a condition to the delivery of water under the terms of the district's repayment contract with the United States; except as the carrying out of any such terms or conditions as to particular state lands may be precluded by provisions of the state Constitution.

The state shall cooperate with the secretary in carrying out the purposes of this chapter and in connection therewith, may execute recordable contracts covering any state lands and such other agreements as are necessary in connection with the administration of this act. State; administration of act.  
  
Same; may execute recordable contracts.

[Am. Rem. Supp. 1943, § 7525-29.]

SEC. 4. Section 89.12.130, R.C.W., as derived from section 15, chapter 275, Laws of 1943, is amended to read as follows: Amendment.

The foregoing provisions are an adoption and enactment of, and consent to, each and all the provisions of the Columbia Basin project act (Act of Consent to Columbia Basin project act.

March 10, 1943, chapter 14, 57 Stat. 14), as amended by the acts of September 26 and September 27, 1950, public laws 840 and 851, respectively, 81st congress, second session, in so far as they come within the scope of the federal act, as amended, or within the scope of state jurisdiction or authority, or may be applicable to state lands.

[Am. Rem. Supp. 1943, § 7525-34.]

Passed the Senate February 22, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 17, 1951.

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CHAPTER 201.

[ S. B. 117. ]

IRRIGATION DISTRICT ELECTIONS.

AN ACT relating to irrigation district elections.

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

Elections, irrigation district laws control.

SECTION 1. All elections of irrigation districts, general or special, for any district purpose and in any county of the state shall be called, noticed, and conducted in accordance with the laws of the state, specifically relating to irrigation districts.

Previous elections validated.

SEC. 2. All irrigation district elections heretofore called, noticed and conducted for any district purpose in accordance with the laws of the state, specifically relating to irrigation districts irrespective of any contrary general elections laws; and any irrigation district election heretofore called, noticed and conducted in accordance with said irrigation district laws is hereby approved and confirmed.

Passed the Senate February 20, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 17, 1951.