

CHAPTER 221.

[Sub. H. B. 261.]

IRRIGATION AND REHABILITATION DISTRICTS.

AN ACT relating to irrigation districts; permitting certain districts to become irrigation and rehabilitation districts; amending sections 6 and 7, chapter 226, Laws of 1961 and RCW 87.84.050 and 87.84.060; amending section 2, chapter 226, Laws of 1961 and RCW 87.84.010; adding new sections to chapter 226, Laws of 1961 and to chapter 87.84 RCW; and providing penalties.

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

SECTION 1. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

New section.

The growing population of the state of Washington, coupled with increasing amounts of available leisure time have greatly expanded the need for and use of the larger lakes in the state of Washington, both by Washington state residents and guests from other states and countries. In order to make the use of such larger lakes safer, and more beneficial to all concerned, the state of Washington to further the health, safety, recreation and welfare of its citizens has authorized the conversion of certain irrigation districts to irrigation and rehabilitation districts.

Irrigation and rehabilitation districts.
Purpose—
Authorization.

SEC. 2. Section 2, chapter 226, Laws of 1961 and RCW 87.84.010 are each amended to read as follows:

RCW 87.84.010 amended.

Any irrigation district having the major portion of an inland navigable body of water within its exterior boundaries and which has filed with the supervisor of water resources and been granted a water right certificate for fifty thousand acre feet of water or more shall be eligible to become an irrigation and rehabilitation district as provided in this chapter.

Eligibility.

SEC. 3. Section 6, chapter 226, Laws of 1961 and RCW 87.84.050 are each amended to read as follows:

RCW 87.84.050 amended.

Irrigation and
rehabilitation
districts.
Purpose.

In addition to the purposes for which irrigation districts may be organized under RCW 87.03.010, an irrigation and rehabilitation district may also be organized or maintained to further the recreational potential of the area and to further the rehabilitation or improvement of inland lakes and shore lines and the modification or improvement of existing or planned control structures located in the district in order to further the health, recreation, and welfare of the residents in the area.

RCW 87.84.060
amended.

SEC. 4. Section 7, chapter 226, Laws of 1961 and RCW 87.84.060 are each amended to read as follows:

Directors—
Powers and
duties—Rights
of district as
to water, uses.

The directors of the irrigation and rehabilitation district shall be the same as of the irrigation district and the directors shall retain all power, rights and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of Title 87 or any amendments thereto or any authority granted to directors of irrigation districts under any other law of the state of Washington. The irrigation and rehabilitation district shall also retain all power, rights and authority heretofore or hereafter granted to irrigation districts under Title 87 or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the Washington

state supervisor of water resources shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed.

SEC. 5. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows: New section.

The water in any natural or impounded lake, wholly or partially within the boundaries of an irrigation and rehabilitation district, together with all use of said water and the bottom and shore lines to the line established by the highest level where water has been or shall be stored in said lake, shall be regulated, controlled and used by the irrigation and rehabilitation district in order to further the health, safety, recreation and welfare of the residents in the district and the citizens and guests of the state of Washington, subject to rights of the United States bureau of reclamation and any irrigation districts organized under the laws of the state of Washington. Additional rights of district to water, uses.

In addition to the powers expressly or impliedly enumerated above, the directors of an irrigation and rehabilitation district shall have the power and authority to:

(1) Control and regulate the use of boats, skiers, skin divers, aircraft, ice skating, ice boats, swimmers or any other use of said lake, by means of appropriate rules and regulations not inconsistent with state fish, game or aeronautics laws.

(2) Expend district funds for the control of mosquitoes or other harmful insects which may affect the use of any lake located in the district: *Provided*, Proviso. That the state department of health gives its approval in writing to any district program instituted under

the authority of this item. District funds may be expended for mosquito and insect control or other district projects or activities even though it may be necessary to place chemicals or carry on activities on areas located outside of an irrigation and rehabilitation district's boundaries. These funds may be transferred to the jurisdictional health department for the purpose of carrying out the provisions of this item.

(3) Except for state highways, control, regulate or prohibit by means of rules and regulations, the building, construction, placing or allowing to be placed from adjoining land, sand, gravel, dirt, rock, tires, lumber, logs, bottles, cans, garbage and trash, or any loathsome, noxious substances or materials of any kind, and any piling, causeways, fill, roads, culverts, wharfs, bulkheads, buildings, structures, floats, or markers, in, on or above the line established by the highest level where water has been or shall be stored in said lake, located in the district, in order to further the interests of the citizens of the state of Washington, and residents of the district.

(4) Except for state highways, control, regulate and require the placing, maintenance and use of culverts and boat accesses under and through existing fills constructed over and/or across any lake located within the district to facilitate water circulation, navigation and the reduction of flood danger.

(5) Control the taking of carp or other rough fish located in the district and including the right to grant or sell an exclusive or concurrent franchise for the taking of carp or other rough fish, providing the state fisheries department give their approval in writing to any district project regarding the capture, or sale of fish.

(6) Control and regulate by means of rules and regulations the direct or indirect introduction into any lake within the district of any human, animal or industrial waste products, sewage, effluent or by-

products, treated or untreated: *Provided*, That the state pollution control commission gives its approval in writing to any district program instituted under this section, and nothing herein shall be deemed to amend, repeal, supersede, or otherwise modify any laws or regulations relating to public health or to the pollution control commission. Proviso.

(7) Except for state highways, construct, maintain, place, and/or restore roads, buildings, docks, dams, canals, locks, mechanical lifts or any other type of transportation facility; dredge, purchase land, or lease land, or enter into agreements with other agencies or conduct any other activity within or without the district boundaries in order to carry out district projects or activities to further the recreational potential of the area.

SEC. 6. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows: New section.

The directors of an irrigation and rehabilitation district shall have the authority to pass rules and regulations to accomplish district purposes. The rules and regulations shall (except in case of emergency) be published at least once in a newspaper of general circulation in the district and a public hearing shall be held prior to adoption by the directors, at a regular public meeting. Rules and regulations.

SEC. 7. The directors may enact rules and regulations, the violation of which shall be punishable as a misdemeanor, and the justices of the peace in said district shall have exclusive jurisdiction over such offenses. Penalty for violation shall not exceed a five hundred dollar fine or six months in jail: *Provided*, That where a violation is designated a misdemeanor, the directors shall submit such rules and regulations to the county commissioners of the county or counties in which the district is located Regulations if violation punishable—Approval—Penalty.

Proviso.

Irrigation and rehabilitation districts.

who shall review same and approve or disapprove thereof. Rules or regulations disapproved by county commissioners within thirty days of submission shall be of no force or effect.

New section.

SEC. 8. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Sheriff to enforce.

The sheriff's department of any county in which an irrigation and rehabilitation district is located shall enforce the rules and regulations of the district.

New section.

SEC. 9. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Powers of municipal corporation.

An irrigation and rehabilitation district shall possess all the usual powers of a municipal corporation and shall have the authority to sue and enforce its rules and regulations.

New section.

SEC. 10. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Provisions concurrent with other rights.

The provisions of this chapter shall not be construed so as to restrict the governing body of any city, town or county located on or adjacent to an inland body of water controlled by an irrigation and rehabilitation district from conducting or carrying out governmental or proprietary functions of said city, town or county: *Provided*, That nothing herein shall be deemed to amend, repeal, supersede or otherwise modify any provisions of Title 79 RCW.

Proviso.

Severability.

SEC. 11. If any section, sentence, clause, or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite

the fact that one or more sections, clauses or parts thereof be declared unconstitutional.

Passed the House March 11, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 222.

[H. B. 128.]

CITIES—TEN THOUSAND OR MORE POPULATION—POWERS.

AN ACT relating to powers of certain cities and towns.

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

SECTION 1. Any city of ten thousand or more population shall have all power to conduct its affairs consistent with and subject to state law, including the power to frame a charter for its own government in the same manner as cities of the first class. "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board. Once any city has ten thousand or more population, any subsequent decrease in population below ten thousand shall not affect any powers theretofore acquired under this act.

Cities of 10,000 population to have powers of first class city.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.