

or rejection of the system or plan of internal improvements contemplated, which may be adopted by a majority vote. When the system or plan has been adopted, and the creation of an indebtedness assented to as aforesaid, the said corporation shall be authorized and empowered to construct and acquire the internal improvements contemplated, and to create an indebtedness and to issue bonds therefor as hereinafter provided, which said indebtedness and bonds shall not exceed five (5) per cent. of the taxable property, as shown on the last assessment roll of the city or town made for general municipal purposes; such indebtedness and bonds to be additional to all other outstanding indebtedness of the city or town created within constitutional limits.

Approved March 9, 1891.

CHAPTER CXLII.

[S. B. No. 391.]

CONCERNING APPROPRIATION OF WATER FOR IRRIGATION, MINING AND MANUFACTURING.

AN ACT concerning appropriation of water for irrigation, mining and manufacturing purposes, for supplying cities, towns and villages with water, and for the use of water works, and declaring an emergency.

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

SECTION 1. The right to the use of water in any lake, pond or flowing spring in this state, or the right to the use of water flowing in any river, stream or ravine of this state for irrigation, mining or manufacturing purposes, or for supplying cities, towns or villages with water, or for water works, may be acquired by appropriation, and as between appropriations the first in time is the first in right.

SEC. 2. Any person, persons, corporation or association Posting notice. desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended storage or diversion stating therein—*First:* That such appropriator

claims the water there lying, being or flowing to the extent of one cubic foot of water per second of time, or some multiple or some fractional portion thereof. *Second:* The purpose for which said water is appropriated and the place or places, as near as may be, of intended use. *Third:* The means by which it is intended to store or divert the same. *Fourth:* A copy of the notice must, within ten (10) days after it is posted, be filed for record in the office of the county auditor of the county in which it is posted.

SEC. 3. If said use is by storage the appropriator must, within three months after the notice is posted, commence the construction of the works by which it is intended to store the same. If said use is by diversion the appropriator must, within six months after the notice is posted, commence the excavation or construction of the works by which it is intended to divert the same; it being herein expressly provided that such works must be diligently and continuously prosecuted to completion, unless temporarily interrupted by the elements.

SEC. 4. By a strict compliance to the above rules the appropriator's rights to the use of the water actually stored or diverted relates back to the time the notice was posted; but a failure to comply therewith deprives the appropriator of the right to the use of the water as against a subsequent appropriator who faithfully complies with the same.

SEC. 5. Persons who have heretofore appropriated water and have not constructed works or have not diverted the water and applied it to some purpose, as herein stated, must, within thirty days after this act takes effect, proceed as in this act provided or their right ceases.

Transfer of
rights.

SEC. 6. The right to the use of water acquired by appropriation may be transferred like other property by deed. The county auditor of each county in this state must keep a book in which he must record the notices provided for in this act.

SEC. 7. Appropriations of water heretofore made for any of the purposes in this act provided are hereby recognized, but this act shall not be construed to interfere with vested rights.

SEC. 8. The provisions of sections 2, 3, 4 and 5 shall

only apply to appropriations of water made for irrigation, and shall not apply to appropriations for irrigation made prior to the passage of this act, nor to water rights existing at the date of the passage of this act: *Provided*, That in appropriations for irrigation begun but not completed prior to the passage of this act, the appropriator shall comply with the provisions of said sections 2, 3, 4 and 5: *And further provided*, That said sections shall not interfere with the vested rights of any irrigation district now organized.

SEC. 9. Water appropriated for any of the purposes in this act mentioned may be changed to any other purpose herein specified or to any other beneficial use, and the right to such use shall relate back to the original appropriation. Change of use.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 11. An emergency exists on account of the necessity for irrigation; it is, therefore, enacted that this act shall take effect and be in force from and after its approval by the governor.

Approved March 9, 1891.

CHAPTER CXLIII.

[S. B. No. 392.]

RELATING TO MUNICIPAL COURTS.

AN ACT to amend section one of an act entitled "An act creating and establishing municipal courts in cities of the State of Washington having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure, and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891.

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

SECTION 1. That section 1 of the act designated in the title of this act be and the same is amended to read as follows: Sec. 1. There is hereby created in each incorporated city in this state having a population of more than twenty