

## CHAPTER 79.

[S. B. No. 75.]

AMENDING ACT RELATIVE TO THE STATE'S GRANTED,  
SCHOOL, TIDE, OYSTER AND OTHER LANDS.

AN ACT to amend Sections 13, 15, 19, 23, 31 and 62 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and the completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners as required by Articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, and adding Sections 18½ and 31½ to said act, and declaring an emergency.

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

SECTION 1. That section 13 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners, as required by Articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, be and the same is hereby amended to read as follows: Section 13. That immediately upon the appraisalment and inspection provided for in this act being made of any land in any county of the State, and the Commissioner of the Public Lands shall prepare a certificate of such appraisalment showing in detail the facts reported in such appraisalment, and he shall file one copy of the same in his office and shall certify one copy and forward it to the auditor of the county in which said land is situated, and the said county auditor shall post it in a conspicuous place in his office, and the said Commissioner of Public Lands shall

Certificate of  
appraisalment.

Notification  
to applicant.

notify the applicant of the appraisalment and of the notice to the auditor, and that said board will allow the applicant twenty days in which to show wherein said appraisalment is defective, excessive or unjust, which protest, if any be made and filed, shall be considered by said board, and notice of their action shall be sent to the applicant.

Report of  
sale.

SEC. 2. That section 15 of said act be and the same is hereby amended to read as follows: Sec. 15. That the member [s] of the said board of appraisers, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said Board of Appraisers, as provided in this act, together with other information touching the same, as the said board shall have prescribed, and within ten days from the date of the reception of such report by the Commissioner of Public Lands, if no affidavit showing that the interests of the State in such sale were injuriously affected by fraud or collusion shall have been filed with said board, and it shall appear from such report that the sale was fairly conducted, and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said Commissioner of Public Lands shall be satisfied that the land sold would not, upon being re-advertised and sold, sell for at least twenty-five per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making the sale has been made, and the best interests of the State may be thereby subserved, the secretary of the Board of State Land Commissioners shall enter upon his records a confirmation of said sale and thereupon certify the same to the Commissioner of Public Lands, who shall issue to the purchaser a contract of sale, as in this act hereinafter provided.

Confirmation  
of sale and  
contract.

SEC. 3. That section 18 $\frac{1}{2}$  is hereby added to said act to read as follows: Section 18 $\frac{1}{2}$ . Whenever the holder of any contract of purchase or [of] any State or school land shall surrender the same to the Commissioner of Public Lands with the request to have the same divided into two or more tracts, it shall be lawful for the Commissioner to issue the same provided the proposed subdivision shall not be less than the regular government or public subdivisions, and provided that no new contract or lease shall issue while

Sub-divisions  
of tracts.

there is due and unpaid any interest, rental or taxes on the land held under said contract or lease, nor in any case where the Commissioner shall be of the opinion that the State security would be impaired or endangered by the proposed division; and for all new contracts or leases a fee of \$2 for each new contract or lease so issued shall be paid by the applicant, and said fee shall be paid into the State Treasury with the other fees of the office. Any sale or lease of State lands made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation shall be void, and the contract of purchase or lease issued thereon shall be of no effect, but the holder of such contract or lease shall be required to surrender the same to the Commissioner of Public Lands, who shall, except in the case of fraud on the part of the purchaser, cause the money to be refunded to the holder thereof, provided the same has not been [paid] into the State Treasury.

Fees for new contracts.

Sales or leases made in error.

Surrender and refund.

SEC. 4. That section 19 of said act be and the same is hereby amended to read as follows: Section 19. That all school and granted lands of the State of Washington may be leased for a term of six years or less to the highest bidder at public auction in the following manner: Any person or persons desiring to lease any of such lands shall make application in writing to the Commissioner of Public Lands of this State; each application shall be accompanied with a deposit of \$10.00, such deposit to be in the form of a draft on some bank, a post office or express money order, or may be paid in cash. In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the Commissioner of Public Lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to [the] State, and the Commissioner of Public Lands shall pay the said deposit over to the State Treasurer, who shall place the same to the credit of the general fund of the State.

Lease of school lands.

Applications for leasing.

Deposit of \$10.

Forfeiture of deposit.

SEC. 5. That section 23 of said act be and the same is hereby amended to read as follows: Section 23. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the Commissioner of Public Lands, giving the name of the lessee, the post office address, term of

Auditor to certify lists.

lease, lease price per annum, amount paid on lease, and any other information required by the Commissioner of Public Lands; the Auditor shall also remit all moneys so paid to him on lease to the said Commissioner, who shall issue his receipt in duplicate therefor, the original receipt to be sent to the lessee and a duplicate thereof to be kept in his office, and pay the money over to the State Treasurer and take his receipt therefor: *Provided*, That lands held under lease shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Auditor to remit funds.

Proviso as to sale.

Extension of time.

Delinquent interest.

SEC. 6. That section 28 of said act be and the same is hereby amended to read as follows: Section 28. The time for making payment of principal on any such contracts where one-tenth or more of the purchase price has been paid, is hereby extended to July the 1st, 1909: *Provided*, That all delinquent interest due on such contracts in section 27 of this act and all interest falling due on such contracts thereafter is paid annually on the date stated in such contracts.

Water rights—how acquired—classified as improvements.

Improvements.

SEC. 7. That section 31 of said act be and the same is hereby amended to read as follows: Section 31. At any time during the existence of a lease the lessee may, with the consent of the Board of State Land Commissioners, first obtained, by written application, showing the cost and benefits to be derived thereby, purchase or acquire a water right in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement, then, in case of the sale or lease of such lands to other parties, the old lessee shall be entitled to receive the value thereof as in case of other improvements which he may place upon said land. Improvements made upon school, granted and other lands by lessees from the State in cases in which the lessee yields his lease to the State prior to any application to purchase the land so leased, such as are capable of removal without damage to the land, may be removed by the original lessee, or at his option may remain subject to purchase, by any purchaser who shall apply to purchase the land within a period of three years from the expiration of said lease.

Rights of assignee.

SEC. 8. That section 31½ is hereby added to said act to read as follows: Section 31½. Each assignee of a *bona fide* purchaser or lessee of any of the State school and granted

lands is subject to and governed by the provisions of the law applicable to the purchaser or the lessee of whom he is the assignee, and he shall have the same rights in all respect as the original purchaser or lessee of the same class of lands: *Provided*, The assignment is approved and entered of record by the Commissioner of Public Lands. No lessee or assignee of any lease of State lands leased as scab or pasture lands shall be permitted to use the same for any other purpose than that expressed in the lease: *Pro-* Provido as to cultivation of scab or pasture land. *vided*, Said lessee or his assigns may be permitted to clear, plow and cultivate all or any part thereof upon surrendering the said lease and requesting the Commissioner of Public Lands to issue an agricultural lease in lieu thereof; upon the payment of the fixed rental under the appraisement of said land the Commissioner shall issue a new lease for the unexpired term thereof.

SEC. 9. That section 62 of said act be and the same is hereby amended to read as follows: Section 62. That the Commissioner of Public Lands for services performed by him as such may charge and collect the following fees: Fees of Commissioner of Public Lands. (1) For a copy of any record, document or paper on file in this office, fifteen cents per folio; (2) for affixing a certificate and seal, \$1.00; (3) for each original contract of sale, lease, bill of sale, or deed, \$1.00; (4) issuance of harbor area lease and approval of bond, \$2.00; (5) approval of each assignment of contract, lease, or bill of sale, \$1.00; (6) for each copy of the plat of a township or any portion thereof, not less than \$2.00; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, \$2.00 for each new contract.

SEC. 10. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 10, 1903.

Passed the House March 4, 1903.

Approved by the Governor March 12, 1903.