

CHAPTER 165.

[S. B. 329.]

RECLAMATION AND IRRIGATION IN UNITED STATES RECLAMATION AREAS.

AN ACT relating to irrigation and reclamation districts; amending section 1, chapter 275, Laws of 1943 and RCW 89.12.010; amending section 4, chapter 275, Laws of 1943 and RCW 89.12.040; amending section 1, chapter 200, Laws of 1951 and RCW 89.12.050; and amending section 3, chapter 200, Laws of 1951 and RCW 89.12.100; and providing an effective date.

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

RCW 89.12.010 amended.

SECTION 1. Section 1, chapter 275, Laws of 1943 and RCW 89.12.010 are each amended to read as follows:

Preamble—Purpose.

It is the policy of the state of Washington in connection with lands within the scope of this chapter which may be irrigated through works of federal reclamation projects, to assist the United States in the reduction or prevention of speculation in such lands and in limiting the size of the holdings thereof entitled to receive water by means of the works of such projects, and otherwise to cooperate with the United States with respect thereto.

RCW 89.12.040 amended.

SEC. 2. Section 4, chapter 275, Laws of 1943 and RCW 89.12.040 are each amended to read as follows:

Farm units authorized—Size—Plats—Excess land.

In connection with a district contracting or intending to contract with the United States under this chapter, the secretary for the purpose of administering the federal reclamation laws and in carrying out the policy of this chapter may segregate such lands, or any part thereof, into farm units of sufficient acreage for the support of an average sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as enter into the determination of the area and

boundaries thereof. Plats showing the established farm units or revisions thereof when approved, may be filed by the United States for record with the auditor of the county in which the land is located. Lands in excess of the farm unit or units or acreage in the amount specified by applicable federal law as not being excess lands held by any one landowner or family shall, except as otherwise provided in this chapter, be deemed excess land.

SEC. 3. Section 1, chapter 200, Laws of 1951 and RCW 89.12.050 are each amended to read as follows:

RCW 89.12.050
amended.

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:

Contracts
with the U. S.
—Permissible
provisions.

(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 the farm unit or units or acreage specified by applicable federal law as not being excess lands held by one landowner or family. 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.

(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

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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 subdivision: *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;

(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.

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

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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 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;

Proviso.

(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 nonexcess 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;

(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

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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 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

Proviso,

Proviso.

(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 subdivision, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of subsection (2) of RCW 89.12.070.

(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 subdivision (2) applies.

(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.

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provisions.

(5) The secretary is authorized to amend any existing contract, deed, or other document to conform to the provisions of applicable federal law as it now exists or may hereafter be enacted. Any such amendment may be filed for record under RCW 89.12.080 at the expense of the party benefited thereby.

SEC. 4. Section 3, chapter 200, Laws of 1951 and RCW 89.12.100 are each amended to read as follows:

RCW 89.12.100
amended.

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:

State lands—
Terms and
conditions
of sale.

(1) Sales shall be made only at the appraised value; (2) only the number of farm units or acreage specified by applicable federal law as not being excess lands shall be sold to any person or family; (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 chapter.

Passed the Senate March 9, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 21, 1957.

CHAPTER 166.

[S. B. 158.]

CITIES AND TOWNS—USE OF PARKING METER REVENUES.

AN ACT relating to all cities of the third class, regardless of form of government, and municipal corporations of the fourth class (towns); authorizing use of parking meter revenue as a base for obtaining revenue bonds for local public work improvements.

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

Parking meter revenue as base for revenue bonds, authorized.

SECTION 1. All cities of the third class, regardless of their form of government, and all municipal corporations of the fourth class (towns), are hereby authorized to use parking meter revenue as a base for obtaining revenue bonds for use in improvement of streets, roads, alleys, and such other related public works.

Passed the Senate March 5, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 21, 1957.