

## CHAPTER 258.

[ S. B. 333. ]

## LAKES—LEVEL—WEEDS.

AN ACT relating to lakes; amending section 2, chapter 107, Laws of 1939 and RCW 90.24.010; amending section 4, chapter 107, Laws of 1939, as amended by section 1, chapter 210, Laws of 1947 and RCW 90.24.030; amending section 5, chapter 107, Laws of 1939 and RCW 90.24.040; and adding a new section to chapter 90.24 RCW.

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

SECTION 1. Section 2, chapter 107, Laws of 1939 and RCW 90.24.010 are each amended to read as follows:

RCW 90.24.010 amended.

Ten or more owners of real property abutting on a meandered lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein, for the benefit of the property abutting thereon and to provide for the periodic lowering of the lake level to facilitate the elimination of weed growth and other similar objectionable matters in the lake. The court, after hearing, is authorized to make an order fixing the water level thereof except during that period when it is ordered to be lowered for weed control and other similar purposes and directing the supervisor to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any meandered lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

Action to regulate flow  
—Order—  
Exceptions.

SEC. 2. Section 4, chapter 107, Laws of 1939, as amended by section 1, chapter 210, Laws of 1947 and RCW 90.24.030 are each amended to read as follows:

RCW 90.24.030 amended.

Title of the  
action—  
Service of  
petition and  
notice.

The petition shall be entitled "In the matter of fixing the level of Lake.....in..... county, Washington," and shall be filed with the clerk of the court and a copy thereof, together with a copy of the order fixing the time for hearing the petition, shall be served on each owner of property abutting on the lake, not less than ten days before the hearing. Like copies shall also be served upon the director of fisheries and of game and the supervisor of water resources. The copy of the petition and of the order fixing time for hearing shall be served in the manner provided by law for the service of summons in civil actions, or in such other manner as may be prescribed by order of the court. For the benefit of every riparian owner abutting on a stream or river flowing from such lake, a copy of the petition and notice of hearing shall be published at least once a week for two consecutive weeks before the time set for hearing in a newspaper in each county or counties wherein located.

RCW 90.24.040  
amended.

SEC. 3. Section 5, chapter 107, Laws of 1939 and RCW 90.24.040 are each amended to read as follows:

Hearing—  
Order—Court's  
continuing  
jurisdiction.

At the hearing evidence shall be introduced in support of the petition and all interested parties may be heard for or against it. The court shall make findings and conclusions and enter an order granting or refusing the petition, and if the petition is granted, shall fix the water level to be maintained and direct the supervisor to regulate and control the outflow of the lake so as to properly maintain the water level so far as practicable within maximum and minimum limits when the proper control devices are installed: *Provided*, That the court may order periodic lowering of the lake level to facilitate weed control and other similar objectives: *Provided further*, That the court shall have continuing jurisdiction after a petition is once granted and shall, upon subsequent

petition filed and heard in accordance with the preceding sections, make such further findings and conclusions and enter such further orders as are necessary to accomplish fully the objectives sought in the initial petition: *And Provided further*, That shall the court find any such riparian owners abutting on a stream or river flowing from such lake be adversely affected in any way by the granting of such a petition, such petition shall be refused.

SEC. 4. There is added to chapter 107, Laws of 1939 and to chapter 90.24 RCW a new section to read as follows:

New section.

If the court finds in accordance with the petition that elimination of weed growth and other objectionable matters in the lake is in the best interests of the abutting property owners, it shall determine what steps or measures are necessary to accomplish these objectives, and the probable annual cost thereof, and by its order apportion the cost among the persons whose property abuts on the lake in proportion to the lineal feet of waterfront owned by each, which sum shall constitute a lien against the real property and shall be paid to the county treasurer and by him placed in a special fund to be known as "Lake.....weed removal fund". The court shall appoint a suitable person, to be compensated by the property owners, to undertake weed control and other similar objectives as decreed by the court.

Apportionment of costs in order—Lien—Special fund—Weed controller appointed.

Passed the Senate March 12, 1959.

Passed the House March 12, 1959.

Approved by the Governor March 23, 1959.