

Thus it would appear that the reference to section 55 was inadvertent. The 1941 Code Committee combined the aforesaid sections with section 34, chapter 129, Laws of 1921, and codified them as RCW 87.44.080 and 87.44.220. If section 55 was intended to be amended in 1947 as indicated in the legislative direction, it would now relate to the EXCLUSION OF LANDS as would section 67 either amended or unamended and no provision would exist which would govern the INCLUSION OF LANDS. Thus to preserve the apparent legislative intent this bill presents section 55 as unamended in section 2 hereof, section 34, chapter 129, Laws of 1921 as originally enacted in section 3 hereof, and section 67 as last amended in 1947 as section 4 hereof. No change from the latest legislative language has been made. The direction to codify these sections in 87.03 is based on Statute Law Committee Order No. SLC-RO-87 dated December 17, 1960, which restores Title 87 to session law language and codifies the basic 1889-90 irrigation district act as chapter 87.03 RCW. Such restoration will be published as part of the 1961 supplement to RCW.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 19.

[H. B. 10.]

DIVISION OF WATER RESOURCES—POWERS AND DUTIES.

AN ACT relating to water and water rights; amending section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, section 3, chapter 57, Laws of 1951 and RCW 43.21.130; repealing sections 5, 6 and 7, chapter 117, Laws of 1917; and declaring an emergency.

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

SECTION 1. Section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, and section 3, chapter 57, Laws of 1951 (heretofore combined and codified as RCW 43.21.130) are each amended to read as follows:

(RCW 43.21.130) The director of conservation through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

RCW 43.21.130
amended.
Powers and
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conservation
through
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water
resources.

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law.

Repeal.

SEC. 2. Sections 5, 6 and 7, chapter 117, Laws of 1917 are each repealed.

Emergency.

SEC. 3. 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.

Explanatory
note.

EXPLANATORY NOTE

The Statute Law Committee in reviewing Title 90 of the Revised Code of Washington has noted certain obsolete and conflicting provisions therein. This bill is presented by authority of chapter 1.08 RCW, for the purpose of repealing and correcting such provisions.

Sections 5, 6, 7, and 8, chapter 117, Laws of 1917 provided for a state hydraulic engineer, stipulated his qualifications and mode of appointment, provided for assistants and deputies, and imposed certain powers and duties thereon. Subsequently the powers and duties of such officer devolved upon new agencies and officers by means of 1921 c 7 §§ 61, 66, 72 and 135, 1951 c 57 §§ 1, 2 and 3, and 1957 c 215 §§ 19, 20 and 21. Sections 5, 6 and 7 are in direct conflict with later laws providing for a division and supervisor of water resources within the department of conservation; thus such sections are obsolete and superseded by the laws hereinabove cited and are proposed for repeal. Section 8, which specified the powers and duties, has devolved by means of the 1921, 1951 and 1957 acts. The 1941 Code Committee codified such section as RCW 43.21.130 in combination with 1921 c 7 § 72. Subsequently 1951 c 57 § 3 amended such RCW section and the session laws to change the name of the "division of hydraulics" to the "division of water resources" leaving all other language the same. In adopting the RCW language to make this technical change required by the substantive amendments the 1951 legislature also omitted language which had been omitted by the 1941 Code Committee empowering the supervisor to make rules and imposing upon him the duty to perform such other duties as prescribed by law. The amendment hereto merely restores, as subdivisions (8) and (9) of section 1, these omitted powers and duties. The reference in subdivision (8) to chapter 90.03 RCW is a translation of the phrase "this act" as used in 1917 c 117, said act being ordered codified as chapter 90.03 pursuant to Statute Law Committee order No. SLC-RO-90 dated December 17, 1960, which restores Title 90 to session law language. Such restoration will be published as part of the 1961 supplement to RCW. The change in the first paragraph of section 1 conforms the name of the department to that prescribed by existing law.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.