

the inspector, in the presence of the judges and clerks, and endorsed "Election returns of [naming the precinct] precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Passed the Senate April 16, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 209

[Engrossed Senate Bill No. 3358]

IRRIGATION DISTRICTS—ASSESSMENTS

AN ACT Relating to irrigation districts; amending section 17, page 681, Laws of 1889-90 as last amended by section 10, chapter 129, Laws of 1921 and RCW 87.03.215; amending section 24, page 684, Laws of 1889-90 as last amended by section 2, chapter 169, Laws of 1967 and RCW 87.03.270; amending section 25, page 684, Laws of 1889-90 as last amended by section 1, chapter 60, Laws of 1955 and RCW 87.03.310; amending section 26, page 685, Laws of 1889-90 as last amended by section 7, chapter 43, Laws of 1933 and RCW 87.03.315; amending section 2, chapter 58, Laws of 1955 and RCW 87.03.320; amending section 3, chapter 58, Laws of 1955 and RCW 87.03.325; amending section 4, chapter 58, Laws of 1955 and RCW 87.03.330; amending section 28, page 686, Laws of 1889-90 as last amended by section 10, chapter 43, Laws of 1933 and RCW 87.03.335; amending section 3, chapter 172, Laws of 1941 and RCW 87.03.350; amending section 29, page 687, Laws of 1889-90 as last amended by section 5, chapter 58, Laws of 1955 and RCW 87.03.355; amending section 6, chapter 171, Laws of 1939 and RCW 87.03.360; amending section 30, page 687, Laws of 1889-90 as last amended by section 1, chapter 131, Laws of 1945 and RCW 87.03.370; amending section 1, chapter 194, Laws of 1933 and RCW 87.03.375; amending section 2, chapter 194, Laws of 1933 as amended by section 1, chapter 171, Laws of 1939 and RCW 87.03.380; amending section 3, chapter 194, Laws of 1933 and RCW 87.03.385; amending section 4, chapter 194, Laws of 1933 and RCW 87.03.390; repealing section 8, chapter 171, Laws of 1939 and RCW 87.03.365; and providing an effective date.

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

Section 1. Section 24, page 684, Laws of 1889-90 as last amended by section 2, chapter 169, Laws of 1967 and RCW 87.03.270 are each amended to read as follows:

The assessment roll, before its equalization and adoption, shall be checked and ((verified)) compared as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in

which the lands therein described are located, and said assessments shall become due and payable on the fifteenth day of February following.

One-half of all assessments on said roll shall become delinquent on the first day of ~~((June))~~ May following the filing of the roll unless said one-half is paid on or before the ~~((thirty-first))~~ thirtieth day of ~~((May))~~ April of said year, and the remaining one-half shall become delinquent on the first day of ~~((December))~~ November following, unless said one-half is paid on or before the ~~((thirtieth))~~ thirty-first day of ~~((November))~~ October: PROVIDED, That if the assessment is less than ten dollars for said year, then the full amount shall become delinquent on the first day of May. All delinquent assessments shall bear interest at the rate of ~~((ten))~~ twelve percent per annum from the date of delinquency until paid.

~~((Within twenty days after the filing of the assessment roll as aforesaid the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent unless paid as herein provided. Said notice shall state the dates of delinquency as fixed in this act and the rate of interest charged thereon and shall be published once a week for four successive weeks.))~~

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

On or before April 1st of each year, the treasurer of the district shall send a statement of assessments due. County treasurers who collect irrigation district assessments may send the statement of irrigation district assessments together with the statement of general taxes.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. ~~((On all assessments levied prior to the time this amendatory act takes effect the county treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied, and on all assessments levied after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest provided by this amendatory act.))~~

It shall be the duty of the ~~((county))~~ treasurer of the ~~((county in which any land in the district is located))~~ district to furnish upon request of the

owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request(~~(, and)~~). All statements of ((general taxes)) irrigation district assessments covering any land in the district shall ((be accompanied by a statement showing the condition of irrigation district assessments against such lands)) show the amount of the irrigation district assessment, the dates on which the assessment is due, the place of payment, and, if the property was sold for delinquent assessments in a prior year, the amount of the delinquent assessment and the notation "certificate issued": PROVIDED, That the failure of the ((county)) treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district ((or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act)).

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

~~((The provision of this act with respect to delinquency and interest to be charged shall apply to all assessments now delinquent as well as to all assessments becoming delinquent hereafter, and it shall be the duty of the respective county treasurers to collect interest at said rate of ten percent per annum without regard to the date of levy or delinquency: PROVIDED; That upon redemption from any certificate of sale other than certificates of sale held by an irrigation district the county treasurer shall collect interest at the rate prescribed in such certificate of sale.))~~

When the ((county)) treasurer collects a delinquent assessment, in addition to any other amounts due by reason of the delinquency, he shall collect an additional sum of ((one)) ten dollars, which shall be deposited to the ~~((county current expense fund to the credit of the treasurer's office))~~ treasurer's operation and maintenance fund.

Sec. 2. Section 25, page 684, Laws of 1889-90 as last amended by section 1, chapter 60, Laws of 1955 and RCW 87.03.310 are each amended to read as follows:

On or before the thirty-first day of December of each year, the treasurer of each county shall post ((or)) and publish the delinquency list, which shall contain the names of persons to whom the property is assessed and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

~~((If he posts the delinquency list, he))~~ The treasurer shall append to and post with the list a notice, at least twenty days before the sale, that unless the assessments together with costs and accrued interest are paid, the property will be sold at public auction. One copy thereof shall be posted in ((his office, one copy in the office of the board,)) the county courthouse, and the

treasurer shall provide four copies to the irrigation district in which the property is located. The irrigation district shall post one copy in the irrigation district office and three copies in public places in ((each of the voting precincts in that part of)) the district ((within the county. He shall thereupon publish a list of the places where the notices are posted, and a notice that unless delinquent assessments as contained in the list, together with costs and accrued interest are paid, the property will be sold at public auction)). Such notice((- if he posts the delinquency list, or the delinquency list and such notice, if he does not post the delinquency list,)) shall be published once a week for three successive weeks in a newspaper of general circulation published in the county. ((Both)) Notices shall designate the time and place of sale. The time of sale shall be not less than twenty-one nor more than ((twenty-eight)) thirty-five days from the date of posting and from the date of the first publication of the notice thereof, ((if the delinquency list is posted, or from the date of the first publication of the delinquency list and the notice in connection therewith, if the list is published,)) and the place of the sale shall be at some point designated by the treasurer. At least ten days prior to the date of the public auction, the treasurer shall send by first class mail a notice to the taxpayer or owner of record of the land having a delinquent assessment. The notice shall contain a statement of the amount of the delinquent assessment plus interest as provided in RCW 87.03.270, as now or hereafter amended, accruing from the date of delinquency; a ten dollar delinquency charge owing on the land; the time, date, and place of the sale of properties having delinquent assessments; and a statement that failure to pay the assessment prior to the date of sale will result in a sale of the property.

Sec. 3. Section 26, page 685, Laws of 1889-90 as last amended by section 7, chapter 43, Laws of 1933 and RCW 87.03.315 are each amended to read as follows:

The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessment due as shown on the delinquent list the costs and expenses of sale and interest at the rate ((of ten percent per annum from the date or dates of delinquency as hereinbefore)) provided in RCW 87.03.270, as now or hereafter amended. On the day fixed for the sale, or some subsequent day to which he may have postponed it, and between the hours of ten o'clock a.m. and three o'clock p.m., the county treasurer making the sale must commence the same, beginning at the head of the list, and continuing alphabetically, or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of the postponement, but the sale must be completed within three weeks from the first day fixed.

Sec. 4. Section 2, chapter 58, Laws of 1955 and RCW 87.03.320 are each amended to read as follows:

The treasurer shall offer the parcel to the district on the date of sale for the amount of the assessment, accrued interest, and costs. If the district rejects the offer, then the treasurer shall sell the property to the highest and best bidder for cash. If the property is sold for more than the amount of the assessment, interest, and costs, the excess shall, after the deed has been delivered, be refunded, on application therefor, to the record owner of the property as of the date of the sale. In the event no claim for said excess is received by the treasurer within three years after the delivery of the deed, he shall, at the expiration of the three-year period, remit the excess to the district.

The purchaser, in addition to the purchase price, shall pay (~~one~~) two dollars to the treasurer for a duplicate of the certificate of sale. The treasurer shall account to the district for the (~~one~~) two dollars. If the purchaser does not pay the purchase price before ten o'clock a.m. the following day, the property shall be resold on the next day. If there is no purchaser for a tract when first offered for sale, it shall be offered again thereafter and if finally there is no purchaser it shall be struck off to the district as the purchaser for the amount of the assessment, interest, and costs, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the county treasurer shall make an entry, "sold to the district," and he will be credited with the amount thereof in settlement.

When land has been omitted from the general district sale, or when a sale is illegal by reason of a defective notice of sale or material errors in the description of the property and the deed has not been delivered, a reassessment shall not be required, but the treasurer shall sell the property at the next general annual sale, for all delinquent assessments. The purchaser at an illegal sale who has not accepted delivery of deed shall be entitled to a return of any moneys paid, upon return of the certificate of sale.

Sales of land hereunder shall not convey title to any easement thereon owned by any public service corporation, or by the district, or by any municipal or public corporation, or convey the title to any public service facilities constructed or maintained on the land under such easement, including also any private easement owned by third parties by which service is received from the district, or municipal or public service corporation.

Sec. 5. Section 3, chapter 58, Laws of 1955 and RCW 87.03.325 are each amended to read as follows:

A district may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were made. If no redemption is made of land for which a district holds a certificate of purchase, the district may receive the treasurer's deed therefor. The district may lease

from year to year with the right to include an option to purchase, sell on contract on deferred payments, or sell for cash and convey the lands so acquired, by deed executed by the president and secretary of the board and acknowledged by the president. Authority to lease, option, sell, or convey shall be by resolution of the board entered on its minutes, fixing the price at which the option may be granted or sale may be made, which price shall be not less than the reasonable market value of the property.

The board may without consideration, dedicate, grant, or convey district land or easements therein for highway or public utility purposes conveniencing the inhabitants of the district when it deems such action will enhance the value of the remaining district land to an extent equal to or greater than the value of the interest or easement dedicated, granted or conveyed, and may upon resolution, without consideration, issue quitclaim deeds to clear title to land sold under foreclosure.

When land is deeded to the district and if title remains vested in the district and the board believes the sale resulted from unavoidable accident, inadvertence, or misfortune, and without intent on the part of the person entitled to make redemption to permit the assessment to become delinquent and the land to be sold, it ~~((may))~~ shall reconvey to the person entitled to redemption within one year after deed is issued, upon the payment of the amount stated in the certificate of sale with interest thereon at ~~((ten percent per year))~~ the rate provided in RCW 87.03.270, as now or hereafter amended, from the date of sale, and ~~((one))~~ two dollars for the deed, and all subsequent assessments and costs with interest.

Sec. 6. Section 4, chapter 58, Laws of 1955 and RCW 87.03.330 are each amended to read as follows:

After receiving the amount of the assessments and costs, the treasurer shall make out in duplicate a certificate dated on the day of sale, stating the names of the persons assessed if known, a description of the land sold, the amount paid therefor, and that it was sold for assessments, giving the amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate shall be signed by the treasurer and one copy delivered to the purchaser, and the other filed in his office. ~~((Upon the sale of a tract of one acre or less the fee for a duplicate certificate shall be twenty-five cents and))~~ In case of a sale to a person or a district of more than one tract of land, the several tracts may be included in one certificate.

Sec. 7. Section 28, page 686, Laws of 1889-90 as last amended by section 10, chapter 43, Laws of 1933 and RCW 87.03.335 are each amended to read as follows:

The county treasurer, before delivering any certificate must file the same and enter in the assessment book opposite the description of the land sold, the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the description on the margin of the assessment

book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

On filing the certificate of sale as provided in the preceding paragraph the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money and interest at the rate ~~((of ten percent per annum))~~ provided in RCW 87.03-.270, as now or hereafter amended, from the day of sale until redemption for the use of the purchaser.

Sec. 8. Section 3, chapter 172, Laws of 1941 and RCW 87.03.350 are each amended to read as follows:

~~((This act))~~ RCW 87.03.340 through 87.03.350 shall not be construed to modify the requirements of the law relating to notice on the part of a certificate holder of application for irrigation ~~((tax))~~ deed nor shall the giving of or failure to give, the notice required herein to be given to the land owner whose name and address appear on the current general tax roll, in any manner affect the legality of the sale or the legality of the title of the purchaser, if the property in any instance is not redeemed as required by law.

Sec. 9. Section 29, page 687, Laws of 1889-90 as last amended by section 5, chapter 58, Laws of 1955 and RCW 87.03.355 are each amended to read as follows:

Redemption may be made by any party in interest at any time before deed is delivered, by paying the amount of the assessment, interest, and costs included in the purchase price and interest on that amount thereof, and the amount of any assessments which the purchaser may have paid thereon, with like interest. If the district is the purchaser, the redemptioner need pay no assessment levied after the assessment for which the land was sold, but all such assessments shall remain a lien, and the land shall be subject to sale therefor. Redemption shall be made in legal tender, and the treasurer shall credit the amount paid to the person named in the certificate and pay it to him on demand, along with the excess, if any, paid by him on the purchase price at the time of sale.

Upon redemption the treasurer shall enter the word "redeemed," the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within one year from the fifteenth day of January of the year in which it was sold, the treasurer shall upon demand by the holder of the certificate, make a deed of the property to the holder, reciting in the deed substantially the matters contained in the certificate, and that the property was not redeemed. Where the owner of the certificate is not the district, deed shall not issue until ~~((an affidavit showing service or publication of the notice of application for deed))~~ a court order of compliance issued pursuant to RCW 87.03.360 is filed with the treasurer and

twenty-one days have elapsed since the service or first publication of the notice.

The treasurer shall endorse on the margin of the current district assessment roll opposite the description of the land described in the deed, the date of delivery of the deed and the name of the grantee, and the transfer of the title shall be complete as of the time of delivery of the deed. The treasurer shall receive from the purchaser, for the use of the district, ~~((one))~~ two dollars for making the deed ~~((: PROVIDED, That if the tract is one acre or less the fee shall be twenty-five cents and when any person or district holds a certificate covering more than one tract of land, the several tracts may be included in one deed))~~.

Sec. 10. Section 6, chapter 171, Laws of 1939 and RCW 87.03.360 are each amended to read as follows:

The owner of any certificate of sale for irrigation district assessments, not including irrigation districts, shall, at least twenty-one days before applying for a deed, serve, in the manner provided herein, all parties residing upon the property or having ~~((an interest in said property or a mortgage lien thereon according to the records of the county auditor's office in the county in which said property is located))~~ a lien on, incumbrance against, or any other interest in the property according to a title search with a written notice stating that said property has been sold for delinquent irrigation assessments, giving the date of the sale, a description of the property, the amount for which it was sold, and the time the purchaser will apply for a ~~((tax))~~ treasurer's deed ~~((:))~~ and stating that the property may be redeemed at any time until such notice has been given and the deed issued. ~~((Notice to any party having an interest in or a mortgage lien on said property shall be given by registered mail, addressed to such party at his usual place of address, if known to the owner of the certificate, and, if not known, at the place of address shown by the instrument in the county auditor's office under which such party has an interest in or a mortgage lien on said property. If the name or address of any party upon whom service of notice is required is unknown to the owner of the certificate (his affidavit shall be prima facie evidence of that fact) and cannot be ascertained from the record of the instrument under which such party has an interest in or mortgage lien on said property, the owner of the certificate shall serve notice on such party or parties by publishing in two successive weekly issues of a newspaper published in the county where the property is situated a))~~ The notice shall be given according to the rules of the superior court on service of process. If personal service cannot be made and service by publication is authorized, then the notice shall be substantially in the following form:

NOTICE OF APPLICATION
FOR IRRIGATION (~~(TAX)~~) TREASURER'S DEED

Notice is hereby given that the undersigned is the owner and holder of an irrigation district (~~(tax)~~) certificate of sale covering the land hereinafter described, and, unless redeemed, the undersigned will, on or after the expiration of twenty-one days from the first publication of this notice apply to the county treasurer of the county in which said land is located for a (~~(tax)~~) treasurer's deed to said property. The date of said certificate, the amount thereof, the names of the parties to whom said property was assessed, and the description of the property are as follows:

- Date of certificate ;
- Amount of certificate ;
- Party assessed ;
- Description of property ;
- Date of first publication ;

.....
Applicant.

~~((The first publication of such notice must be made at least twenty-one days before application for tax deed. If no newspaper is published in the county in which the property is situated, publication shall be had in a newspaper published in an adjoining county.))~~

In all cases coming under the provisions of this (~~(act)~~) chapter, the court shall review for compliance with the procedures of this chapter and issue an order of compliance before the owner of a (~~(delinquent tax)~~) certificate of sale or any officer thereof, if the owner is a corporation, (~~(shall, before being)~~) is entitled to receive a (~~(tax)~~) treasurer's deed (~~(; make and file with the county treasurer an affidavit showing service of notice as required by this section and, if published, an affidavit of the owner of the certificate and of the publisher showing compliance with the provisions of this section, and the affidavit or affidavits)~~). The owner or officer shall file with the treasurer a copy of the court's order of compliance, and the order so filed shall be kept as a part of the permanent records of the office of the (~~(county)~~) treasurer. (If, where a party other than an irrigation district holds a tax certificate, the property is redeemed after January 15th of the year following the year in which said certificate is issued, the party redeeming shall, in addition to paying the amount required to redeem, pay to the county treasurer an amount equal to five percent of the principal amount of the certificate, not exceeding the sum of ten dollars, which sum shall be paid to the holder of the certificate if, prior to redemption, he has served or commenced publication of the notice provided for in this section. If the

~~holder of the certificate has not served such notice or commenced publication at the time of redemption, said sum shall be returned to the redeemer))~~ The holder of the certificate of sale is entitled to reimbursement from the person redeeming the property for costs incurred under this section and costs of service or publication, court fees, title search fees, and reasonable attorneys' fees.

Sec. 11. Section 30, page 687, Laws of 1889-90 as last amended by section 1, chapter 131, Laws of 1945 and RCW 87.03.370 are each amended to read as follows:

The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that—

First: That property was assessed as required by law.

Second: That property was equalized as required by law.

Third: That the assessments were levied in accordance with the law.

Fourth: The assessments were not paid.

Fifth: At a proper time and place the property was sold as prescribed by law and by the proper officers.

Sixth: The property was not redeemed.

Seventh: The person who executed the deed was the proper officer.

Eighth: Such deed, duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed.

Ninth: When the grantee in the deed is a party other than the irrigation district or the county, the deed conveys to the grantee the absolute title to the lands described therein, free from all encumbrances, except general taxes, drainage or diking district assessments, drainage or diking improvement district assessments, and all existing irrigation district assessments.

Tenth: When the grantee in the deed is the irrigation district or the county, the deed conveys to the grantee the ~~((absolute))~~ title to the lands described therein subject to RCW 87.03.375 through 87.03.415. Upon final judgment in a quiet title action the deed conveys to the grantee absolute title to the lands described therein, free from all encumbrances except drainage or diking district assessments or installments thereof not delinquent at the time of sale, drainage or diking improvement district assessments or installments thereof not delinquent at the time of the sale, also except all existing irrigation district assessments or installments thereof not delinquent at the time of the sale, pursuant to which deed is issued.

Eleventh: If the irrigation district reconveys, which it may do upon installments or for cash, any lands so acquired by it to a grantee who has a right to such reconveyance under RCW 87.03.320 through 87.03.330, the grantee before receiving deed, shall pay all ~~((general taxes,))~~ drainage or

diking district assessments, drainage or diking improvement district assessments and irrigation district assessments which have been canceled by the deed to the irrigation district, such payment being made to the county treasurer for the benefit of the respective taxing districts entitled thereto, and such grantee shall also pay any expenses of the irrigation district incurred in caring for, operating, or improving said land. Upon reconveyance by an irrigation district, the general property taxes which were canceled by the deed to the irrigation district shall be reinstated for the purpose of collection under chapter 84.64 RCW as if no conveyance to the irrigation district had occurred.

Twelfth: All proceeds received by a county or irrigation district from any lands so acquired, shall be paid to the county treasurer, and by him distributed pro rata between the county, the irrigation districts, the drainage or diking district, the drainage or diking improvement districts, and the local improvement districts holding liens against said lands at the time the county or the irrigation district acquired title, in proportion to the amounts of the respective liens: PROVIDED, That there can be first deducted therefrom and reimbursed to the district or county advancing same, any expenses incurred in caring for, operating, or improving said land: PROVIDED FURTHER, That as an alternative method, where an irrigation district or a county has heretofore or may hereafter be the grantee, such district or county has the right to pay all general taxes, irrigation, drainage or diking district or diking or drainage improvement district assessments, which were canceled by deed to such district or county, and upon such payments being made the irrigation district or the county shall be the absolute owner of the land and upon sale thereof entitled to retain all the proceeds of sale.

Thirteenth: When the land is owned by the United States, or this state, the provisions of subsections nine, ten and eleven shall not apply, and in such cases the deed shall be prima facie evidence of the right of possession.

Sec. 12. Section 1, chapter 194, Laws of 1933 and RCW 87.03.375 are each amended to read as follows:

In any and all instances in this state in which a treasurer's irrigation assessment deed to real property has been or shall be issued to an irrigation district pursuant to statute and ~~((the district still retains the title))~~ before the district conveys title or an interest in the real property thus acquired, ((and for any reason a defect in title exists or adverse claims against the same have not been legally determined,)) the irrigation district shall ~~((have authority to))~~ institute an action in the superior court in the county where the land is located to quiet title against any and all ~~((such))~~ defects; and to determine ~~((such))~~ adverse claims and the priority thereof as ~~((in this act))~~ provided in this chapter. Further, the irrigation district shall institute such an action upon the written demand of any person, firm, or corporation claiming an interest in or to such lands. If the action results in a reconveyance of the lands, the court shall order the person, firm, or corporation to

pay the irrigation district all cost incurred by the district in the action, including reasonable attorneys' fees.

Sec. 13. Section 2, chapter 194, Laws of 1933 as amended by section 1, chapter 171, Laws of 1939 and RCW 87.03.380 are each amended to read as follows:

The irrigation district shall have authority to include in one action any and all tracts of land located in one county and owned by said district. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved(~~(, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court, in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: PROVIDED, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of the law, and personal service of summons and notice hereinafter provided for, upon one in personal possession of land involved, shall be conclusive upon any principal, if any, he may represent in such occupancy. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.~~

At any time after the action is instituted and prior to the time judgment is applied for, the district shall file with the clerk of the court the affidavit of the publisher of the summons and notice showing publication thereof as hereafter required and the affidavit of an officer of the district or of its attorney describing the lands, if any, included in the action, not in the actual, open and notorious possession of any person or corporation and such affidavits shall be prima facie evidence of the facts therein alleged). All persons residing upon the property or having a lien on, an encumbrance against, or any other interest in the property according to a title search shall be named in the summons and notice under RCW 87.03.385.

Sec. 14. Section 3, chapter 194, Laws of 1933 and RCW 87.03.385 are each amended to read as follows:

((Upon filing a copy of summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in actual, open and notorious possession of any of said properties as herein defined, shall be had by publication in a newspaper published in the district, or if no newspaper is published in the district, then a newspaper published in the county where the land is located for six consecutive weeks)) The summons and notice shall be given according to the rules of the superior court on service of process.

The summons and notice in such action shall contain the title of the court; specify in general terms the year for which the irrigation assessment was levied and the amount of the assessment and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the name of the owner or reputed owner appearing on the roll on which assessments for which the property was sold were levied; ~~((and))~~ state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have all claims of title and all existing liens and claims of every nature against said described real property, except that of the county for taxes levied prior to the date the district acquired title, forever barred; and state that there is a right of redemption prior to completion of the action.

~~((Said summons and notice shall also summon all persons, firms and corporations claiming any right, title and interest in and to said described real property to appear within sixty days after the date of the first publication, specifying the day and year thereof, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the irrigation district free and clear from all existing adverse interests, rights or claims whatsoever, save and except county and state taxes as herein mentioned. PROVIDED, That in case any of the land involved is in the actual, open and notorious possession of any one at the time the summons and notice is filed; as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Such summons shall be substantially in the form above outlined, except that in lieu of the statement relative to the time for appearance it shall require the person served to appear within twenty days after the day of service, exclusive of the day of service, which need not be specified therein, and except further that the recitals regarding the amount of irrigation assessments and costs and the year the same were levied, the legal description of the land and the owner or reputed owner thereof as herein defined may be omitted, except with respect to the land occupied by the person or persons served.))~~

Every summons and notice provided for in this ~~((act))~~ chapter shall be subscribed by the attorney for the district, followed by his post office address.

Sec. 15. Section 4, chapter 194, Laws of 1933 and RCW 87.03.390 are each amended to read as follows:

Any person, firm or corporation who or which may have been entitled to redeem the property involved prior to the issuance of the treasurer's deed to the irrigation district, and his or its successors in interest, shall have the right, at any time after the commencement of, and prior to the judgment in

the action authorized herein, and not thereafter, to redeem such property by paying the county treasurer the amount of the irrigation assessment for which the property was sold to the district, and the amount of any other irrigation assessments which may have been levied prior to the date of such redemption, together with interest on all such irrigation assessments from the date of delinquency thereof, respectively, at the rate (~~of ten percent per annum~~) provided in RCW 87.03.270, as now or hereafter amended, and by paying such proportional part of the cost of foreclosure proceedings and of the action herein authorized as the county treasurer shall determine.

Upon redemption of any property before judgment as herein provided, the county treasurer shall issue to the redemptioner a certificate specifying the amount of the irrigation assessments, and costs charged, describing the land and stating that said irrigation assessments have been fully paid and the lien thereof discharged. Such certificate shall clear the land described therein from the claim of the irrigation district based on any treasurer's deed previously issued and all assessments, interest and costs included in such redemption.

Sec. 16. Section 17, page 681, Laws of 1889-90 as last amended by section 10, chapter 129, Laws of 1921 and RCW 87.03.215 are each amended to read as follows:

Said bonds and interest thereon and all payments due or to become due to the United States or the state of Washington under any contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington, as in RCW 87.03.140 provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments until fully paid as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States or the state of Washington accompanying which bonds have not been deposited with the United States or the state of Washington, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, or the state of Washington, according to the terms thereof, the holder of said bonds, or any part thereof or the United States or the state of Washington as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district,

and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district: PROVIDED, That when any such contract made after the effective date of this 1981 act between any district and the United States or the state of Washington covers only the real property in a portion or portions of the district, all payments due or to become due to the United States or the state of Washington shall be paid by revenue derived from an annual assessment upon the real property only in that portion or portions of the district covered by the contract and the real property shall be and remain liable to be assessed for such payments until fully paid and any assessment lien which attaches thereto shall be the exclusive lien notwithstanding other liens provided for in this section. In the event of a contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as provided in RCW 87.03.140 and the contract covers real property in only a portion or portions of the district, the question of whether the district should enter the contract shall be submitted only to those qualified electors who hold title or evidence of title to real property within that portion or portions of the district and in the same manner as provided in RCW 87.03.200.

NEW SECTION. Sec. 17. Section 8, chapter 171, Laws of 1939 and RCW 87.03.365 are each repealed.

NEW SECTION. Sec. 18. This act shall take effect December 1, 1981, and shall apply to assessments made in 1981 and thereafter.

Passed the Senate April 25, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 210

[Substitute Senate Bill No. 3360]

PARK AND RECREATION SERVICE AREAS—PARK AND RECREATION DISTRICTS, REGULAR, EXCESS TAX LEVIES—ROAD DISTRICTS, EXCESS TAX LEVIES

AN ACT Relating to parks and recreation; amending section 1, chapter 218, Laws of 1963 as amended by section 1, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.400; amending section 2, chapter 218, Laws of 1963 as amended by section 2, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.410; amending section 3, chapter 218, Laws of 1963 and RCW 36.68.420; amending section 5, chapter 218, Laws of 1963 and RCW 36.68.440; amending section 6, chapter 218, Laws of 1963 and RCW 36.68.450; amending section 8, chapter 218, Laws of 1963 and RCW 36.68.470; amending section 9, chapter 218, Laws of