

terests of the state to re-lease said lands, he shall fix the royalties for the ensuing term in accordance with the provisions of this act relating to original leases, and issue to the applicant a renewal lease for a further term; such application for a re-lease when received from any lessee, or successor of any lessee, who has in good faith developed and improved the property in a substantial manner during his original lease to be given preference on equal terms against the application of any new applicant.

Duty of commissioner.

Preference given application for re-lease.

SEC. 12. It shall be unlawful for the holder of any option contract, or any lessee, to commit any waste upon the lands embraced therein, except as may be incident to his work of prospecting or mining.

Waste by contract holder or lessee.

Passed the Senate December 4, 1925.

Passed the House December 17, 1925.

Approved by the Governor January 18, 1926.

CHAPTER 156.

[S. B. 258.]

REGULATION OF SALMON FISHING.

AN ACT relating to fisheries and amending sections 5683 and 5704-a of Remington's Compiled Statutes, as enacted by Section 9, Chapter 90, Laws of 1923.

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

SECTION 1. That Section 5683 of Remington's Compiled Statutes be amended to read as follows:

Amends § 2440, Pierce's Code.

Section 5683. No lead of any pound-net, trap, fish-wheel, or other fixed appliance used for catching salmon in the Columbia River and its tributaries, Willapa Harbor and its tributaries, and Grays Harbor and its tributaries shall exceed eight hundred feet in length, and there shall be an end

Fixed appliances in Columbia river, Willapa and Grays harbors.

passageway of at least thirty feet and a lateral passageway of at least nine hundred feet between all such pound-nets, traps, fish-wheels, or other fixed appliances. The lead of any pound-net or trap may be extended to high-water mark only on the tide lands owned by the state, providing such extension does not exceed the length provided in this act. Should the locator or owner neglect to construct his appliances for two consecutive years, said location shall be deemed abandoned.

SEC. 2. That Section 5704-a of Remington's Compiled Statutes, as enacted by Section 9, Chapter 90 of the Laws of 1923, be amended to read as follows:

Amends
§ 2460-2,
Pierce's
Code.

License fees
Columbia
river.

Section 5704-a. There shall be paid to the state treasurer of the state of Washington the following license fees and taxes in the Columbia River district or the Columbia River or the waters of the Columbia River over which the state of Washington has jurisdiction or concurrent jurisdiction:

Gill net.

For each gill net license for the taking of salmon, smelt or herring, seven and fifty one-hundredths dollars (\$7.50);

Boat
puller.

For each boat puller license for the taking of salmon, smelt or herring, one dollar (\$1.00);

Licenses
issued only
to applicants
personally
operating.

Provided, however, that no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof.

Poundage
fee.

Every person, firm or corporation operating as a canner, receiver, buyer, or wholesaler of salmon, shad or sturgeon shall pay in addition to all other licenses or fees provided by law, the sum of one-half cent ($\frac{1}{2}c$) per pound on sturgeon and on each and every specie of salmon except dog or chum salmon and one-eighth cent ($\frac{1}{8}c$) per pound on all shad and dog or chum salmon caught in the Colum-

bia River district or the waters of the Columbia River over which the state of Washington has jurisdiction or concurrent jurisdiction. The poundage fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the supervisor of fisheries may order and direct, and the fee shall be accompanied by a report showing the total number of pounds of all varieties of fish, stated separately upon blanks furnished by the supervisor of fisheries.

It is the intention of this act that only one poundage fee shall be collected for each and every pound of fish purchased or received and in order that this end may be accomplished, the supervisor of fisheries and the state treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Only one poundage fee.

The poundage fee herein required shall constitute a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the said fish.

Lien of poundage fee.

The state treasurer and the supervisor of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the poundage fee herein required, and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of said poundage fee.

Rules and regulations.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the supervisor of fisheries, or to violate any of the provisions of this section. Every person, firm or corporation licensed to operate as a canner, packer, buyer, receiver or wholesaler by the director of licenses shall keep a record in triplicate in such

Unlawful to falsify reports or to violate rules or orders.

Record to be kept.

form so that the following information and facts shall be found thereon:

1. Name of person from whom any of said fish are obtained.

2. The license number and kind of gear operated by said person.

3. The license number shall be preceded by the letter "W" in case the license has been issued by the state of Washington, and the letter "O" in case the license has been issued by the state of Oregon.

4. The number of pounds of each variety of fish purchased or received from said person, said weights to be the gross weight, figured in the whole or round.

5. The date when said fish was purchased or received.

6. The name of the purchaser or receiver.

At least one copy of this record must be kept on each scow, pick-up boat or other craft used in buying, receiving or transporting said fish and by the canner, or packer and the wholesaler or his buyer or receiver, and shall be subject to inspection by the supervisor of fisheries and the state treasurer or their deputies or agents.

Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, and any person, firm or corporation failing to pay the poundage fee required herein shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Any tax received hereunder shown by the reports to have been collected under a license issued by the state of Oregon shall not be deposited in the state treasury, but shall be deposited in a fund to be known as the Oregon License Fund; and the state treasurer of the state of Washington shall, each

Where
copies of
record to
be kept.

Subject to
inspection.

Suspension
or revoca-
tion of
license for
failure to
keep record
or pay
fees.

Refund to
Oregon.

month, make a statement of all such tax received by him, and shall pay the same to the state fish commission of Oregon. This provision shall not become effective, however, unless a similar and reciprocal statute of the state of Oregon shall become effective in favor of the state fisheries board of the state of Washington.

Conditional
on refund
by Oregon to
Washington.

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia River district, or in the waters in the Columbia River, over which the state of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

Gill net
and boat
puller
license
required.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia River district or in the waters of the Columbia River, over which the state of Washington has jurisdiction or concurrent jurisdiction.

Whip
seine.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty.

Passed the Senate December 29, 1925.

Passed the House January 5, 1926.

Approved by the Governor January 15, 1926.