

SEC. 4. That an emergency exists and this act shall take effect April 1, 1909. Emergency.

Passed by the Senate February 16, 1909.

Passed by the House March 5, 1909.

Approved March 18, 1909.

## CHAPTER 209.

[S. B. 265.]

### RELATING TO IRRIGATION.

AN ACT repealing sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, and sections 5843 and 5872 of Pierce's Washington Code, and providing for the protection of structures and appliances used for irrigation, reclamation, or power purposes, preventing unlawful taking of water, providing a rule of evidence in such cases, and providing a penalty for the violation of this act.

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

SECTION 1. That any person or persons who shall wilfully interfere with, injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume or other structure or appliance for the diversion, carriage, storage, apportionment, or measurement of water for irrigation, reclamation, power or other beneficial uses, or shall wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied, or controlled by any person, association, or corporation or by the United States and used in connection with said beneficial use of water, shall be guilty of a misdemeanor.

Damage to  
irrigation  
works mis-  
demeanor.

SEC. 2. Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into his ditch or to his land, or land occupied by him, and for such purposes shall cut, dig, break down, or open any headgates, bank, embankment, canal or reservoir, flume or conduit, or interfere, injure or destroy any weir, measuring box or other appliance for the apportionment and

Stealing  
water mis-  
demeanor.

measurement of water with intent maliciously to injure any person, association, or corporation, or by the United States, or for his or her gain, or with intention of stealing or unlawfully taking or causing to run or pour out of such structure or appliance any water for his or her own private benefit or advantage to the injury of any other person, association or corporation, or by the United States lawfully in use of such water or of such structure or appliance, shall be guilty of a misdemeanor.

Use of water  
evidence of  
guilt.

SEC. 3. The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with, injured or destroyed, shall be *prima facie* evidence of the guilt of the person so using it.

Penalty.

SEC. 4. Any person or persons convicted of committing any of the misdemeanors herein specified, or of any of said offenses, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

[§§ 4128 and  
4257 Bal.;  
§§ 5843 and  
5872 Pierce,  
repealed.]

SEC. 5. That sections 4128 and 4157 of Ballinger's Annotated Codes and Statutes of Washington, and sections 5843 and 5872 of Pierce's Washington Code be and the same hereby are repealed.

Passed by the Senate March 6, 1909.

Passed by the House March 10, 1909.

Approved March 18, 1909.