

thority and it shall be his duty to receive, and disburse through and by means of the division of forestry, any and all moneys contributed, allotted or paid by the United States under the authority of any act of congress for use in cooperation with the State of Washington in protecting and developing forests.

Passed the House, February 14, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

---

## CHAPTER 103.

[H. B. 133.]

### AMENDMENTS TO WATER CODE.

AN ACT relating to the use of diversion of water in the State of Washington, amending section 41 of Chapter 117, Session Laws of 1917 and further amending said chapter by adding thereto two new sections to be designated Section 23-a and Section 31-a, providing for the regulation of streams or other waters during the pendency of adjudication proceedings and recognizing the reciprocal rights of citizens of other states or nations to divert in this state water for beneficial use in another state or nation.

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

SECTION 1. That Chapter 117 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 23-a.

Section 23-a. During the pendency of such adjudication proceedings prior to judgment or upon appeal to the supreme court of the state or other appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in said state hydraulic engineer's report upon an order of the court authorizing such regulation: *Provided*, Any interested party may file a bond and obtain an order stay-

Regulation  
of stream  
pending pro-  
ceedings.

ing the regulation of said stream as to him, in the same manner as provided in Section 11 of the Act, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just.

SEC. 2. That section 41 of Chapter 117, of the Session Laws of 1917, be amended to read as follows:

Section 41. (1) Any person or persons who shall wilfully interfere with, or 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 who shall wilfully use or conduct water into or through his ditch, which has been lawfully denied him by the water master or other competent authority, 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.

(2) Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into to his ditch or to his land, or land occupied by him, and for such purpose shall cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor.

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with,

Interference  
with appli-  
ances or  
wrongful use  
of water.

injured or destroyed, shall be prima facie evidence of the guilt of the person using it.

SEC. 3. That Chapter 117 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 31-a.

Section 31-a. That no permit for the appropriation of water shall be denied because of the fact that the point of diversion described in the application for such permit, or any portion of the works in such application described and to be constructed for the purpose of storing, conserving, diverting or distributing such water, or because the place of intended use or the lands to be irrigated by means of such water, or any part thereof, may be situated in some other state or nation, but in all such cases where either the point of diversion or any of such works or the place of intended use, or the lands, or part of the lands, to be irrigated by means of such water, are situated within the state of Washington, the permit shall issue as in other cases: *Provided, however,* That the state hydraulic engineer may in his discretion, decline to issue a permit where the point of diversion described in the application is within the State of Washington but the place of beneficial use in some other state or nation, unless under the laws of such state or nation water may be lawfully diverted within such state or nation for beneficial use in the state of Washington.

Denial of  
permit for  
appropriation.

Passed the House February 9, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 16, 1921.