

CHAPTER 255.

[S. B. 85.]

PUBLIC LANDS.

AN ACT relating to the selection, control, management, sale, lease and disposition of lands and areas belonging to or held in trust by the state, defining the powers and duties of certain officers in relation thereto, providing for appeals, prohibiting certain acts in relation thereto and providing penalties for violations thereof.

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

- SECTION 1. Public lands of the State of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tide lands, shore lands and harbor areas as hereinafter defined, and the beds of navigable waters belonging to the state.
- Whenever used in this act the term "state lands" shall mean and include:
- Public lands. State, tide, and shore lands. Harbor areas. Beds of navigable waters.
- State lands classified:
- School lands. School lands, that is, lands held in trust for the support of the common schools;
- University lands. University lands, that is, lands held in trust for university purposes;
- Agricultural college lands. Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;
- Scientific school lands. Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;
- Normal school lands. Normal school lands, that is, lands held in trust for state normal schools;
- Capitol building lands. Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive and judicial purposes;

Institutional lands, that is, lands held in trust for state charitable, educational, penal and reformatory institutions; and

Institutional lands.

All public lands of the state, except tide lands, shore lands, harbor areas and the beds of navigable waters.

Public lands.

SEC. 2. Whenever used in this act the term "outer harbor line" shall mean a line located and established in navigable waters as provided in section 1 of article XV of the state constitution, beyond which the state shall never sell or lease any rights whatever.

Outer harbor line.

May not sell or lease rights beyond.

SEC. 3. Whenever used in this act the term "harbor area" shall mean the area of navigable tidal waters determined as provided in section 1 of article XV of the state constitution, which shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Harbor area.

Reserved for navigation and commerce.

SEC. 4. Whenever used in this act the term "inner harbor line" shall mean a line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.

Inner harbor line.

SEC. 5. Whenever used in this act the term "first class tide lands" shall mean the beds and shores of navigable tidal waters belonging to the state, lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

First class tide lands.

SEC. 6. Whenever used in this act the term "second class tide lands" shall mean public lands belonging to the state over which the tide ebbs and

Second class tide lands.

flows outside of and more than two miles from the corporate limits of any city, from the line of ordinary high tide to the line of extreme low tide.

First class
shore lands.

SEC. 7. Whenever used in this act the term "first class shore lands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side.

Second
class shore
lands.

SEC. 8. Whenever used in this act the term "second class shore lands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city.

Improve-
ments.

SEC. 9. Whenever used in this act the term "improvements" when referring to public lands belonging to the state shall mean anything considered a fixture in law placed upon or attached to such lands, or any change made in their previous condition that has added value to the lands.

Board of
state land
commission-
ers con-
stituted.

SEC. 10. The commissioner of public lands, the secretary of state, and the state treasurer shall constitute the board of state land commissioners, of which the commissioner of public lands shall be chairman, and a clerk in the office of the commissioner of public lands, to be appointed by the chairman, shall be secretary.

Ex-officio
harbor line
commission.

SEC. 11. The board of state land commissioners shall constitute the commission provided for in section 1 of article XV of the state constitution, to locate and establish harbor lines beyond which the state shall never sell or lease any rights whatever, and to determine the width of the harbor area be-

tween such harbor lines and the line of ordinary high tide, which area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Reservation for navigation and commerce.

SEC. 12. The board of state land commissioners shall constitute the board of appraisers provided for in section 2 of article XVI of the state constitution, to, before the sale of any lands granted to the state for educational purposes, appraise the value of such lands less the improvements thereon.

Board of appraisers of educational lands.

SEC. 13. The board of state land commissioners shall have its office and keep its records in the office of the commissioner of public lands, and shall keep a full and complete record of its proceedings in separate records, one relating to the establishment of harbor lines and the determination of harbor areas, and one relating to the appraisal of lands granted for educational purposes, and the board shall have the power, from time to time, to make and enforce rules and regulations for the carrying out of the provisions of this act relating to its duties not inconsistent with law.

Office and records of board.

Separate records for harbor lines and areas and for appraisal of educational lands.

May make rules.

SEC. 14. The commissioner of public lands shall have the power to appoint an assistant, who shall be deputy commissioner of public lands with power to perform any act or duty relating to the office of the commissioner, and, in case of vacancy by death or resignation of the commissioner, shall perform the duties of the office until the vacancy is filled, and shall act as chief clerk in the office of the commissioner of public lands, and, before entering upon his duties, shall take, subscribe and file in the office of the secretary of state the oath of office required by law of state officers.

Deputy land commissioner.

Act as commissioner—when.

Chief clerk.

Oath of office.

SEC. 15. The commissioner of public lands shall have the power to appoint an auditor and cashier, and an assistant auditor and cashier, and to appoint

Commissioner may appoint certain assistants.

State land inspectors.

and employ such number of state land inspectors, who shall be citizens of the State of Washington familiar with the work of inspecting and appraising lands, and such number of engineers, draftsmen, clerks and other assistants, as he may deem necessary for the performance of the duties of his office.

Bonds of commissioner and appointees.

SEC. 16. The commissioner of public lands and his appointees shall enter into good and sufficient surety company bonds as required by law, in the following sums: Commissioner of public lands, fifty thousand dollars; auditor and cashier, twenty thousand dollars; assistant auditor and cashier, ten thousand dollars; each state land inspector, five thousand dollars; and other appointees in such sum as may be fixed in the manner provided by law.

State land inspector compensation.

SEC. 17. The compensation of a state land inspector shall not exceed seven dollars per diem for the time actually employed, and necessary expenses, which shall be submitted to the commissioner of public lands in an itemized and verified account to be approved by him.

Oath of office.

Each state land inspector shall, before entering upon his duties, take and subscribe and file in the office of the secretary of state, an oath in substance as follows: "I.....do solemnly swear that I will well and truly perform the duties of state land inspector in the inspection and appraisal of lands to be selected by, or belonging to, or held in trust by the State of Washington, to the best of my knowledge and ability; that I will personally and carefully examine each parcel or tract of land assigned to me for inspection, and a full and complete report make, as to each tract inspected, of every material fact connected with the location, condition and character of said land, and my estimate of the value thereof, and the amount and estimated value of all timber, or other valuable

material, and all improvements thereon, when directed by the commissioner of public lands; that I am not, nor will I become, interested directly or indirectly in the sale, lease or purchase of said lands; that I will not communicate or disclose to any person other than the commissioner of public lands, or his deputy, or the members of the board of state land commissioners, any information in relation to the location, condition, character or value of any lands inspected by me, or the timber or other valuable material, or the improvements thereon; that in the performance of my duties as state land inspector I will in all respects act according to the best of my knowledge and ability, and will protect the interests of the State of Washington.”

SEC. 18. If any state land inspector shall knowingly or willfully make any false statement in any report of inspection of lands, or any false estimate of the value of lands inspected or the timber or other valuable materials or improvements thereon, or shall knowingly or willfully divulge anything or give any information in regard to lands inspected by him, other than to the commissioner of public lands, the deputy commissioner of public lands, or the board of state land commissioners, he shall forthwith be removed from office, and shall be deemed guilty of a felony and in such case it shall be the duty of the commissioner of public lands and of the members of the board of state land commissioners, to report all facts within their knowledge to the proper prosecuting officer to the end that prosecution for the offense may be had.

False report or estimate or disclosure of information by land inspector.

Penalty.

SEC. 19. So long as any grant of lands by the United States to the State of Washington, for any purpose, or as lieu or indemnity lands therefor, remains incomplete, the commissioner of public lands shall, from time to time, cause the records in his

Grant by U. S.

Lieu or indemnity lands.

Records examined for unappropriated U. S. lands.

Inspection and appraisal.

Classification of lands.

Quantity and value of timber, etc.

Report under oath.

Inspector to personally examine.

office and in the United States land offices, to be examined for the purpose of ascertaining what of the unappropriated lands of the United States are open to selection, and whether any thereof may be of sufficient value and so situated as to warrant their selection as state lands, and in that case may cause the same to be inspected and appraised by one or more state land inspectors, and a full report made thereon by the smallest legal subdivisions of forty acres each, classifying such lands into grazing, farming and timbered lands, and estimating the value of each tract inspected and the quantity and value of all valuable material thereon, and in the case of timbered lands the amount and value of the standing timber thereon, and the estimated value of such lands after the timber is removed, which report shall be made as amply and expeditiously as possible on blanks to be furnished by the commissioner of public lands for that purpose, under the oath of the inspector to the effect that he has personally examined the tracts mentioned in each forty acres thereof, and that said report and appraisal is made from such personal examination, and is, to the best of affiant's knowledge and belief, true and correct, and that the lands are not occupied by any *bona fide* settler.

Selection by commissioner of unappropriated lands.

The commissioner of public lands shall select such unappropriated lands as he shall deem advisable, and do all things necessary under the laws of the United States to vest title thereto in the state, and shall assign lands of equal value, as near as may be, to the various uncompleted grants.

Selection of land failed or rejected.

SEC. 20. In case any person interested in any tract of land heretofore selected by the Territory of Washington or any officer, board or agent thereof or by the State of Washington or any officer, board or agent thereof or which may be hereafter selected

by the State of Washington or the commissioner of public lands, in pursuance to any grant of public lands made by the United States to the Territory or State of Washington for any purpose or upon any trust whatever, the selection of which has failed or been rejected or shall fail or shall be rejected for any reason, shall request it, the commissioner of public lands shall have the authority and power on behalf of the state to relinquish to the United States such tract of land.

Land relinquished to U. S. on request of interested person.

SEC. 21. The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the appraisement, and purchase of any state lands, except capitol building lands, and the purchase of tide or shore lands, and the purchase of timber, fallen timber, stone, gravel or other valuable materials situated thereon, and the lease of state lands, tide lands, shore lands and harbor areas which forms shall contain such instructions as will inform and aid intending applicants in making applications.

Forms to applicants for appraisement and purchase of lands.

SEC. 22. Any citizen, or person who has in good faith declared his intentions of becoming a citizen of the United States, or any corporation organized under the laws of this state or any state or territory of the United States, the majority of stockholders of which are citizens of the United States, desiring to purchase any state lands, except capitol building lands, or to purchase any tide or shore lands, or to purchase any timber, fallen timber, stone, gravel or other valuable materials situated on state, tide or shore lands, or to lease any state, tide or shore lands, or harbor areas, shall file in the office of the commissioner of public lands an application, on the proper form, and in case of application for the purchase of lands, or for the purchase of timber, fallen timber, stone, gravel or other valuable materials,

Who may apply for purchase of lands, timber, etc.

Filing application.

Deposit
required.

When
deposit
returned.

Deposit
forfeited.

Applications
for appraise-
ment and
sale or lease.

Inspection
of lands.

Report of
inspector.

Application
to purchase
educational
lands and
report
thereon filed
with board
of state land
commis-
sioners.

shall deposit with the application not less than ten cents per acre for the land or material applied for, but in no case less than ten dollars, and in case of application for lease for any purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, shall deposit the sum of ten dollars, which deposit shall be returned to the applicant in case the land or materials applied for is sold, or the land or area leased, when offered pursuant to the application, but in case the land or material is not sold, or the land or area not leased, by reason of the failure of the applicant to bid the appraised value, or the fixed rental thereof, when the same is offered, the deposit shall be forfeited to the state and paid into the state treasury to the credit of the general fund.

SEC. 23. When, in the judgment of the commissioner of public lands, a sufficient number of applications for the appraisement and sale, or the lease, for any lawful purpose, except mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, except capitol building lands, have been received, the commissioner shall cause each tract of land so applied for to be inspected by one or more state land inspectors as to its character, topography, agricultural and grazing qualities, timber, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and a full report thereof to be made to the commissioner, together with the inspector's judgment as to the present and prospective value, or rental value, as the case may be. In case of an application to purchase land granted to the state for educational purposes, the commissioner shall submit said report together with all other information in the records of the office of the commissioner of public lands concerning the

land applied for, to the board of state land commissioners, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the commissioner of public lands shall appraise and fix the value thereof. In case of applications for the lease of state lands, except capitol building lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the commissioner of public lands shall fix the rental value thereof, and shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best interest of the state, by written order which shall be filed with the lease in the office of the commissioner, and a copy mailed to the lessee at his last known postoffice address, and upon the expiration of such lease, the commissioner of public lands, shall not appraise said improvements in an amount exceeding the limit so fixed by the commissioner of public lands.

SEC. 24. Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except with the consent of the board of regents of the University of Washington. Not less than a legal subdivision of any land granted to the state by the United States shall be offered for sale, except that upon the application of a cemetery association for the purchase

Minimum valuation.

Land Commissioner to appraise other state lands.

Application for lease.

Fixing rental value.

Value of improvements.

Extension of limit of value of improvements.

Filing order.

Expiration of lease.

Appraisal of improvements.

Sale limited to 160 acres.

May not sell university lands without consent of regents.

Legal subdivision minimum offered for sale.

Cemetery sites minimum purchase.

School house sites.

School district to have preference to purchase.

Price.

When tract less than subdivision may be sold or leased.

Sale of timber.

Maximum amount of educational land leased to one person.

Period of lease.

If oil or gas lease twenty year limit.

Platting into lots and blocks lands near and within municipality.

of school land for a site or sites for cemeteries, not less than one nor more than ten acres may be offered, and in case of the application of a school district for the purchase of a school house site or sites on any school lands, not less than three nor more than ten acres each may be offered for sale and in all cases where a school house is or may be erected upon any school lands the school district to which such school house belongs shall have the preference right for six months after the filing of the final appraisal of such school lands to purchase school house sites to include the lands occupied by such school houses and grounds, at the appraisal value thereof, and in case any tract of timber or agricultural state land, except capitol building lands, contain less than a regular government or public subdivision, where the reduced area of said tract is due to natural causes, or to isolation, it may be offered for sale or lease, or the timber thereon may be offered for sale, as in this act provided, whenever the commissioner of public lands shall deem it to be to the best interest of the state. Not more than one section of land granted to the state for educational purposes shall be leased to any one person or company, nor for a longer period than five years, except that such lands may be leased for the extraction of petroleum or natural gas or for the mining of coal for any period not exceeding twenty years.

SEC. 25. The commissioner of public lands shall cause all unplatted state lands, except capitol building lands, within the limits of any incorporated city or town, or within two miles of the boundary thereof, where the valuation of such lands is found by appraisal to exceed one hundred dollars per acre, to be platted into lots and blocks, of not more than five acres in a block, before the same are offered for

sale, and not more than one block shall be offered for sale in one parcel. The commissioner of public lands may designate or describe any such plat by name, or numeral, or as an addition to such city or town, and, upon the filing of any such plat, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat, according to the designation prescribed by the commissioner of public lands. Such plats shall be made in duplicate, and when properly authenticated by the commissioner of public lands, one copy thereof shall be filed in the office of the commissioner and one copy in the office of the county auditor in which the lands are situated, and said auditor shall receive and file such plats without compensation or fees and make record thereof in the same manner as required by law for the filing and recording of other plats in his office.

Designated
as addition
to the city.

Plats in
duplicate.

Filing and
recording.

No filing fee
to county
auditor.

SEC. 26. When, in the judgment of the commissioner of public lands the best interest of the state will be thereby promoted, the commissioner may vacate any plat or plats covering state lands, except capitol building lands, and vacate any street, alley or other public place therein situated: *Provided*, That the vacation of any such plat shall not effect the vested rights of any person or persons theretofore acquired therein. In the exercise of the foregoing power and authority to vacate the commissioner shall enter an order in the records of his office and at once forward a certified copy thereof to the county auditor of the county wherein said platted lands are located and said auditor shall cause the same to be recorded in the miscellaneous records of his office and noted on the plat by reference to the volume and page of the record.

Vacation
of plats.

Streets and
alleys
vacated.

Vested rights
protected.

Entry of
vacation
order.

Copy to
county
auditor.

SEC. 27. Whenever all the owners and other persons having a vested interest in the lands abut-

Platted lands.

Petition of abutting owners for vacation of portion of tract.

Replattng and sale of vacated portions.

New survey not essential when.

Abutting owners preference right to purchase vacated lands.

Application to purchase less than section of unplatted lands.

Vetoed.

ting on any street, alley, or other public place, or any portion thereof, in any plat of state lands, except capitol building lands, lying outside the limits of any incorporated city or town, shall petition the commissioner of public lands therefor, the commissioner may vacate any such tract, alley or public place or part thereof and in such case all such streets, alleys or other public places or portions thereof so vacated shall be platted, appraised and sold or leased in the manner provided for the platting, appraisal and sale or lease of similar lands: *Provided*, That where the area vacated can be determined from the plat already filed it shall not be necessary to survey such area before platting the same. The owner or owners, or other persons having a vested interest in the lands abutting on any of the lots, blocks or other parcels platted upon the lands embraced within any area vacated as hereinabove provided, shall have a preference right for the period of sixty days from the date of filing such plat and the appraisal of such lots, blocks or other parcels of land in the office of the commissioner of public lands, to purchase the same at the appraised value thereof.

SEC. 28. Whenever application is made to purchase less than a section of unplatted state lands, except capitol building lands, the commissioner of public lands may order the inspection of the entire section or sections of which the lands applied for form a part.

SEC. 29. In no case shall any lands granted to the state for educational purposes be offered for sale unless the same shall have been appraised by the board of state land commissioners within ninety days prior to the date fixed for the sale, and in no case shall any other state lands, except capitol building lands, or tide or shore lands belonging to the

state, or any materials on any state lands, except capitol building lands, or on any tide or shore lands, or the beds of navigable waters belonging to the state, be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale. No public lands, except capitol building lands, or timber or other valuable materials thereon, shall be sold or offered for sale by the commissioner of public lands unless the same have been inspected, and any timber thereon cruised, within one year prior to the date of sale, by a duly qualified inspector, or cruiser and a report in writing of such inspection and/or cruise filed in the office of the commissioner of public lands.

Vetoed.

The commissioner of public lands, and the board of state land commissioners, shall have the power to make public, or to refrain from making public, any report of any inspection and/or cruise, filed as in this section provided, so long as the lands referred to in such report remain unsold, but when any such lands, or the timber thereon, shall have been sold and conveyed by the state, all such reports, or cruises, as the case may be, shall become public records.

SEC. 30. The commissioner of public lands may cause any state lands, except capitol building lands, or any tide or shore lands, to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

Surveying state lands to determine area subject to sale or lease.

SEC. 31. Timber, fallen timber, stone, gravel, or other valuable material situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the

Sale of timber, stone, etc., separate from the land.

When timber shall be sold separate from the land.

Application to purchase material.

Inspection and report.

Appraised value minimum price.

Lands within watershed.

City may acquire with timber, etc., without a separate appraisalment.

Timber, stone, etc., sold separate from land. Cash payment required.

Timber, etc., sold separate from the land reverts to state not removed within time.

same, and in case the estimated amount of timber on any tract of state lands, except capitol building lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land. When application is made for the purchase of any valuable material, situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state, the same inspection and report shall be had as upon an application for the appraisalment and sale of such lands, and the commissioner of public lands shall appraise the value of the material applied for. No timber, fallen timber, stone, gravel, or other valuable material, shall be sold for less than the appraised value thereof.

SEC. 32. Whenever any state lands, except capitol building lands, lie within the limits of any watershed over or through which is derived the water supply of any city or town in this state, and such city or town shall desire to purchase or condemn the same, it may do so, and, in case of purchase, it shall have the right to purchase the land with the timber, fallen timber, stone, gravel, or other valuable material thereon without a separate appraisalment thereof.

SEC. 33. When any timber, fallen timber, stone, gravel, or other valuable material on state lands, except capitol building lands, is sold separate from the land, the full purchase price thereof shall be paid in cash.

In all cases where timber, fallen timber, stone, gravel, or other valuable material, is sold separate from the land, the same shall revert to the state if not removed from the land within five years from the date of the purchase thereof: *Provided*, That in all cases where, in the judgment of the commissioner of public lands, the purchaser is acting in good faith

and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding ten years, upon payment to the state of a sum, to be fixed by the commissioner, of not less than one nor more than two dollars per acre per annum, and the commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

Extension of time for removal.

Extension fee.

SEC. 34. Before any state lands, except capitol building lands, are offered for sale, or before any state lands are offered for lease, the commissioner of public lands shall separately appraise all improvements situated thereon at the time of the appraisal of the land, at such sum as the improvements add to the value of the land for the purpose of selling the same, and shall also appraise all damages and waste committed or suffered upon such lands by the cutting or removal of timber, or the removal of stone, gravel or other valuable material, by the person or persons owning such improvements, or their assignors, and the damages so found shall be deducted from the appraised value of the improvements, and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the office of the commissioner of public lands, but nothing herein shall be construed as affecting the right of the state to receive the full value of the land.

Appraisal of improvements prior to sale or lease of lands.

Appraisal of damages and waste.

Damages deducted from value of improvements.

Recording appraisal.

State to receive full value for land.

SEC. 35. No lessee of state lands shall remain in possession of said lands, or the improvements thereon, after the termination or expiration of his lease, without the written consent of the commissioner of public lands, and then only upon such terms and conditions as such written consent shall

Surrender of possession on termination of lease.

Extension of time.

Removal
of improve-
ments.

prescribe. At any time within sixty days after the termination or expiration of any such lease the owner of said improvements shall be entitled to remove such thereof as can be removed without injury to the land.

When im-
provements
become
property
of state.

SEC. 36. All improvements placed upon state lands under lease, during the term of any lease, which remain upon said lands sixty days after the termination or expiration of said lease, except with the consent of the commissioner of public lands as above provided, shall become the property of the state, and be considered a part of the land upon which they are located: *Provided*, That if said lands are sold within a period of three years from the termination or expiration of said lease, then the purchaser at such sale shall pay to the owner of said improvements the appraised value thereof as determined by the commissioner of public lands. Any improvements placed upon any state lands without the written authority of the commissioner of public lands, or after the expiration of a written lease, shall become the property of the state and be considered a part of the land.

When pur-
chaser to pay
owner value
of improve-
ments.

Unauthor-
ized im-
provements
become state
property.

Deposit by
purchaser of
state lands
covering
value of im-
provements.

When owner
of improve-
ments to
receive
payment
therefor.

SEC. 37. If the purchaser of state lands be not the owner of the improvements thereon, he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements, and if it be found by the commissioner of public lands that the owner of such improvements was not holding adversely to the state at the time of the making thereof, or that said improvements were placed upon the land in good faith by a lessee of the state whose lease had not been cancelled or become subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then the commissioner shall pay to the owner of said improvements the sum so deposited,

but if it be found that such improvements were made by persons holding or claiming adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, or by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, then the sum so deposited shall be paid into the state treasury to be placed to the credit of the fund into which the proceeds derived from the sale of the land should be paid.

SEC. 38. For the purpose of determining the value and character of lands, timber, fallen timber, stone, gravel, or other valuable material, or improvements, the board of state land commissioners, or the commissioner of public lands, as the case may be, may compel the attendance of witnesses by subpoena, at such place as the board, or the commissioner, may designate, and examine such witnesses under oath as to the value and character of such lands, or materials, or improvements and waste or damage to the land.

May subpoena witnesses to ascertain value and character of lands, timber, etc.

SEC. 39. When timber, or other valuable materials have been sold separate from lands granted to the state for educational purposes, and have actually been removed therefrom, then such lands may be sold for such a sum as added to the price received for the timber or other valuable materials will not be less than ten dollars per acre.

Materials sold separate from educational lands.

Minimum sale price of lands.

SEC. 40. All sales of timber upon state lands, except capitol building lands, shall be made subject to the right, power and authority of the commissioner of public lands to prescribe rules and regulations governing the manner of the removal of the timber with a view to the protection of the non-merchantable timber against destruction or injury by fire or from other causes, and such rules or

Timber sales subject to rules governing manner of removal.

regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the commissioner of public lands.

Sale and removal of merchantable timber.

Land classified.

Reservation for reforestation.

Reservations certified to conservation director.

Fire protection.

Reforestation.

Sale of timber damaged by fire.

Harvesting and disposition of crops by state upon termination of lease.

SEC. 41. When the merchantable timber has been sold and actually removed from any state lands, except capitol building lands, the commissioner of public lands may classify the land, and may reserve from any future sale such portions thereof as may be found suitable for reforestation, and in such case, the commissioner shall enter such reservation in the records in his office, and all such lands so reserved shall not thereafter be subject to sale or lease. The commissioner of public lands shall certify all such reservations for reforestation so made, to the director of conservation and development, and it shall be the duty of the director of conservation and development, through and by means of the division of forestry, to protect such lands, and the remaining timber thereon, from fire and to reforest the same.

SEC. 42. The commissioner of public lands may cause all timber on state lands, except capitol building lands, which has been damaged by fire, to be inspected and appraised and offered for sale without an application having been filed, or deposit made, for the purchase of the same.

SEC. 43. Whenever the State of Washington shall become the owner of any growing crop, or crop grown upon, any state lands, by reason of the forfeiture, cancellation or termination of any contract or lease of state lands, or from any other cause, the commissioner of public lands is authorized to arrange for the harvesting, sale or other disposition of such crop in such manner as he deems for the best interest of the state, and shall pay the proceeds of any such sale into the state treasury to be

credited to the same fund as the rental of the lands upon which the crop was grown would be credited.

SEC. 44. Any county, city or town desiring to purchase any stone, rock, gravel or sand upon any state lands, or upon any tide or shore lands or bed of navigable waters belonging to the state, to be used in the construction, maintenance or repair of any public street, road or highway within such county, city or town, may file with the commissioner of public lands an application for the purchase thereof, which application shall set forth the quantity and kind of material desired to be purchased, the location thereof, and the name, or other designation, and location of the street, road or highway upon which the material is to be used. The commissioner of public lands upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as he deems advisable and for the best interest of the state for not less than the fair market value thereof to be appraised by the commissioner of public lands. The proceeds of any such sale shall be paid into the state treasury and credited to the fund to which the proceeds of the sale of the land upon which the material is situated would belong.

Purchase by county or city of stone, etc., for street or highway improvement.

Application.

Authority to sell material.

Price.

SEC. 45. Immediately upon the making of the appraisalment of the value of any state lands, except capitol building lands, or rental value of any state lands, upon application to purchase the same, or to lease the same for any purpose except mining of valuable minerals, or coal, or extracting petroleum or gas, or upon making the appraisalment of the value of timber, fallen timber, stone, gravel, or other valuable materials, upon application to purchase the same at public auction, the commissioner of public lands shall prepare in duplicate a certificate of such appraisalment showing in detail the facts found and

Appraisalment of value of state lands, etc.

Certificate in duplicate of appraisalment.

Filing and
posting.

the value appraised, and shall file one copy of the same in his office, and certify one copy and forward it to the auditor of the county in which the land is situated, and the county auditor shall post such certified appraisement in a conspicuous place in his office. The commissioner of public lands shall notify the applicant for the purchase, or lease, of the land, or the purchase of materials, of the appraisement and of the notice to the auditor, and that the board of state land commissioners, or the commissioner of public lands, as the case may be, will allow the applicant twenty days in which to show wherein said appraisement is defective, excessive or unjust, and in case such showing is made it shall be considered by the board, or the commissioner, as the case may be, and notice of their action thereon shall be sent to the applicant.

Notice to
applicant to
purchase or
lease of ap-
praisement.

Time for
protest.

Fixing date
of sale of
lands or
materials.

SEC. 46. When the commissioner of public lands shall have decided to sell any lot, block, tract, or tracts of state lands, except capitol building lands and university lands, or any tide or shore lands, or the timber, fallen timber, stone, gravel, or other valuable material thereon, or with the consent of the board of regents of the University of Washington, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon, it shall be the duty of the commissioner of public lands to forthwith fix the date of sale, which date shall be on the first Tuesday of the month in which the sale is to be had, and no sale shall be had in any month in which the first Tuesday shall fall on a legal holiday, and the commissioner shall give notice of the sale by advertisement published once a week for five weeks next before the time he shall name in said notice, in at lease [least] one newspaper published and of general circulation in the county in which the whole, or any part of any lot,

Publication
of notice
of sale.

block or tract of land to be sold or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the office of the county auditor of such county, which notice shall specify the place, time and terms of sale and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and state the appraised value thereof.

SEC. 47. The commissioner of public lands shall cause to be printed in pamphlet form a list of all state lands, except capitol building lands, and of all tide or shore lands, or materials thereon, and the appraised value thereof, that are to be sold in the several counties of the state, said lists to be issued at least four weeks prior to the date of any sale of the lands or materials enumerated thereon, such lands and materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties. The commissioner of public lands shall retain for free distribution in his office sufficient copies of said lists, to be kept in a conspicuous place or receptacle on the counter of the general office of the commissioner of public lands, and, when requested so to do, shall mail copies of said lists as issued to any applicant therefor. Proof of publication of the notice of sale

Commissioner to publish list of lands and materials for sale.

When issued.

Contents of pamphlet.

Distribution of lists to county auditors.

Free distribution of lists by commissioner.

Proof of publication.

shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.

Advertising
expense au-
thorization.

SEC. 48. The commissioner of public lands is authorized to expend any sum in additional advertising of such sale as he shall determine to be for the best interest of the state.

Place of sale.

Time of sale.

SEC. 49. Such sale shall take place in the county in which the whole, or the greater part, of each lot, block, or tract of land, or the material thereon, to be sold, is situated, as shown by the official plat thereof on file in the office of the commissioner of public lands, on the day advertised, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, in front of the court house, or of the building in which the superior court is held in counties in which there is no court house.

Sales at pub-
lic auction.

SEC. 50. All sales shall be at public auction to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value.

Sales by
county
auditor.

SEC. 51. Such sales shall be conducted under the direction of the commissioner of public lands, by the county auditor of the county in which the sale is held, and such auditor, upon the payment to him, by the purchaser, either in cash or by certified check or accepted draft drawn upon some bank doing business in this state, or by postal money order, payable to the order of the commissioner of public lands, of an amount equal to one-tenth of the purchase price of the land purchased by him, or the full amount of the purchase price of the timber, fallen timber, stone, gravel or other valuable material

purchased by him, together with the fee required by law for the issuance of contracts, deeds or bills of sale, shall deliver to the purchaser, under his hand and seal, a memorandum of his purchase containing a description of the land, or materials, purchased, the price bid and the terms of sale. The auditor shall at once send to the commissioner such cash or certified check, draft or postal money order, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the commissioner.

Proceeds and report to commissioner.

SEC. 52. If any land so offered for sale be not sold the same may again be advertised for sale, as provided in this act, whenever in the opinion of the commissioner of public lands it shall be expedient so to do, and such land shall be again advertised and offered for sale as herein provided, whenever any person shall apply to the commissioner in writing to have such land offered for sale and shall agree to pay, at least the appraised value thereof and shall deposit with the commissioner at the time of making such application a sufficient sum of money to pay the cost of advertising such sale.

Readvertising land not sold.

Applicant to pay cost of advertising.

SEC. 53. If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the commissioner of public lands within ten days from the receipt of the report of the county auditor conducting the sale of any state lands, or tide or shore lands, or timber, fallen timber, stone, gravel or other valuable material thereon, and it shall appear from such report that the sale was fairly conducted, 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 commissioner shall be satisfied that the lands, or material, sold

Time in which sale may be protested.

Commissioner to record sale confirmation and issue contract, deed, etc.

would not, upon being readvertised and offered for sale, sell for at least ten 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 that the best interests of the state may be subserved thereby, the commissioner of public lands shall enter upon his records a confirmation of sale and thereupon issue to the purchaser a contract of sale, deed or bill of sale, as the case may be, as in this act provided.

Terms of sale of state lands.

Payable in ten years.

Interest on deferred payments.

SEC. 54. All state lands, except capitol building lands, and all tide and shore lands, shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of the issuance of the contract of sale, and one-tenth annually thereafter until the full purchase price has been paid; but any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent per annum. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the commissioner of public lands: *Provided*, That the commissioner of public lands may, when he deems it for the best interest of the state, sell any state lands, except capitol building lands, in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid, but in such case, before any such lands are offered for sale, the commissioner of public lands shall prescribe the extent and character of the improvements that shall

Terms when payable within twenty years.

be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if the holder thereof shall fail in any year to make such improvements as shall be prescribed by the commissioner before the lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part of the consideration thereof. Every such purchaser shall render to the commissioner of public lands between the tenth day of December and the thirty-first day of December of each year during the first ten years a full and complete statement of the character and cost of the improvements placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the commissioner, and he may pay any number of installments of the purchase price of said lands at any time prior to the dates of payment as above provided for, if the commissioner is satisfied that the improvements which he has placed upon said lands are such as to insure a *bona fide* cultivation and use thereof for agricultural, horticultural or dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four per cent per annum for the first ten years after the date of sale, and thereafter at the rate of six per cent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes.

Contract forfeited on failure to make improvements.

Annual report by purchaser of improvements made.

May pay installments prior to due date.

Interest on deferred payments.

Improvement of lands for agriculture, dairying, etc., the purpose.

SEC. 55. When the entire purchase price of any state lands, except capitol building lands, or of any tide or shore lands, shall have been fully paid, the

Full purchase price paid.

Deed by
Governor.

Recordation.

No fee.

commissioner of public lands shall certify such fact to the governor, and shall cause a deed signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed of land issued by the governor other than the fee provided for in this act.

Oil, mineral,
etc., rights
reserved by
state in
state, tide or
shore lands
sold.

SEC. 56. Each and every contract for the sale of, and each deed to, state, tide or shore lands shall contain the following reservation: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the suc-

cessful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state, its successors or assigns, until provision has been made by the state, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state, its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer."

Payment for damages to owner in exercising reservation rights.

Legal proceedings to determine damages if owner refuses settlement.

SEC. 57. The purchaser of state lands, except capitol building lands, or of tide or shore lands, under the provisions of this act, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf of the state, with the seal of his office attached, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payments of principal and interest,

Form of contract of sale.

Covenants
of contract.

computed from the date the contract is issued, when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on failure to make the payments as prescribed in this act when due, and for six months thereafter, that he will, on demand of the commissioner of public lands, surrender said premises, and that upon such failure for six months all rights of the purchaser under said contract may, at the election of the commissioner of public lands, acting for the state, and without notice to said purchaser, be declared to be forfeited, and that when so declared forfeited the state shall be released from all obligation to convey the land.

Contract in
duplicate.

The contract provided for in this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands.

Extension
of time for
payment.

The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on contracts heretofore issued, and contracts to be issued under this act.

Notice of
payment
overdue.

The commissioner of public lands shall notify the purchaser of any state lands, except capitol building lands, and of tide or shore lands, in each instance when payment on his contract is overdue, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the commissioner of public lands.

Bill of sale
for timber,
stone, etc.

SEC. 58. When timber, fallen timber, stone, gravel, or other valuable material, shall have been sold separate from the land and the purchase price paid in full, the commissioner of public lands shall cause a bill of sale, signed by the commissioner and attested by the seal of his office, setting for [forth] the time within which such material shall be removed, to be issued to the purchaser and to be re-

corded in the office of the commissioner of public lands, upon the payment of the fee provided for in this act.

Recordation.
Fee.

SEC. 59. Whenever the holder of any contract of purchase of any state lands, except capitol building lands, or of any tide or shore lands, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner of public lands with the request to have the same divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, provided the proposed subdivision is not less than regular government or platted subdivisions, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental or taxes or assessments on the land held under said contract or lease, nor in any case where the commissioner shall be of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee of two dollars for each new contract, or lease, issued, shall be paid by the applicant, and such fee shall be paid into the state treasury with other fees of the office.

Division into
two or more
contracts or
leases on
request of
purchaser
or lessee.

Conditions.

Fee.

SEC. 60. Any sale or lease of state lands, except capitol building lands, or of tide or shore 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, and the holder of such contract, or lease, shall be required to surrender the same to the commissioner of public lands, who, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury.

When sale
or lease
void.

Refund to
purchaser
or lessee.

Lease of state lands.

Purposes.

Terms.

SEC. 61. The commissioner of public lands shall be authorized to lease, for a term of five years or less, to the highest bidder at public auction, any state lands, except capitol building lands, for any purpose, except mining of valuable minerals or coal or extraction of petroleum or gas, and to likewise lease capitol building lands for any purpose except agriculture, but such lands shall not be leased for less than the appraised rental value thereof, nor shall agricultural lands be leased for less than ten cents per acre.

Applications for leases.

List of lands certified to county auditor.

Time and place for offering lands for lease.

SEC. 62. When in the judgment of the commissioner of public lands a sufficient number of applications for leases as provided in the preceding section, have been received from any one county, the commissioner shall certify a list of such lands so applied for, and any other lands he may deem advisable to offer for lease at the same time, to the auditor of the county in which such lands are situated, and fix the time and place when and where such lands shall be offered for lease, and describe the character of the lands.

County auditor to post list.

Lease to highest bidder.

SEC. 63. Upon the receipt of any certified list of lands offered for lease, the county auditor shall post said list for a period of thirty days prior to the date of leasing, in some conspicuous place in his office, and elsewhere in the county, as the commissioner of public lands may direct, and on the day and at the place fixed by the commissioner, shall offer the lands described in the list, in separate tracts as directed by the commissioner, for lease to the highest bidder.

Rentals payable annually in advance.

SEC. 64. The person or persons to whom any lease of lands is awarded, shall pay to the county auditor in cash or by certified check or accepted draft on any bank in this state, the first year's rental in accordance with his bid, and thereafter all

rentals shall be paid annually in advance to the commissioner of public lands.

SEC. 65. When any state lands shall have been leased by the county auditor of any county, the auditor shall at once certify a list of such lands to the commissioner of public lands, giving the name of each lessee, his post office address, the term of the lease, the lease price per annum, the amount paid on the lease, and any other information required by the commissioner of public lands, and shall forward to the commissioner one certified check, draft or postal money order, payable to the order of the commissioner of public lands, for all moneys so paid him on leases. The commissioner shall issue a receipt to the auditor for the total amount of money received, and a receipt to each lessee for the amount paid, which shall be in duplicate, the original receipt to be sent to the lessee and the duplicate thereof kept in the office of the commissioner. If the commissioner shall approve any lease he shall pay the moneys received therefor over to the state treasurer, together with a statement showing the funds to which said moneys, respectively, belong, and take his receipt therefor.

SEC. 66. The commissioner of public lands may reject any and all bids for leases when the interests of the state shall justify it, and in such case he shall forthwith refund to the person paying the same any moneys paid, upon the return of receipts issued therefor. If the commissioner approve any leasing made by the county auditor he shall proceed to issue a lease to the lessee upon a form to be prescribed by the attorney general. All such leases shall be in duplicate, both to be signed by the lessee, and by the commissioner of public lands on behalf of the state, with the seal of the commissioner of public lands attached thereto. The original lease shall be forwarded to the lessee and the duplicate copy kept in the office of the commissioner of public lands.

Auditor to certify list of leases to commissioner.

Receipt by commissioner to auditor and lessees.

May reject lease bids.

Leasing approved. Lease issued. Form prescribed.

Commis-
 sioner to
 keep record
 of leases.
 Notice to
 lessees of
 rental due.
 Non-
 payment.
 Lease
 cancelled.
 Extension of
 time for
 payment.

SEC. 67. The commissioner of public lands shall keep a full and complete record of all leases issued under the provisions of the preceding sections and the payments made thereon, and not more than forty nor less than thirty days before the time any rental becomes due the commissioner of public lands shall cause to be mailed to the lessee a notice stating the date upon which his rental falls due and the amount thereof. If such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the commissioner of public lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: *Provided*, That the commissioner of public lands may extend the time for payment of annual rental not exceeding one year when, in his judgment, the interests of the state will not be prejudiced thereby.

Contracts of
 purchase
 forfeited.
 Ownér of im-
 provements
 preference
 right to
 lease.
 Application.
 Contents.
 Period of
 lease.

SEC. 68. The owner of improvements placed on state lands, except capitol building lands, held under contracts of purchase from the state, where such contracts are forfeited to the state, shall have a preference right to lease any of such lands for a period of ninety days from the cancellation of his contract by the state, in the following manner: The owner of such improvements shall make application in writing, to the commissioner of public lands, for the lease of such lands, certifying under oath as to the character and value of such improvements, and setting forth the amount of annual rental offered for the lease of the lands, and if the commissioner shall deem the rental offered sufficient and that it is to the best interests of the state to accept said offer, he shall, upon the receipt of the first year's rental in advance in accordance with such offer, proceed to issue to the applicant a lease of the lands, for any period not exceeding five years, in the same manner as in this act provided for the issuance of leases of

state lands to the highest bidder at public auction. If such lands are not leased as above provided in this section, the same may be leased or sold as provided in this act for the lease or sale of state lands.

SEC. 69. If at the expiration of any lease of any state lands, except capitol building lands leased for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, or any renewal of any such lease, the lessee desires to re-lease the lands covered thereby, he shall within thirty days after the expiration of his lease, or renewal lease, make application in writing, upon a form prepared for that purpose, to the commissioner of public lands for a re-lease, certifying under oath as to the character and value of all improvements existing on the land, name and post office address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee to be the reasonable annual rental value of the lands, and such other information as the commissioner of public lands may require, and shall deposit with such application the sum of ten dollars, which deposit, if the applicant shall fail or refuse to accept a re-lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state and by the commissioner paid into the state treasury and credited to the general fund. Upon the filing of any such application for a re-lease, the commissioner of public lands may cause the lands to be inspected and a full report made thereon as in the case of original applications for leases, and if he deems it for the best interests of the state to re-lease said lands to the applicant, he shall fix the rental value thereof and notify the applicant of the rental value so fixed, and if within thirty days after the date of such notice the applicant shall pay to the commissioner

Application
for re-lease
of lands.

Form of
application.

Deposit
required.

Inspection
and report as
in original
lease appli-
cation.

of public lands the first year's rental as fixed by the commissioner, together with the fees required by law, less the sum of ten dollars already deposited, the commissioner shall issue to the applicant a renewal lease for any period not exceeding five years.

First year's rental and fees not paid.

Deposit forfeited.

Appraisal of improvements.

Land offered for lease at public auction.

Deposit appraised value of improvements.

Disposition of deposit and fees.

SEC. 70. If the applicant fails or refuses to pay to the commissioner of public lands the first year's rental, together with the fees required by law, within thirty days after the date of the notice above provided for, the ten dollars deposited with the application shall be forfeited to the state and by the commissioner of public lands paid into the state treasury and credited to the general fund, and the commissioner may cause the improvements existing upon the land to be appraised in the same manner as in the case of the sale of lands, and offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer offering the lands for lease, the appraised value of the improvements. The amount so deposited as the appraised value of improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands, and, upon confirmation of the lease by the commissioner, the amount so deposited in payment for the improvements shall be disposed of by the commissioner of public lands in the same manner as in the case of the sale of the land.

SEC. 71. At any time during the existence of any lease of state lands, except capitol building lands for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals, or coal, or extraction of petroleum or gas, the lessee with the consent of the commissioner of public lands, first obtained, by written application, showing

the cost and benefits to be derived thereby, may purchase or acquire a water right appurtenant to and in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement to the lands, then, in case of the sale or lease of such lands to other parties, the lessee acquiring such water right shall be entitled to receive the value thereof as in case of other improvements which he has placed upon the land.

Acquisition by lessee of appurtenant water right.

Valued as other improvements.

SEC. 72. Whenever the lessee of state lands, except capitol building lands leased for agricultural purposes, and except lands leased for the purpose of mining of valuable minerals or coal, or extraction of petroleum or gas, shall surrender his lease before the end of its term or shall fail to re-lease such lands at the expiration of the term of his lease, any improvements made upon the leased premises by the lessee, that are capable of removal without damage to the land, may be removed by the lessee, or may be left upon the land subject to purchase by any purchaser or lessee of the land within three years from the surrender or expiration of the lease.

Lease surrendered.

Removal of improvements by lessee.

Sale of improvements.

SEC. 73. All contracts of purchase, or leases, of state lands, tide or shore lands or beds of navigable waters belonging to the state, issued by the commissioner of public lands shall be assignable in writing by the contract holder or lessee and the assignee shall be subject to and governed by the provisions of law applicable to the purchaser, or lessee, of whom he is the assignee, and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, provided the assignment is approved by the commissioner of public lands and entered of record in his office.

Contracts of purchase or leases assignable.

SEC. 74. The lessee, or assignee of any lease, of state lands, leased for grazing purposes, shall not use the same for any other purpose than that

May not use otherwise lands leased for grazing.

May receive agricultural lease in lieu thereof.

expressed in the lease: *Provided*, That such lessee, or his assignee, of state lands, except capitol building lands, may surrender his lease to the commissioner of public lands and request the commissioner to issue an agricultural lease in lieu thereof, and in such case, the commissioner upon the payment of the fixed rental for agricultural purposes under the appraisalment of said land shall be authorized to issue a new lease, for the unexpired portion of the term of the lease surrendered, under which the lessee shall be permitted to clear, plow and cultivate the lands as in the case of an original lease for agricultural purposes.

During lease period land may be sold only to lessee.

SEC. 75. State lands held under lease as above provided shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Comm'r to have of record abstracts of state, tide and shore lands, harbor areas and beds of navigable waters.

What abstracts shall disclose.

SEC. 76. The commissioner of public lands shall cause full and correct abstracts of all the state lands, tide lands, shore lands, harbor areas and beds of navigable waters owned by the state, to be made and kept in his office in suitable and well bound books, and other suitable records. Such abstracts shall show in proper columns and pages the section or part of section, lot or block, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of timber, stone, gravel or other valuable materials thereon, the date of sale, the name of purchaser, sale price per acre, the date of lease, the name of lessee, the term of the lease, the annual rental, amount of cash paid, amount unpaid and when due, amount of annual interest, and in proper columns such other facts as may be necessary to show a full and complete abstract of the conditions

and circumstances of each tract or parcel of land from the time the title was acquired by the state until the issuance of a deed or other disposition of the land by the state.

SEC. 77. The commissioner of public lands is authorized and directed to make applications, and to cause publication of notices of applications, to the interior department of the United States for certification that any land granted to the state is non-mineral in character, in accordance with the rules of the general land office of the United States.

Certification to interior department land granted non-mineral.

SEC. 78. All state lands, or tide and shore lands belonging to the state, granted, sold or leased since the fifteenth day of June, 1911, or hereafter granted, sold or leased, containing timber, minerals, stone, sand, gravel, or other valuable materials, or when other state, tide or shore lands contiguous or in proximity thereto contain any such valuable materials, shall be subject to the right of the state, or any grantee or lessee thereof who has acquired such other lands, or any such valuable materials thereon, since the fifteenth day of June, 1911, or hereafter acquiring such other lands or valuable materials thereon, to acquire the right of way over such lands so granted, sold or leased, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of, and to be used in, transporting and moving such valuable materials from such other lands, over and across the lands so granted or leased, upon the state, or its grantee or lessee, paying to the owner of the lands so granted or sold, or the lessee of the lands so leased, reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad company seeking to condemn private property.

Sales and leases subject to reservation of right of way for railroads, canals, etc., for removing valuable materials.

Compensation for easement.

Grant of right of way for private railroad, canal, etc.

SEC. 79. Every grant, deed, conveyance, contract to purchase or lease made since the fifteenth day of June, 1911, or hereafter made to any person, firm or corporation, for a right of way for a private railroad, skid road, canal, flume, watercourse or other easement, over or across any state lands, or tide or shore lands belonging to the state, for the purpose of, and to be used in, transporting and moving timber, minerals, stone, sand, gravel or other valuable materials of the land, shall be subject to the right of the state, or any grantee or lessee thereof, or other person who has acquired since the fifteenth day of June, 1911, or shall hereafter acquire, any lands containing valuable materials contiguous to, or in proximity to, such right of way, or who has so acquired or shall hereafter acquire such valuable materials situated upon state lands, or tide or shore lands belonging to the state, or contiguous to, or in proximity to, such right of way, of having such valuable materials transported or moved over such private railroad, skid road, flume, canal, watercourse or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation, or for the use of such private railroad, skid road, flume, canal, watercourse or other easement, and upon complying with just, reasonable and proper rules and regulations relating to such transportation or use, which rates, rules and regulations, shall be under the supervision and control of the state department of public works.

A common carrier subject to rates and rules prescribed by department of public works.

Right of way over lands and across navigable waters of state for transporting valuable materials.

SEC. 80. Any person, firm or corporation, having acquired such right of way or easement since the fifteenth day of June, 1911, or hereafter acquiring such right of way or easement over any state lands, or tide or shore lands belonging to the state, or over or across any navigable water or stream, for the purpose of transporting or moving timber, mineral, stone, sand, gravel or other valuable materials, and

engaged in such business thereon, shall accord to the state, or any grantee or lessee thereof, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, from the state, any state lands, or tide or shore lands, containing timber, mineral, stone, sand, gravel or other valuable materials, contiguous to or in proximity to such right of way or easement, or any person, firm or corporation, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, the timber, mineral, stone, sand, gravel or other valuable materials upon any state lands, or tide or shore lands belonging to the state, contiguous to or in proximity to the lands over which such right of way or easement is operated, proper and reasonable facilities and service for transporting and moving such valuable materials, under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use, shall accord the use of such right of way or easement for transporting and moving such valuable materials, under reasonable rules and regulations and upon the payment of just and reasonable charges therefor.

A common carrier.

SEC. 81. Should the owner or operator of any private railroad, skid road, flume, canal, water-course or other easement operating over lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, as in the previous sections provided, fail to agree with the state, or any grantee thereof, as to the reasonable and proper rules, regulations and charges, concerning the transportation of timber, mineral, stone, sand, gravel or other valuable materials, from lands contiguous to, or in proximity to, the lands over which such private railroad, skid road, flume, canal, water-course or other easement, is operated, for transport-

Operator of railroad, etc., not observing transportation rates.

Investigation
by depart-
ment of
public works.

ing or moving such valuable materials, the state, or such person, firm or corporation, owning and desiring to have such valuable materials transported or moved, may apply to the state department of public works and have the reasonableness of the rules and regulations and charges inquired into, and it shall be the duty of the department of public works to inquire into the same and it is hereby given the same power and authority to investigate the same as it is now authorized to investigate or inquire into the reasonableness of rules, regulations and charges made by railroad companies, and it is authorized and empowered to make any such order as it would make in an inquiry against a railroad company, and in case such private railroad, skid road, flume, canal, watercourse or easement, is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper, and such order shall have the same force and effect, and be binding upon the parties to such hearing, as though such hearing and order was made affecting a common carrier railroad.

Authority.

Violation
by carrier
of order of
department
of public
works.

SEC. 82. In case any person, firm or corporation, owning or operating any private railroad, skid road, flume, canal, watercourse or other easement, over and across any state lands, or tide or shore lands belonging to the state or any lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, subject to the provisions of the preceding sections, shall violate or fail to comply with any rule, regulation or order made by the state department of public works, after an inquiry and hearing as provided in the preceding section, such person, firm or corporation, shall be subject to a penalty of not to exceed one thousand dollars for each and every violation thereof, and in addition

Penalty.

thereto such right of way, private road, skid road, flume, canal, watercourse or other easement and all improvements and structures on such right of way, and connected therewith, shall revert to the state or to the owner of the land over which such right of way is located, and may be recovered in an action instituted in any court of competent jurisdiction.

Reversion of improvements to the state.

SEC. 83. Any person, firm or corporation, engaged in the business of logging or lumbering, quarrying, mining or removing sand, gravel or other valuable materials from land, and desirous of obtaining a right of way for the purpose of transporting or moving timber, minerals, stone, sand, gravel or other valuable materials from other lands, over and across any state lands, or tide or shore lands belonging to the state, or any such lands sold or leased by the state since the fifteenth day of June, 1911, shall file with the commissioner of public lands upon a form to be furnished for that purpose, a written application for such right of way, accompanied by a plat showing the location of the right of way applied for with references to the boundaries of the government section in which the lands over and across which such right of way is desired are located. Upon the filing of such application and plat, the commissioner of public lands shall cause the lands embraced within the right of way applied for, to be inspected, and all timber thereon, and all damages to the lands affected which may be caused by the use of such right of way, to be appraised, and shall notify the applicant of the appraised value of such timber and such appraisement of damages. Upon the payment to the commissioner of public lands of the amount of the appraised value of timber and damages, the commissioner shall issue in duplicate a right of way certificate setting forth the terms and conditions upon which such right of way is granted,

Logging, quarrying, etc., operators to file application for right of way.

Form.

Plat.

Inspection. Appraisal of timber and damages.

Right of way certificate issued upon payment.

Forfeiture
for non-user.

as provided in the preceding sections, and providing that whenever such right of way shall ceased to be used for the purpose for which it was granted, or shall not be used in accordance with such terms and conditions, it shall be deemed forfeited. One copy of such certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant.

Filing
certificate.

When
forfeited for
non-user.

SEC. 84. Any such right of way heretofore granted which has never been used, or has ceased to be used for the purpose for which it was granted, for a period of two years, shall be deemed forfeited. The forfeiture of any such right of way heretofore granted, or granted under the provisions of the preceding sections, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof at his last known post office address and by stamping the copy of such certificate, or other record of the grant, in the office of the commissioner of public lands with the word "cancelled," and the date of such cancellation.

Notice of
forfeiture.

Construction
of road,
street or
wharf by
county or
city.

SEC. 85. Any county or city desiring to locate, establish and construct a road or street over and across any state lands, or tide or shore lands belonging to the state, or any county desiring to construct any wharf on such tide or shore lands, shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, cause to be filed in the office of the commissioner of public lands a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way

Petition for
right of
way.

is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the commissioner of public lands, if he deem it for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of any timber thereon and notify the petitioner of such appraised value.

Inspection
and
appraisal.

If there be no timber on the proposed right of way, or upon the payment of the appraised value of any timber thereon, to the commissioner of public lands in cash, or by certified check drawn upon any bank in this state, or postal money order, the commissioner may approve the plat filed with the petition and file and enter the same in the records of his office, and such approval and record shall constitute a grant of such right of way from the state.

Approval
and filing of
plat upon
payment of
appraised
value.

SEC. 86. A right of way through, over and across any state lands not held under a contract of sale, is hereby granted to any railroad company organized under the laws of this state, or any state or territory of the United States, or under any act of congress of the United States, to any extent not exceeding fifty feet on either side of the center line of any railroad now constructed, or hereafter to be constructed, and for such greater width as is required for excavations, embankments, depots, station grounds, passing tracks or borrow pits, which extra width shall not in any case exceed two hundred feet on either side of said right of way.

Right of
way granted
to railroads.

SEC. 87. In order to obtain the benefits of the preceding section any railroad company hereafter constructing, or proposing to construct, a railroad, shall file with the commissioner of public lands a copy of its articles of incorporation, due proof of

Procedure
required of
railroads
to obtain
right of
way.

To pay appraised value of lands and damages to lands affected.

organization thereunder, a map or maps, accompanied by the field notes of the survey, showing the location of the line of said railroad, the width of the right of way and extra widths, if any, and shall pay to the commissioner of public lands as hereinafter provided the amount of the appraised value of the lands included within said right of way, and extra widths if any are required, and the damages to any lands affected by such right of way or extra widths.

Right of way location: appraisal and report in same manner as applications for purchase.

SEC. 88. All state lands over which a right of way of any railroad to be hereafter constructed, shall be located, shall be appraised in the same manner as in the case of applications for the purchase of state lands, fixing the appraised value per acre for each lot or block, quarter section or subdivision thereof, less the improvements, if any, and the damages to any state lands affected by such right of way, shall be appraised in like manner, and the appraisement shall be recorded and the evidence or report upon which the same is based shall be preserved or [of] record, in the office of the commissioner of public lands, and the commissioner shall send notice to the railroad company applying for the right of way that such appraisement has been made.

Appraisal of improvements.

How made.

SEC. 89. Should any improvements, made by any one not holding adversely to the state at the time of making such improvements or made in good faith by a lessee of the state whose lease had not been cancelled or was not subject to cancellation for any cause, or made upon the land by mistake, be upon any of such lands at the time of the appraisement, the same shall be separately appraised, together with the damage and waste done to said lands, or to adjacent lands, by the use and occupancy of the same, and after deducting from the amount of the appraisement for improvements the amount of such damage and waste, the balance shall be regarded as

the value of said improvements, and the railroad company, if not the owner of such improvements, shall deposit with the commissioner of public lands the value of the same, as shown by said appraisal, within thirty days next following the date thereof. The commissioner of public lands shall hold such moneys for a period of three months, and unless a demand and proof of ownership of such improvements shall be made upon the commissioner within said period of three months, the same shall be deemed forfeited to the state and deposited with the state treasurer and paid into the general fund. If two or more persons shall file claims of ownership of said improvements, within said period of three months, with the commissioner of public lands, the commissioner shall hold such moneys until the claimants agree or a certified copy of the judgment decreeing the ownership of said improvements shall be filed with him. When notice of agreement or a certified copy of a judgment has been so filed, the commissioner of public lands shall pay over to the owner of the improvements the money so deposited.

Deposit by railroad for payment to owner for improvements.

When deposit forfeited to state.

More than one claimant.

Decision as to ownership.

SEC. 90. When the construction or proposed construction of said railroad affects the value of improvements on state lands not situated on the right of way or extra widths, the applicant for said right of way shall file with the commissioner of public lands a valid release of damages duly executed by the owner or owners of such improvements, or a certified copy of a judgment of a court of competent jurisdiction, showing that compensation for the damages resulting to such owner or owners, as ascertained in accordance with existing law, has been made or paid into the registry of such court.

Railroad construction affecting value of improvements on state lands not on right of way.

Release of damages.

SEC. 91. Upon full payment of the appraised value of any right of way for a railroad and of damages to state lands affected, the commissioner of

Railroad's payment for right of way and of damages.

Right of way certificate issued.

public lands shall issue to the railroad company applying for such right of way a certificate in such form as the commissioner of public lands may prescribe, in which the terms and conditions of said easement shall be set forth and the lands covered thereby described, and any future grant, or lease, by the state, of the lands crossed or affected by such right of way shall be subject to the easement described in the certificate.

Future grants subject to the easement.

Railroads may construct bridges across navigable streams.

SEC. 92. Any railroad company heretofore or hereafter organized under the laws of the Territory or State of Washington, or of any other state or territory of the United States, or under any act of the congress of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have the right to construct bridges across the navigable streams within this state over which the line or lines of its railway will run, for the purpose of being made a part of said line of railway, or the more convenient use thereof, if said bridges are so constructed as not to interfere with, impede or obstruct the navigation of such streams.

Bridges and trestles constructed by cities and counties.

SEC. 93. Counties, cities, towns and other municipalities shall have, and are hereby given the right to construct bridges and trestles across waterways heretofore or hereafter laid out under the authority of the State of Washington, and over and across any tide or shore lands of the state and harbor areas adjacent thereto over which the projected line or lines of any highway will run: *Provided*, Such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such highway.

SEC. 94. Any corporation, copartnership, person or trustee heretofore or hereafter by any state or municipal law or ordinance authorized to construct

and operate railroads, interurban railroads or street railroads as common carriers within this state, shall have, and hereby is given, the right to construct bridges or trestles across waterways heretofore or hereafter laid out under the authority of the State of Washington over which the projected line or lines of railroad will run: *Provided*, Such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such railroad, and may also have included therewith the purpose of providing a roadway for the accommodation of vehicles and foot passengers.

Common carrier railroads and street railroads may construct bridges and trestles across waterways.

Roadway for vehicles and pedestrians.

SEC. 95. The location and plans of such structures shall be submitted to, and approved by, the commissioner of public lands of the State of Washington before construction is commenced: *Provided*, That in case the portion of such waterway at the place to be so crossed is navigable water of the United States, or otherwise within the jurisdiction of the United States, such location and plans shall also be submitted to, and approved by, the secretary of war and the chief of engineers of the United States before construction is commenced: *And provided further*, That when plans for any bridge or trestle have been approved by the commissioner of public lands, the secretary of war and the chief of engineers aforesaid, it shall not be lawful to deviate from such plans either before or after the completion of such structure, unless the modification of such plans have previously been submitted to, and received the approval of, the commissioner of public lands, the secretary of war and chief of engineers, as the case may be. Any structure hereby authorized and approved as aforesaid shall remain within the jurisdiction of the respective officer or officers approving the same, and shall be altered or changed from time to time at the expense of the

Submit plans to commissioner.

If within U. S. jurisdiction approval of War Dept. required.

Deviation from plans.

Approval of modification.

Alteration or change of structure necessary.

Payment of
cost of
same.

municipality owning the highway or at the expense of the common carriers, at the time owning the road or roads using such structure, to meet the necessities of navigation and commerce, in such manner as may be from time to time ordered by the respective officer or officers at such time having jurisdiction of the same, and such orders may be enforced by appropriate action at law or in equity at the suit of the state.

Right of way
to municipal
and private
corporations
for telephone
line, water
supply,
electric
light, power,
etc.

SEC. 96. A right of way through, over and across any state lands, or tide or shore lands belonging to the state, or oyster reserves belonging to the state and the reversionary interest of the state in oyster lands, which have been or may hereafter be established or arise, is hereby granted to any municipal or private corporation, company, association or individual, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume or pipe line for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

Procedure
for obtaining
right of way.

SEC. 97. In order to obtain the benefits of the grant made in the preceding section, the municipal or private corporation or company, association or individual, constructing or proposing to construct, or which has heretofore constructed, such telephone line, ditch, flume, pipe line or transmission line, shall file, with the commissioner of public lands, a map, accompanied by the field notes of the survey and location of such telephone line, ditch, flume, pipe line or transmission line, and shall pay to the state as hereinafter provided the amount of the appraised value of the land, and improvements, if any, used for or included within the right of way applied for. The land within the right of way shall be limited to an amount necessary for the construction of said

telephone line, ditch, flume, pipe line or transmission line sufficient for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same, and the grant shall include the right to cut all standing timber within two hundred feet on either side of the center line of said right of way, which shall be dangerous to the operation and maintenance of the telephone line, ditch, flume, pipe line or transmission line.

Width of
right of way.

SEC. 98. Upon the filing of the plat and field notes, as provided in the preceding section, the land applied for and the standing timber within two hundred feet on either side of the center line of the right of way applied for, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for and of the standing timber and improvements, if any, the commissioner of public lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his office, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association or individual securing such right of way ever abandon the use of the same for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

Appraisal.

Certificate.

Filing.

Future grants
subject to
easement.

Reversion if
abandoned.

SEC. 99. A right of way through, over and across any state lands or tide or shore lands belonging to the state is hereby granted to any irrigation district, or irrigation company duly organized under the laws of this state, and to any association or indi-

Right of way
for irrigation
ditches.

vidual, constructing or proposing to construct an irrigation ditch or pipe line for irrigation, or to any diking and drainage district or any diking and drainage improvement district proposing to construct a dike or drainage ditch.

Procedure to obtain irrigation right of way.

SEC. 100. In order to obtain the benefits of the grant hereinabove provided for, the irrigation district, irrigation company, association or individual constructing or proposing to construct such irrigation ditch or pipe line for irrigation, or the diking and drainage district or diking and drainage improvement district constructing or proposing to construct any dike or drainage ditch, shall file with the commissioner of public lands a map accompanied by the field notes of the survey and location of the proposed irrigation ditch, pipe line, dike, or drainage ditch, and shall pay to the state as hereinafter provided, the amount of the appraised value of the said lands used for or included within such right of way. The land within said right of way shall be limited to an amount necessary for the construction of the irrigation ditch, pipe line, dike, or drainage ditch for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same.

Width of right of way.

Appraisal.

SEC. 101. Upon the filing of the plat and field notes as hereinabove provided, the lands included within the right of way applied for shall be appraised as in the case of an application to purchase such lands, at the full market value thereof. Upon full payment of the appraised value of the lands the commissioner of public lands shall issue to the applicant a certificate of right of way, and enter the same in the records in his office and thereafter any sale or lease by the state of the lands affected by such right of way shall be subject thereto.

Future grants subject to easement.

SEC. 102. The commissioner of public lands shall have the power to grant to any person or corporation the right, privilege and authority to perpetually back and hold water upon or over any state, tide, or shore lands, and overflow such lands and inundate the same, whenever the commissioner shall deem it necessary for the purpose of erecting, constructing, maintaining or operating any water power plant, reservoir, or works for impounding water for power purposes, irrigation, mining or other public use, but no such rights shall be granted until the value of the lands to be overflowed and any damages to adjoining lands of the state, appraised as in the case of an application to purchase such lands, shall have been paid by the person or corporation seeking the grant, and if the construction or erection of any such water power plant, reservoir, or works for impounding water for the purposes heretofore specified, shall not be commenced and diligently prosecuted and completed within such time as the commissioner of public lands may prescribe at the time of the grant, the same may be forfeited by the commissioner of public lands by serving written notice of such forfeiture upon the person or corporation to whom the grant was made, but the commissioner, for good cause shown to his satisfaction, may extend the time within which such work shall be completed.

Grant of right to impound water and overflow state lands.

Procedure.

Construction not completed within time.

Notice of forfeiture of grant.

SEC. 103. The foregoing sections relating to the acquiring of rights of way and overflow rights through, over and across lands belonging to the state, shall not be construed as exclusive or as affecting the right of municipal and public service corporations to acquire lands belonging to or under control of the state, or rights of way or other rights thereover, by condemnation proceedings.

Acquisition of rights of way, and overflow rights across state lands—act cumulative

SEC. 104. In all condemnation proceedings brought for the purpose of appropriating any public

Eminent domain proceedings.

Service upon the commissioner.

land owned by the state or in which the state has an interest, service of process shall be made upon the commissioner of public lands.

Decree appropriating public lands.

Copy certified to comm'r with plat.

Payment of award.

Recordation in comm'r's office.

Certificate to plaintiff.

Future sales subject to easement.

When in any condemnation proceeding a decree is entered appropriating public lands owned by the state or in which the state has an interest, or any interest in or rights over such lands, it shall be the duty of the plaintiff to cause to be filed in the office of the commissioner of public lands a certified copy of such decree, together with a plat of the lands appropriated and the lands contiguous thereto, in form and substance as prescribed and required by the commissioner of public lands, showing in detail the lands appropriated, and to pay to the commissioner of public lands, or into the registry of the court, the amount of compensation and damages fixed and awarded in the decree. Upon receipt of such decree, plat, compensation and damages, the commissioner of public lands shall examine the same, and if he shall find that the final decree and proceedings comply with the original petition and notice and any amendment duly authorized, and that no additional interest of the state has been taken or appropriated through error or mistake, he shall cause notations thereof to be made upon the abstracts, records and tract books in his office, and shall issue to the plaintiff his certificate, reciting compliance, in substance, with the above requirements, particularly describing the lands appropriated, and shall forthwith transmit the amount received as compensation and damages to the state treasurer, as in the case of sale of land, and the subdivision of land through which any right of way is appropriated shall thereafter be sold or leased subject to the right of way.

SEC. 105. It shall be the duty of the board of state land commissioners to locate and establish

harbor lines and determine harbor areas, as required by section 1, of article XV of the state constitution, where such harbor lines have not heretofore been located and established.

Harbor lines and areas to be established.

SEC. 106. Whenever it appears that the inner harbor line of any harbor area heretofore determined has been so established as to overlap or fall inside of the government meander line, or for any other good cause, the board of state land commissioners is empowered to relocate and re-establish said inner harbor line so erroneously established, outside of said meander line, and all tide lands within said inner harbor line so re-established and relocated, may be sold as other tide lands of the first class in accordance with the provisions of this act.

Authority to relocate and reestablish inner harbor line.

May sell tide lands within inner harbor line.

SEC. 107. It shall be the duty of the commissioner of public lands to, simultaneously with the establishment of harbor lines and the determination of harbor areas in front of any city or town, or as soon thereafter as practicable, survey and plat all tide and shore lands of the first class not heretofore platted, and in platting the same to lay out streets which shall thereby be dedicated to public use, subject to the control of the cities or towns in which they are situated, and establish one or more public waterways not less than fifty nor more than one thousand feet wide, beginning at the outer harbor line and extending inland across the tide lands belonging to the state, which waterways shall include within their boundaries, as near as practicable, all navigable streams running through such tide lands, and shall be located at such other places as in the judgment of the commissioner of public lands may be necessary for the present and future convenience of commerce, and such waterways heretofore established under former laws or hereafter established

Harbor lines and areas established.

To plat tide and shore lands of the first class.

Streets subject to control of city.

Establish public waterways.

Location.

Reservation from sale or lease.

shall be reserved from sale or lease as public ways for water craft until vacated as provided in this act, and it shall be the duty of the commissioner of public lands to appraise the value of such platted tide and shore lands and enter such appraisement in the records of his office.

Alleys, streets, etc., platted on tide and shore lands dedicated to public use.

SEC. 108. All alleys, streets, avenues, boulevards, waterways and other public places heretofore located and platted on the tide and shore lands of the first class, or harbor areas, as provided by law, and not heretofore vacated as provided by law, are hereby validated as public highways and dedicated to the use of the public for the purposes for which they were intended, subject however to vacation as in this act provided.

Comm'r to prepare plats of all tide and shore lands.

SEC. 109. The commissioner of public lands shall prepare plats showing all tide and shore lands surveyed, platted and appraised by him in the respective counties, on which shall be marked the location of all such lands, with reference to the lines of the United States survey of the abutting upland, and shall prepare in well bound books a record of his proceedings, including a list of said tide and shore lands surveyed, platted, or re-platted, and appraised by him and his appraisal of the same, which plats and books shall be in triplicate, and the commissioner shall file one copy of such plats and records in his office, and file one copy in the office of the county auditor of the county where the lands platted, or re-platted, and appraised are situated, and file one copy in the office of the city engineer of the city in which, or within two miles of which, the lands platted, or re-platted, are situated.

To keep complete record in triplicate of plating, appraisal, etc.

Copies to county auditor and city engineer.

Each tract of tide or shore lands appraised separately.

SEC. 110. In appraising tide or shore lands hereafter platted, or re-platted, by the commissioner of public lands, the commissioner shall appraise each lot, tract or piece of land separately, and shall

enter in a well bound book to be kept in his office a description of each lot, tract or piece of tide or shore land, its full appraised value, the area and rate per acre at which it was appraised, and if any lot is covered in whole or in part by improvements in actual use for commerce, trade, residence, or business, on, or prior to, the date of the plat or re-plat, the commissioner shall enter the name of the owner, or reputed owner, the nature of the improvements, the area covered by the improvements, the portion of each lot, tract or piece of land covered, and the appraised value of the land covered, with, and exclusive of, the improvements.

Record
book.

What shall
contain.

SEC. 111. The commissioner of public lands shall, before filing in his office the plat and record of appraisement of any tide or shore lands platted and appraised by him, cause a notice to be published once each week for four consecutive weeks in a newspaper published and of general circulation in the county wherein the land covered by such plat and record are situated, stating that such plat and record, describing it, is complete and subject to inspection at the office of the commissioner of public lands and will be filed on a certain day to be named in the notice.

Notice by
publication
before filing
plat and
record.

Record may
be
inspected.

Any person claiming a preference right of purchase of any of the tide and shore lands platted and appraised by the commissioner of public lands, and who feels aggrieved at the appraisement fixed by the commissioner upon said lands, or any part thereof, may within sixty days after the filing of such plat and record in the office of the commissioner (which shall be done on the day fixed in said notice), appeal from such appraisement to the superior court of the county in which the tide or shore lands are situated, in the manner provided by this act for appeals from orders or decisions.

Claimant of
preference
right of
purchase
may appeal
from ap-
praisement.

Prosecuting
Attorney
to appeal on
behalf of
state, city
or county.

The prosecuting attorney of any county, or city attorney of any city, in which such lands are situated, shall at the request of the governor, or of ten freeholders of the county or city, in which such lands are situated, appeal on behalf of the state, or the county, or city, from any such appraisement in the manner hereinabove provided.

Service of
notice of
appeal.

Notice of such appeal shall be served upon the commissioner of public lands, and it shall be his duty to immediately notify all persons claiming a preference right to purchase the lands the appraisement of which has been appealed from.

Appeal
bond.

Any party, other than the state, county or city, appealing, shall execute a bond to the state with sufficient surety, to be approved by the commissioner of public lands, in the sum of two hundred dollars conditioned for the payment of costs on appeal.

Hearing and
order by
superior
court.

The superior court to which an appeal is taken shall hear evidence as to the value of the lands appraised and enter an order confirming, or raising, or lowering the appraisement appealed from, and the clerk of the court shall file a certified copy thereof in the office of the commissioner of public lands. The appraisement fixed by the court shall be final.

Copy
certified to
commis-
sioner.

Court's ap-
praisement
final.

Abutting
owners have
preference
right to
purchase.

SEC. 112. The owner or owners of land abutting or fronting upon tide or shore lands of the first class platted and appraised by the commissioner of public lands, as in this act provided, shall have the right, for sixty days following the filing of the final appraisal of the tide or shore lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide or shore lands in front of the lands so owned: *Provided*, That if the abutting up-land owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide or shore lands in front of such uplands, or littoral

rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed.

Transfer of abutting owner's preference right.

If at the expiration of sixty days from and after the filing of the final appraisal with the commissioner of public lands, there being no conflicting applications filed, the applicant shall be deemed to have the right of purchase at the appraised value.

When applicant may purchase if no conflicting application.

If at the expiration of sixty days two or more applicants claiming a preference right to purchase shall have filed applications to purchase any tract, conflicting with each other, the commissioner of public lands shall forthwith require each applicant, within a time stated, to submit under oath a full statement of facts whereby he claims a preference right of purchase.

Conflicting claims of preference right.

In case any applicant shall fail to file such statement within the time stated, he shall, unless good excuse be shown therefor, be deemed to have waived his claim to a right of purchase of the tract described in his application.

Failure to file statement; Rights waived.

After such statements have been filed, if it be deemed advisable or necessary by the commissioner of public lands in order to determine the rights of the parties applying for said tract, he may order a hearing for that purpose.

Hearing may be had.

The commissioner shall determine who has the first right of purchase to the whole, or any portion of the lot or tract, involved, and shall, unless appeal be taken from his determination to the superior court of the county in which the land is situated, proceed to sell such lands in accordance with his determination.

Commr's determination. Subject to appeal to superior court.

In case of appeal the court after a hearing *de novo* shall enter an order determining the rights of

Court hears *de novo*.

Court's determination final.

the parties to the appeal and the commissioner of public lands shall proceed to sell the lands in accordance with the court's determination.

No applications for purchase of unsold tide or shore lands of the first class.

SEC. 113. Any tide or shore lands of the first class remaining unsold and where there is no pending application for the purchase of the same under claim of any preference right, shall be sold on the same terms and in the same manner as provided for the sale of state lands, other than capitol building lands, for not less than the appraised value fixed at the time of the application to purchase, and the commissioner of public lands whenever he shall deem it advisable and for the best interest of the state may re-appraise such lands in the same manner as provided for the appraisement of state lands, other than capitol building lands.

To be sold and reappraised as other state lands.

Petition for re-plat of tide or shore lands.

SEC. 114. Whenever all of the owners and other persons having a vested interest in the lands embraced within any plat of tide or shore lands of the first class, heretofore or hereafter platted or replatted, or within any portion of any such plat in which there are unsold tide or shore lands belonging to the state, shall file a petition with the commissioner of public lands accompanied by proof of service of such petition upon the city council, or other governing body, of the city or town in which the tide or shore lands described in the petition are situated, or upon the board of county commissioners of the county in which such tide or shore lands outside of any incorporated city or town are situated, asking for a re-plat of such tide or shore lands, the commissioner is authorized and empowered to replat the tide or shore lands described in such petition, and all unsold tide or shore lands within such replat shall be reappraised as provided for the original appraisement of tide or shore lands. All streets, alleys, waterways and other public places embraced

Re-plat and reappraisal.

within any such plat or portion of plat vacated by the replat hereby authorized shall vest in the owner or owners of the lands abutting thereon.

Vacated alleys, etc., vest in abutting owners.

SEC. 115. If in the preparation of such replat by the commissioner of public lands it becomes desirable to appropriate any tide or shore lands heretofore sold, for use as streets, alleys, waterways or other public places, all persons interested in the title to such tide or shore lands desired for public places shall join in the dedication of such replat before it shall become effective.

Replat. Dedication by owners of lands necessary for streets, etc.

SEC. 116. If any street, alley, waterway or other public place theretofore platted is vacated by a replat as in the foregoing sections provided and any new street, alley, water way or other public place is so laid out as to leave unsold tide lands between such new street, alley, waterway or other public place, and tide lands theretofore sold, the owner of said tide lands theretofore sold shall have the preference right, for sixty days after the final approval of such replat, to purchase the unsold tide lands so intervening at the appraised value thereof.

Replat of tide lands. Streets, etc., vacated.

New street, alley, etc., laid out.

Preference right to purchase intervening unsold tide lands.

SEC. 117. The foregoing sections are intended to afford a method of procedure, in addition to other methods provided in this act for the vacation of streets, alleys, waterways and other public places platted on tide or shore lands.

Method for vacation of streets, etc., cumulative.

SEC. 118. Whenever any waterway established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands of the State of Washington whenever he shall be requested so to do by ordinance or resolution of the city coun-

Established waterway not in use or required.

Vacation ordered.

Requested by city council.

Vacation
requested
by port
commission.

Copy of
resolution
and order
certified to
War Depart-
ment.

cil of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the State of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district; and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: *Provided, however,* That if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of said order of the commissioner of public lands certified to by him, shall be submitted to the secretary of war and chief of engineers of the United States for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated.

City may
extend
streets
across
vacated
waterway.

Time for
selection.

Upon such vacation occurring, in either of the manners aforesaid, the commissioner of public lands shall notify the city within, or in front of, which, such waterway is located, and the city shall have the right to extend across the portions so vacated any existing streets, or to select therefrom such portions thereof as the city may desire for street purposes, in no case to exceed 150 feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated.

No selection
vacated
waterway
vests in
state or
port district.

Should such city fail to make such selection within such time, or within such time make such selection, the title of the remaining portions of such waterway so vacated shall vest in the state, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event such title shall vest in said port district. If subsequent to such vacation, the vacated

waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

Title subject to existing railroad crossings.

The provisions of this section shall not apply to any waterway or portion of waterway which forms, or by improving the same may be made to form, a connection between a river, or another waterway, and tidal waters.

Waterways excepted by act.

SEC. 119. Any replat of tide or shore lands heretofore, or hereafter, platted shall be in full force and effect and shall constitute a vacation of streets, alleys, waterways and other public places theretofore dedicated and the dedication of new streets, alleys, waterways and other public places appearing upon such replat, when the same is recorded and filed as in the case of original plats.

Streets, alleys, etc., vacated or dedicated when plat or replat of tide or shore lands recorded.

SEC. 120. All tide lands, other than first class, shall be offered for sale and sold in the same manner as state lands, other than capitol building lands, but for not less than five dollars per lineal chain, measured on the United States meander line bounding the inner shore limit of such tide lands, and each applicant shall furnish a copy of the United States field notes certified to by the officer in charge thereof, of said meander line with his application, and shall pay one-tenth of the purchase price on the date of sale.

Tide lands sold as other state lands.

Minimum price.

Field notes filed with application.

SEC. 121. Whenever application is made to purchase any shore lands of the second class or whenever the commissioner of public lands shall deem it for the best interest of the state to offer any shore lands of the second class for sale, he shall cause a notice to be personally served upon the abutting upland owner if he be a resident of this state, or if

Application for shore lands of the second class.

Notice to abutting upland owner.

the upland owner be a non-resident of this state, shall mail to his last known post office address, a copy of a notice notifying him that application has been made for the purchase of such shore lands or that the commissioner deems it for the best interest of the state to sell the same, as the case may be, giving a description and the appraised value of such shore lands in no case less than five dollars per lineal chain frontage and notifying such upland owner that he has a preference right to purchase said shore lands at the appraised value thereof for a period of thirty days from the date of the service or mailing of said notice, and no such shore lands shall be offered for sale, or sold, to any other person than the abutting upland owner until after the expiration of said thirty days from the date of the service or mailing of such notice. If the upland owner is a non-resident of this state and his address is unknown to the commissioner of public lands, notice to him shall not be necessary or required. If at the expiration of the thirty days from the service or mailing of the notice, as above provided, the abutting upland owner has failed to avail himself of his preference right to purchase and paid to the commissioner of public lands the appraised value of the shore lands described in said notice, then in that event said shore lands may be offered for sale and sold in the manner provided for the sale of state lands, other than capitol building lands. The commissioner of public lands may cause any of such shore lands, to be platted as is provided for the platting of shore lands of the first class, and when so platted such lands shall be sold or leased in the manner in this act provided for the sale or lease of shore lands of the first class.

Upland owner has preference right.

Upland owner non-resident and address unknown—notice not required.

May sell to others if right not exercised within time.

Platting and sale as in case of shore lands of first class.

Second class tide or shore lands.

SEC. 122. Tide or shore lands of the second class which are separated from the upland by navi-

gable waters, shall be sold at not less than five dollars per acre; an applicant to purchase such tide or shore lands shall, at his own expense, survey and cause to be filed with his application a plat of the surveys of the land applied for, which surveys shall be connected with, and the plat shall show, two or more connections with the United States survey of the uplands, and the applicant shall also file the field notes of the survey of said land with his application. The commissioner of public lands shall examine and test said plat and field notes of survey, and if found incorrect or indefinite, he shall cause the same to be corrected or may reject the same and cause a new survey to be made.

Separated from the upland.

Price.

Survey at expense of applicant.

New survey may be made.

SEC. 123. Any accretions that may be added to any tract or tracts of tide or shore lands heretofore sold or that may hereafter be sold, by the state, shall belong to the state and shall not be sold or offered for sale until such accretions shall have been first surveyed under the direction of the commissioner of public lands, and the owner of the adjacent tide or shore lands shall have the preference right to purchase said lands produced by accretion for thirty days after the owner of the adjacent tide or shore lands shall be notified by registered mail of his preference right to purchase such accreted lands.

Accretions to tide or shore lands vest in state.

Adjacent owner preference right of purchase.

SEC. 124. All preference rights to purchase tide or shore lands awarded by the commissioner of public lands, or by the superior court in case of appeal from the award of the commissioner of public lands, shall be exercised by the parties to whom the award is made within thirty days from the date of the service of notice of the award by registered mail, by the payment to the commissioner of public lands of the sums required by law to be paid for a contract, or deed, as in the case of the sale of state lands, other than capitol building lands, and upon

Preference right of purchase lost if not exercised within time.

failure to make such payment such preference rights shall expire.

Appeal to superior court from board of land commissioners.

Notice of appeal.

Bond.

Transcript of record.

Court hearing *de novo*.

SEC. 125. Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is taken. The hearing and trial of said appeal in the superior court shall be *de novo* before the court, without a jury, upon the pleadings and papers so certified, but the court may order the

pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court, may appeal therefrom to the supreme court of the state, in the manner, and within the time, for appealing from judgments in actions at law. Unless appeal be taken from the judgment of the superior court, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tide lands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

New or amended pleadings.

Costs to prevailing party.

No costs against state.

Execution upon bond.

Appeal to supreme court.

Record certified to the board.

Appeal from board on prior right to purchase tide lands of the first class—
Time limit.

SEC. 126. The power to lease all platted first class tide lands, second class tide lands and all harbor areas belonging to the state and situate upon tidal waters, shall be vested in the commissioner of public lands, who shall have authority to make leases

Commissioner authorized to lease tide and shore lands and harbor areas.

Application
for harbor
area lease.

Investigation
and recom-
mendation
by port
commission.

Recommen-
dations ad-
visory only.

No prefer-
ence rights
created.

Reservation
to state, port
district, city,
to assume
lease upon
acquiring
contiguous
tide lands.

Forms
prescribed.

thereof to such persons, upon such terms and conditions and for such length of time, conformably to the state constitution and this act, as he may prescribe. All applications for leases of harbor areas situate upon tidal waters, or tide lands, lying within the limits of a port district shall before the execution of any such lease be referred by the commissioner of public lands to the port commission of such port district who shall make such investigation as it deems advisable, and by resolution make to the commissioner of public lands within sixty days, such recommendations as to the character of the improvements, time of commencement and completion thereof, the percentage for fixing rental, and the terms and conditions of the lease, as to such port commission shall seem proper, which recommendations shall be advisory to but not binding upon the commissioner of public lands. No preference rights are renewed or created under the provisions of this section and the power of the commissioner of public lands to grant or reject an application as the public interest in his judgment may require, is hereby declared, but nothing in this section contained shall be construed to nullify or qualify the provisions of section 128, or section 129, hereof. In every lease granted the commissioner of public lands shall insert a provision reserving to the state, port district, county, city or other public agency in the territory where the portion of the harbor area described in such lease is located, the right to assume and thereafter hold such lease upon acquirement of the tide lands contiguous thereto and fronting thereon, without any value for said lease except for improvements thereon.

SEC. 127. Applications, leases, and bonds of lessees, shall be in such form as the commissioner shall prescribe. Every lease shall provide that the rental shall be payable to the commissioner, and for

cancellation by the commissioner upon sixty days' written notice for any breach of the conditions thereof. Every lessee shall furnish a bond, with surety satisfactory to the commissioner, in such penalty as he may prescribe, but not less than five hundred dollars, conditioned for the faithful performance of the terms of the lease and the payment of the rent when due. If the commissioner shall at any time deem any bond insufficient, he may require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do.

Lease cancelled for breach.

Bond by lessee.

May require new bond.

Applications for leases of harbor areas upon tidal waters shall be accompanied by such plans and drawings and other data concerning the proposed wharves, docks or other structures or improvements thereof as the commissioner shall require. Every lease of harbor area shall provide that, wharves, docks or other conveniences of navigation and commerce adequate for the public needs, to be specified in such lease, shall be constructed within such time as may be fixed in each case by the commissioner; that in no case shall the construction be commenced more than two years from the date of such lease and shall be completed within such reasonable time as the commissioner shall fix, any of which times may be extended by the commissioner either before or after their expiration, and the character of the improvements may be changed either before or after completion with the approval of the commissioner: *Provided*, That if in his opinion the improvements existing upon such harbor area or the tide lands adjacent thereto are adequate for the public needs, the commissioner may require the maintenance of such existing improvements and need not require further improvements.

Plans and drawings with application to lease harbor area.

Wharves, etc., to be constructed within time limited.

Extension of time for construction of improvements.

May require maintenance of existing improvements.

SEC. 128. If the owner of any lease of harbor area upon tidal waters shall desire to construct

Lessee of harbor area.

Extension of
improve-
ments.

Term too
short to
warrant.

Application
for new
lease.

Conditions.

Election to
accept new
lease.

Old lease
cancelled.

thereon any wharf, dock or other convenience of navigation or commerce, or to extend, enlarge or improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the commissioner for a new lease of such harbor area for a period not exceeding thirty (30) years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the commissioner shall forthwith investigate the same and if he shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, he shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental to be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area, determined from time to time by the county assessor as hereinafter provided. The commissioner may propose modifications of the proposed wharf, dock or other convenience or extensions, enlargements or improvements thereon. The commissioner shall, within ninety (90) days from the filing of such application notify the said applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid and if the applicant shall within ninety (90) days thereafter elect to accept a new lease of such harbor area upon the terms and under the conditions and at the rental prescribed by the commissioner, the commissioner shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and cancelled.

SEC. 129. Upon the expiration of any lease of harbor area upon tidal waters hereafter expiring

the owner thereof may apply for a release of such harbor area for a period not exceeding thirty (30) years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tide lands adjacent thereto and with proper plans, drawings and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the commissioner shall forthwith investigate the same and if he shall determine that the character of the wharfs, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, he shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid which rate shall be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area determined from time to time by the county assessor as herein provided.

Application by lessee for re-lease.

Investigation.

Fixing terms and conditions.

Rate of rental.

SEC. 130. Upon the filing of any application for the lease, renewal lease, or re-lease, of harbor area under the preceding sections of this act, the commissioner shall certify to the county assessor of the county in which such harbor area is situated, a description of such harbor area with a request to value the same under this act. The assessor shall thereupon determine the true and fair value in money of such harbor area (exclusive of the improvements thereon) as of March 1st preceding the date of the filing of such application and certify the same to the commissioner, which true and fair value in money of such harbor area shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. Such value shall be the basis of rental until the assessor's next valuation as herein provided. The assessor shall thereafter in

Application for lease, renewal lease, or re-lease of harbor area.

Description to county assessor for valuation.

How value determined.

Basis of rental.

Biennial valuation as rental basis.

every even numbered year as of March 1st place a valuation on such harbor area (exclusive of improvements) as above provided, and certify the same to the commissioner and such valuation shall be the basis of rental for the two year period following such valuation. Such assessor shall keep a record of such valuation separate from his records of assessments for taxation purpose: *Provided*, That the applicant, or lessee, or the state, through the commissioner, being dissatisfied with the valuation as fixed by the assessor, shall have the right of appeal from the findings of the assessor to a valuation board to be composed of the county commissioners, the county treasurer and the county assessor of the county in which the harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within ten days after receipt of notice of the assessor's valuation, be personally served upon each member of the board of county commissioners and upon the county treasurer and the county assessor; or such copy may be left at the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of said notice on the chairman of the board of county commissioners, said chairman shall fix a time and place for a meeting of said valuation board and shall notify each of the officers of said board thereof, which said time shall be not less than five nor more than ten days from the date of giving said notice; like notice of the time and place fixed for said hearing shall also be given the applicant, or lessee, and the commissioner. At the time and place fixed for said meeting the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of

Valuation separate from assessments for taxation.

Appeal from assessor's findings to board.

Notice of appeal.

Time and place of hearing.

Hearing.

said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting no question shall be made as to any irregularity of the giving of the notices required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties. The decision of the board of the question of valuation shall be final and conclusive on all parties.

Quorum.

Meetings public.

Board's decision final.

SEC. 131. Upon receipt of the valuation of any tract of harbor area applied, for under section 129 hereof, the commissioner shall notify the applicant of the terms and conditions upon which the release will be granted and of the rental fixed, and such applicant or his successor in interest shall have the option for the period of sixty (60) days from the date of the service of such notice in which to accept a lease on the terms and conditions and at the rental so fixed and determined. If such terms and conditions and rental be accepted a new lease shall be granted for the term applied for. If such terms and conditions be not accepted within the time aforesaid or within such further time, not exceeding three (3) months, as said commissioner shall grant, the same shall be deemed rejected by the applicant, and the commissioner shall give eight (8) weeks' notice by publication in one or more weekly newspapers printed and of general circulation in the county in which such harbor area is situate, that a lease of such harbor area will be sold on said terms and conditions and at said rental at a time and place specified in such notice (which shall not be more than three months from the date of the first publication of said notice) to the person offering at such public sale to pay the highest sum as a cash bonus at the time

Notice to applicant of terms upon which may re-lease area.

Option period.

New lease if accepted.

Conditions not accepted.

Notice by publication offering lease for sale.

Public sale.

Highest bidder entitled to lease.

Lease not sold.

Re-advertised.

No sale.

May issue one year leases.

Reservation by state of right to regulate rates and tolls.

"Person" defined.

Lease of first class tide and shore lands for booming purposes.

Preference to abutting upland owner.

of sale for such lease. Notice of such sale shall be served upon the applicant at least six (6) weeks prior to the date thereof. The person paying the highest sum as a cash bonus shall be entitled to lease such harbor area. If such lease be not sold at such public sale the commissioner may at any time or times again fix the terms, conditions and rental and again advertise such lease for sale as above provided and upon similar notice, upon failure to secure any sale of such lease as above prescribed, the commissioner may issue revocable leases without requirement of improvements for one year periods at the minimum rate of (2%) two per cent.

SEC. 132. The State of Washington shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage and other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used and the right to prevent extortion and discrimination in such use thereof.

SEC. 133. The word "person" as used in the preceding sections relating to the leasing of harbor areas, shall be construed to mean, person, firm, corporation, political subdivision or municipality, or any public commission.

SEC. 134. The commissioner of public lands is authorized to lease to the abutting upland owner any unplatted first class tide or shore lands or in case the abutting uplands are not improved and occupied for residential purposes and the abutting upland owner has not filed an application for the lease of such lands, may lease the same to any person, firm or corporation for booming purposes.

The commissioner of public lands shall prior to the issuance of any lease under the provisions of this section fix the annual rental for the lands and prescribe the terms and conditions of the lease. No

lease issued under the provisions of this section shall be for a longer term than ten years from the date thereof and every such lease shall be subject to termination upon ninety days' notice to the lessee in the event that the commissioner of public lands shall decide that it is to the best interest of the state that such tide or shore lands be surveyed and platted. Failure to use any lands leased under the provisions of this section for booming purposes, for such purposes, for a period of one year shall work a forfeiture of such lease and such land shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands. At the expiration of any lease issued under the provisions of this section, the lessee, his successors or assigns, shall have a preference right to re-lease the lands covered by his original lease, or any portion thereof if the commissioner of public lands shall deem it to the best interest of the state to release the same, for succeeding periods not exceeding five years each at such rental and upon such terms and conditions as may be prescribed by said commissioner of public lands.

Term and terms of lease.

Non-user : Lease forfeited.

Expiration of lease.

Lessee has preference right to re-lease.

SEC. 135. The commissioner of public lands is authorized to lease any second class tide or shore lands, whether reserved from sale, or from lease for other purposes, by or under authority of law, or not, except any oyster reserve containing oysters in merchantable quantities, to any person, firm or corporation, for booming purposes, for any term not exceeding ten years from the date of such lease, for such annual rental and upon such terms and conditions as the commissioner of public lands may fix and determine, and to forfeit and terminate any such lease at any time for failure to pay the fixed rental or for any violation of the terms or condi-

Lease of second class tide or shore lands for booming purposes.

May not discriminate in receiving and assorting logs.

Tolls permitted.

Rates on timber products.

Duties and liabilities same as boom companies.

Forfeiture for non-user.

Preference right to re-lease.

tions thereof. The lessee of any such lands for booming purposes shall receive, hold and assort the logs and other timber products of all persons requesting such service and upon the same terms and without discrimination, and may charge and collect tolls for such service not to exceed seventy-five cents per thousand feet scale measure on all logs, spars or other large timber and reasonable rates on all other timber products, and shall be subject to the same duties and liabilities, so far as the same are applicable, as are imposed upon boom companies organized under the laws of this state. Failure to use any lands leased under the provisions of this section for booming purposes for the period of one year shall work a forfeiture of such lease, and such lands shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands. At the expiration of any lease issued under the provisions of this section, the lessee shall have the preference right to re-lease the lands covered by his original lease for a further term, not exceeding ten years, at such rental and upon such terms and conditions as may be prescribed by the commissioner of public lands.

Shore lands leased as other granted lands.

Conditions.

SEC. 136. The commissioner of public lands is authorized to lease any platted first class shore lands, or any second class shore lands, in the same manner as provided for the lease of state lands, except capitol building lands, but in all cases where application is made for the lease of any second class shore lands adjacent to upland, under the provisions of this section, the same shall be leased per lineal chain frontage, and the United States field notes of the meander line shall accompany each application as required for the sale of such lands, and when application is made for the lease of second class

shore lands separated from the upland by navigable waters, the application shall be accompanied by the plat and field notes of a survey of the lands applied for, as required with applications for the purchase of such lands.

SEC. 137. In case any lessee of tide or shore lands, for any purpose except mining of valuable minerals, or coal, or extraction of petroleum or gas, or his successor in interest, shall after the expiration of any lease fail to purchase or re-lease from the state the tide or shore lands formerly covered by his lease, when the same are offered for sale or re-lease, then and in that event the commissioner of public lands shall appraise and determine the value of all improvements existing upon such tide or shore lands at the expiration of the lease, which are not capable of removal without damage to the land, including the cost of filling and raising said property above high tide, or high water, whether filled or raised by the lessee or his successors in interest, or by virtue of any contract made with the state, and also including the then value to the land of all existing local improvements paid for by such lessee or his successors in interest. In case the lessee or his successor in interest, is dissatisfied with the appraised value of such improvements as determined by the commissioner of public lands, he shall have the right to appeal to the superior court of the county wherein said tide or shore lands are situated, within the time and according to the mode prescribed in this act for taking appeals from decisions of the commissioner of public lands. In case such tide or shore lands are leased, or sold, to any person, persons or corporation, other than such lessee or his successor in interest, within three years from the expiration of the former lease, the bid of such subsequent lessee or purchaser shall not be accepted

Failure of lessee of tide or shore lands to purchase or re-lease lands.

Appraisal of improvements.

Appeal from appraisement to the superior court.

Subsequent purchaser or lessee pays former lessee for improvements.

until payment is made by such subsequent lessee or purchaser of the appraised value of the improvements as determined by the commissioner of public lands, or as may be determined on appeal, to such former lessee, or his successor in interest. In case such tide or shore lands are not leased, or sold, within three years after the expiration of such former lease, then and in that event, such improvements existing on the lands at the time of any subsequent lease or sale thereof, shall be considered a part of the land, and shall be taken into consideration in appraising the value, or rental value, of the land, and sold, or leased, with the land.

No lease or sale within three years—improvements pass with the land.

SEC. 138. The commissioner of public lands upon the filing in his office by any person, firm or corporation owning any oyster lands within, or abutting upon, any state oyster reserve, of an application to purchase any tract or parcel of tide land lying between said oyster land and the adjoining shore, or any small or isolated tract of tide land, not exceeding three acres in extent, lying between his said oyster lands and any adjoining oyster lands heretofore sold by the state, accompanied by an abstractor's certificate of title or other evidence of title to the applicant's oyster lands demanded by the commissioner of public lands, and by the field notes of a survey and plat of the lands applied for, the commissioner of public lands shall examine such evidence of title and such field notes and plat and cause the land applied for to be inspected, and if he shall find that the title to the adjoining land is in the applicant and that the land applied for is of little value to the state for the future development of the state's oyster reserves, due to its size and isolation, he shall thereupon appraise the value of the land applied for, and upon the payment of the appraised value to the commissioner of public lands cause a

Isolated oyster lands. Application to purchase.

Investigation and appraisal.

deed to be issued for the land applied for in the same manner as deeds of state lands are issued, which deed shall contain a covenant or condition of defeasance to the effect that if said lands be used for any other purpose than the cultivation of oysters or edible shell fish, then such deed shall be cancelled and the lands described therein revert to the state: *Provided*, That if the tract of land applied for is located between the lands of two or more owners, then upon the application of either of the adjoining owners, the others shall be notified of such application and given sixty days within which to apply for the purchase of said land, and if others of said adjoining owners make application to purchase said land, the commissioner of public lands shall determine an equitable division of said land between said applicants, and each shall be given the privilege of purchasing the part allotted to him, but if any of said adjoining owners fail for a period of sixty days to purchase said land at the appraised value, then the other adjoining owner, or owners, shall have the privilege of purchasing the land.

SEC. 139. In lieu of a deed as provided for in the preceding section, a contract may be issued to the applicant by the terms of which one-fifth of the purchase price may be paid to the commissioner, and the remainder in four equal annual installments, with interest on deferred payments at the rate of six per cent per annum, and if said applicant shall comply with the terms of said contract and make the payments therein provided for, a deed shall issue as provided in the preceding section: *Provided*, That said contract shall contain a covenant of defeasance as is provided in the case of a deed issued under the provisions of the preceding section: *And Provided Further*, That such contract shall be subject to cancellation by the commissioner of public lands for

Deed.

Notice to adjoining owners.

Division of the land.

Installment payments.

Interest on deferred payments.

Deed.

Provisions.

failure to comply with its provisions: *And Provided Further*, That whenever an installment shall mature, the contract holder may, if he so elect, pay more than one installment. All moneys received for the sale of tide lands under the provisions of this and the preceding section shall be paid into the state treasury to the credit of the state oyster reserve fund.

Moneys to credit of state oyster reserve fund.

Application to purchase state's reversionary rights.

Appraisal and sale.

Deed.

Installment contract.

Interest on deferred payments.

SEC. 140. Upon an application to purchase the reserved and reversionary rights of the state in any tide lands sold under the provisions of chapter XXIV of the Laws of 1895, or chapter XXV of the Laws of 1895, or chapter 165 of the Laws of 1919, or the provisions of section 138 of this act, or either such reserved or reversionary right if only one exist, being filed in the office of the commissioner of public lands by the owner of such tide lands, accompanied by an abstracter's certificate, or other evidence of the applicant's title to such lands, the commissioner of public lands, if he find the applicant is the owner of the tide lands, is authorized to inspect, appraise and sell, for not less than the appraised value, such reserved or reversionary rights of the state to the applicant, and upon payment of the purchase price to cause a deed to be issued therefor as in the case of the sale of state lands, or upon the payment of one-fifth of the purchase price, to issue a contract of sale therefor, providing that the remainder of the purchase price may be paid in four equal annual installments, with interest on deferred payments at the rate of six per cent per annum, or sooner at the election of the contract holder, which contract shall be subject to cancellation by the commissioner of public lands for failure to comply with its provisions, and upon the completion of the payments as provided in such contract to cause a deed to the lands described in the contract to be issued to the

holder thereof as in the case of the sale of state lands.

SEC. 141. The commissioner of public lands is hereby authorized to locate in all navigable rivers in this state, which are subject to tidal flow, the line dividing the tide lands in such river from the shore lands in such river and such classification or the location of such dividing line shall be final and not subject to review, and the commissioner shall enter the location of said line upon the plat of the tide and shore lands affected.

Location of line dividing tide and shore lands.

Classification final.

SEC. 142. The beds of all navigable tidal waters in this state lying below extreme low tide, not covered by natural oyster beds, and not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon artificial oyster beds, for periods not to exceed twenty years and in quantities not to exceed forty acres, to any one person or corporation.

What oyster lands subject to lease.

Period. Acreage.

SEC. 143. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or corporation organized under the laws of any state or territory of the United States, and authorized to do business in this state, desiring to lease lands for the purpose of planting and cultivating thereon artificial oyster beds, shall file with the commissioner of public lands, on a proper form an application in writing signed by the applicant and accompanied by a map of the land desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars

Must be citizen of U. S.

Application to lease.

Conditions.

Deposit.

which deposit shall be returned to the applicant in case a lease is not granted.

Artificial
oyster beds.

Application
for lease.

Inspection
and report
by director
of fisheries.

Natural
oyster bed.

Retention
for natural
oyster bed
protection.

Natural
oyster bed
in past.

Lease:
Conditions.

Preference
right to
re-lease.

Application
for renewal
lease.

SEC. 144. The commissioner of public lands, upon the receipt of an application for a lease for the purpose of planting and cultivating artificial oyster beds, shall notify the director of fisheries and game of the filing of the application, describing the lands applied for. And it shall be the duty of the director of fisheries and game to cause an inspection of the lands applied for to be made and to make a full report to the commissioner of public lands of his findings as to the following facts:

First. Whether the land, or any portion thereof, is a natural oyster bed;

Second. Whether it is necessary in order to secure adequate protection for any natural oyster beds, to retain the lands described in the application for lease, or any part thereof;

Third. Whether the land, or any part thereof, has been a natural oyster bed within ten years last past and may be reasonably expected to again become such within ten years in the future.

SEC. 145. In case all of the three questions in the preceding section be answered negatively, the commissioner of public lands shall issue to the applicant therefor a lease of said lands at such annual rental and for such term, not exceeding twenty years, as may be fixed and determined by the commissioner. Upon the expiration of any lease for the purpose of planting and cultivating artificial oyster beds, heretofore or hereafter issued, the lessee shall have the right to make application to re-lease the lands covered by his former lease within thirty days from the expiration of such former lease.

SEC. 146. The commissioner of public lands may, upon the filing of an application for a renewal lease, cause the lands to be inspected, and if he

deem it for the best interests of the state to re-lease said lands, he shall issue to the applicant a renewal lease for such further period not exceeding twenty years and under such terms and conditions as may be determined by the commissioner. In case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries and game.

Conditions.

SEC. 147. If in case of an original application for a lease for planting and cultivating oyster beds, the director of fisheries and game shall answer any of the three questions affirmatively, the commissioner of public lands shall investigate the matter at a public hearing in the county where the lands applied for are situated. Notice of such hearing shall be given by the commissioner by publication in a newspaper of general circulation in the county where the lands are situated, at the expense of the applicant, not less than one, nor more than four weeks before the date of hearing.

Public hearing on application for lease.

Notice of hearing.

Unless at such hearing it shall be shown to the satisfaction of the commissioner of public lands that in the matters at issue, the director of fisheries and game was in error, the commissioner shall refuse to lease such lands, or such portions thereof, as may be determined by the foregoing restrictions.

May deny application or grant in part.

In case of the refusal of the commissioner of public lands to lease the lands applied for, or any portion thereof, as above provided, no new application for the lease of such lands shall be considered by the commissioner until the expiration of six years from the date of such refusal, except that the applicant making such application may file a new application during the three months next preceding the expiration of such six years.

Denial bars new application for six years.

SEC. 148. All leases of lands for the purpose of planting and cultivating artificial oyster beds shall

Reversion to
state—when.

expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of artificial oyster beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters.

Lands be-
come unfit
for oyster
beds—Lessee
may apply
for other
lands.

SEC. 149. If from any cause any lands leased for the purpose of planting and cultivating artificial oyster beds, shall become unfit and valueless for that purpose, the lessee or his assigns, upon certifying such fact under oath to the commissioner of public lands, together with the fact that he has abandoned such land, shall be entitled to make application for other lands for that purpose.

Grant to
U. S. of use
of tide and
shore lands.

SEC. 150. The use of any tide and shore lands belonging to the state, and adjoining and bordering on any tract, piece or parcel of land, which may have been reserved or acquired, or which may hereafter be reserved or acquired, by the government of the United States, for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards, navy yards, prisons, penitentiaries, light-houses, fog signal stations, aviation fields, or other aids to navigation, be and the same is hereby granted to the United States, so long as the upland adjoining such tide or shore lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide; and shall not be construed to prevent any citizen of the state from using said lands for the taking of food fishes so long as such

The use
limited.

fishing does not interfere with the public use of them by the United States.

SEC. 151. Whenever application is made to the commissioner of public lands by any department of the United States government for the use of any tide or shore lands belonging to the state and adjoining and bordering on any upland held by the United States for any of the purposes mentioned in the preceding section, upon proof being made to said commissioner of public lands that such uplands are so held by the United States for such purposes, he shall cause such fact to be entered in the records of his office and shall certify such fact to the governor and who shall execute a deed, in the name of the state attested by the secretary of state, conveying the use of such lands, for said purposes, to the United States, so long as it shall continue to hold for said public purposes the uplands adjoining said tide and shore lands.

Application
by the U. S.
to the land
commis-
sioner.

Deed by the
Governor.

SEC. 152. Whenever application is made to the commissioner of public lands, by any department of the United States government, for the use of any tide or shore lands belonging to the state, for any public purpose, and said commissioner shall be satisfied that the United States requires or may require the use of such tide or shore lands for such public purpose, said commissioner may reserve such tide or shore lands from public sale and grant the use of them to the United States, so long as it may require the use of them for such public purposes; and the commissioner of public lands shall certify such fact to the governor, who shall thereupon execute an easement to the United States, which shall be attested by the secretary of state, granting the use of such tide or shore lands to the United States, so long as it shall require the use of them for said public purpose.

Grant of
easement to
the U. S. in
tide and
shore lands.

Reversion of grant or easement to the state.

SEC. 153. Whenever the United States shall cease to hold and use any uplands for the use and purpose mentioned in section 150 of this act or shall cease to use any tide or shore lands for the purpose mentioned in section 152 of this act, the grant or easement of such tide or shore lands shall be terminated thereby, and said tide or shore lands shall revert to the state without resort to any court or tribunal.

Land commissioner to manage all lands acquired by escheat, sale, gift, etc., to state.

SEC. 154. The commissioner of public lands shall have the power and it shall be his duty to manage and control all lands acquired by the state by escheat or operation of law and all lands acquired by the state by deed of sale or gift or by devise, except such lands as are conveyed or devised to the state to be used for a particular purpose and he shall cause such lands to be inspected, appraised, managed, leased or sold in the same manner as is prescribed in this act for the sale or lease of state lands, other than capitol building lands, and the proceeds of the lease or sale of all such lands shall be covered into the common school fund in the state treasury in the manner prescribed by law: *Provided*, That if the grantor in any such deed or the testator in case of a devise shall specify that the proceeds of the sale or lease of such lands shall be devoted to a particular purpose such proceeds shall be so applied: *And provided further*, That the commissioner of public lands is authorized to employ an agent or agents to rent any improved escheated, deeded or devised urban property for such rental and time and in such manner as the commissioner may direct, but no such property shall be rented by such agent for a longer period than one year and no such tenant shall be entitled to compensation for any improvement which he shall make on such property. Such agent or agents shall cause such repairs to be

To inspect, lease and sell as other lands.

Proceeds to common school fund.

Testator may otherwise direct.

May employ agent to rent such lands.

Rental conditions.

made to such property as the commissioner of public lands may direct, and shall deduct the cost thereof, together with such compensation and commission as the commissioner shall authorize, from the rentals of such property and the remainder which shall have been collected shall be transmitted monthly to the commissioner of public lands.

SEC. 155. The commissioner of public lands shall have the power to execute leases for prospecting for, and contracts for the mining of gold, silver, copper, lead, cinnebar or other valuable minerals, except coal, upon and from any state, tide or shore lands, or beds of navigable waters, belonging to the state, or which have been sold, or leased for other purposes, by the state, and the minerals thereon reserved by the state, to any citizen of the United States or corporation organized under the laws of any state or territory of the United States and authorized to do business in this state, in tracts of not to exceed eighty acres in legal subdivisions according to the United States government surveys: *Provided*, That no such prospecting lease or mining contract upon lands sold by the state and the minerals thereon reserved by the state shall be executed until full payment of all damages the owner of such lands may suffer shall have been made or tendered in the manner provided in this act.

Commissioner may lease mineral lands.

Damages payable to owner of lands before prospecting or mining contract executed.

SEC. 156. Any citizen of the United States or corporation organized under the laws of any state or territory of the United States finding valuable minerals, except coal, upon any lands described in the preceding section, and desiring to obtain a lease for mineral prospecting purposes thereon, shall file in the office of the commissioner of public lands an application therefor, upon a proper form, and shall pay to the commissioner of public lands to be accounted for as other moneys received

Application for mineral prospecting lease.

Fee. for leases of lands by the state, the sum of five dollars for each forty acres, or fraction thereof, of the lands applied for, together with the fee provided by law for the issuance of leases.

SEC. 157. In case the lands described in the application for a mineral prospecting lease, shall have been leased for any other purpose than mineral prospecting, and the minerals therein reserved by the state, the commissioner of public lands upon the filing of the application, shall fix a date for hearing the same, not less than thirty nor more than sixty days from the date of filing the application, and shall notify the applicant, and the lessee, of the lands, of the time and place of such hearing, by mail addressed to the last known place of residence respectively of such applicant, and lessee, and, before the date of hearing, shall cause a full investigation and report to be made as to the nature and location of the lands applied for, the probability of such lands containing mineral in sufficient quantities to warrant the extraction thereof, the feasibility of extracting minerals therefrom, and the estimated amount of damages that will accrue to such lands by reason of prospecting thereon, or extracting minerals therefrom.

Hearing. At such hearing the applicant, and the lessee, may offer such evidence in support of or against the application as they may desire, and if the applicant shall establish to the satisfaction of the commissioner of public lands that the lands applied for contain minerals in sufficient quantity, and so situated, as to warrant the extraction thereof, the commissioner of public lands shall determine the damages that will accrue to the lessee, of the lands applied for, by reason of the entering upon the lands and prospecting and removing ore therefrom for assaying and testing purposes, and upon the filing with

the commissioner of a receipt from the lessee, of the land, showing that the damages determined have been paid or satisfied, shall issue to the applicant the mineral prospecting lease applied for. In case it shall not be established to the satisfaction of the commissioner of public lands that the lands applied for contain minerals in sufficient quantities and so situated as to warrant their extraction, he shall reject the application.

Damages payable to lessee by applicant for prospector's contract.

SEC. 158. Leases for mineral prospecting purposes shall be for the term of not to exceed two years from the date of lease, and the lessee, or his assigns, shall have the right to cut and use such timber found on the leased premises belonging to the state, for fuel and for the construction of buildings, drains, tramways and supports, as is necessary for prospecting the leased premises and for no other purposes, and shall have the right to extract, and remove from the leased premises, not to exceed five tons of ore for assaying and testing purposes during the term of the prospecting lease unless he shall surrender said prospecting lease and enter into a contract with the state for the extraction of ore as hereinafter provided.

Period of prospecting leases.

Lessee's use of timber limited.

SEC. 159. The holder of any mineral prospecting lease, or his assigns, shall if he apply therefor to the commissioner of public lands within sixty days prior to the expiration of the original lease, have a preference right to a new lease of the premises described in the original lease, or any part thereof, upon the same terms as are hereinabove provided for original prospecting leases, and all applications for such new leases shall be made and heard in the manner provided for applications for original leases.

Preference right of holder of prospecting lease to new lease.

SEC. 160. The lessee of lands under a mineral prospecting lease, or his assigns, desiring to obtain

Application
of mineral
prospecting
lessee for
mining
contract.

a contract for the mining of valuable minerals, except coal, from the lands described in his lease, or any part thereof, in legal subdivisions according to the United States government surveys, shall, at any time prior to the expiration of his prospecting lease, file in the office of the commissioner of public lands an application therefor upon a proper form together with the fee required by law for the issuance of contracts. The commissioner of public lands upon the receipt of any such application for a mining contract shall cause a full investigation and report to be made as to the nature and location of the lands applied for, whether such lands contain mineral in sufficient quantities to warrant the extraction thereof, the feasibility of extracting minerals therefrom, and the estimated amount of damages that will accrue to such lands by reason of extracting minerals therefrom, and in case the lands described in the application for a mining contract shall have been leased for any other purpose than mineral prospecting, and the minerals therein reserved, by the state, shall fix a date for hearing the application for a mining contract and give notice of, and hold such hearing in the same manner, as near as may be, as hereinabove provided for fixing times, giving notice and holding hearings, upon applications for mineral prospecting leases, and shall at such hearing, if it shall appear that the lands applied for contain minerals in sufficient quantities, and so situated, as to warrant the extraction thereof, determine the damages that will accrue to the lands applied for, or to the lessee of the lands applied for, by reason of entering upon the lands and mining and removing the ore or minerals therefrom, and the reasonable amount of rentals by way of royalty upon the minerals removed that should be paid to the state, and the conditions upon which the mining contract should issue and shall notify the applicant of his

Investigation
by commis-
sioner.

Terms.

Royalty to
the state.

findings and the terms and conditions upon which the contract will be granted, and if within thirty days from the date of such notice the applicant shall file with the commissioner of public lands a receipt from the lessee of the lands, if any, showing that the damages have been paid or satisfied, and shall comply with all other conditions for the issuance of the contract contained in said notice, shall enter into and issue to the applicant a contract for the working and mining of the lands described in the application.

SEC. 161. Mining contracts referred to in the preceding section shall be in substantially the following form:

Mining contract.

“This indenture, made this....day of....., A. D., one thousand nine hundred and....., by and between the State of Washington, party of the first part, and..... whose post office address is....., state of..... party of the second part:

Form.

WITNESSETH, That the party of the first part in consideration of the sum of.....dollars to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, the same being the first annual payment to be made hereunder, and in further consideration of the covenants and conditions herein contained, to be kept and performed by the party of the second part, does hereby contract, lease and demise to the party of the second part, for the term of.....years (here shall be inserted the number of years asked for by the applicant.....not exceeding 20 years in all) from and after the.....day of....., one thousand nine hundred and....., the following described land situate in the county of....., State of Washington, viz.:..... :....., which premises are leased to the party of the second part for the purpose of exploring for and

mining and taking out and removing therefrom the ore therein contained, containing gold, silver, copper, lead, cinnabar and other valuable minerals, except coal, which is or which hereafter may be found in, on or under said land, together with the right to construct all buildings, make all excavations, openings, ditches, drains, railroads, wagon roads, concentrators, power plants, smelters and other improvements upon said premises which are or may become necessary or suitable for the mining or removal of ore containing valuable minerals, except coal, from said premises, with the right, during the existence of this contract to cut and use the timber found upon said premises for fuel and so far also as may be necessary, for the construction of buildings required in the operation of any mine or mines on the premises hereby leased and also the timber necessary for drains, tramways and supports for such mine or mines, and for no other purpose: *Provided*, That the party of the second part shall have the right at any time to terminate this contract insofar as it requires the party of the second part to mine ore on said land or to pay a royalty, therefor, by giving written notice to the party of the first part which shall be served by leaving the same with the commissioner of public lands, who shall officially, in writing, acknowledge the receipt of such notice, and the foregoing contract shall terminate sixty (60) days thereafter and all arrears and the sums which may be due under the same up to the time of its termination as set forth in said notice shall be paid upon settlement and adjustment thereof. The party of the first part further agrees that the party of the second part shall have the right under this contract to contract with others to work such mine or mines or any part thereof or to sub-contract the same and the use of the said land or any part thereof

Terminate contract on notice to the state.

May sub-contract.

for the purpose of mining for ore with the same rights and privileges as are herein granted to the said party of the second part. The party of the second part agrees that he will in each year during the life of this contract perform work or make improvements upon the premises hereinbefore described to an amount of not less than one hundred dollars (\$100.00) for each twenty (20) acres included therein and will file with the commissioner of public lands an affidavit of the performance of said work, which affidavit shall give the nature and extent thereof. And it is further expressly agreed that if the party of the second part shall fail to perform said labor as hereinbefore provided that said contract shall then, at the option of the commissioner of public lands, be forfeited and the commissioner of public lands shall thereupon, if he shall elect to forfeit this contract, serve upon the party of the second part, or his assigns, if notice of assignment has been given to the commissioner of public lands, a notice that unless he performs such work within ninety (90) days after the giving of said notice, that this contract shall thereupon become forfeited, terminated and at an end, such ninety (90) day period to commence from the date said notice is mailed by the commissioner of public lands, all such notices to be given by registered mail and if the address of the holder of this contract is unknown then such notice shall be given by posting a copy thereof on said land at the point of any mining operations thereon, which notice shall thereupon be deemed sufficient."

Annual work and improvements requisite.

Forfeiture of contract.

SEC. 162. Mining contracts entered into as provided in the preceding sections shall in addition to the provisions contained in the form specified, provide for the payment to the state of a royalty of not less than one per cent, nor more than four per cent of all moneys received from the sale of minerals

Mining contracts.

Royalty to the state.

from the lands covered by the contract, after deducting therefrom the cost of transporting the ore or minerals from the mine or mines to market, or to any smelter, concentrating plant or other place of treatment, and the cost of treatment, and shall provide that the contract holder or his assigns, shall pay to the state in addition to such royalties, an annual rental of ten dollars for each forty acres, or fraction thereof, included in said contract, and such contracts shall contain such other and further terms and conditions for the occupation of, and conduct of mining operations upon, the lands described in the contract as shall be agreed upon by the commissioner of public lands and the applicant for the contract.

Annual rental.

SEC. 163. The commissioner of public lands is authorized to execute option contracts and leases for the mining and extraction of coal from any public lands of the state, or to which it may hereafter acquire title, or from any lands sold or leased by the state the minerals of which have been reserved by the state.

Option contracts for mining coal.

SEC. 164. Any citizen of the United States believing coal to exist upon any of the lands described in the preceding section may apply to the commissioner of public lands for an option contract for any amount not exceeding one section for prospecting purposes, such application to be made by legal subdivision according to the public land surveys. The applicant shall pay to the commissioner of public lands, at the time of filing his application, the sum of one dollar an acre for the lands applied for, but in no case less than fifty dollars. In case of the refusal of the commissioner to execute an option contract for the lands, any remainder of the sum so paid, after deducting the expense incurred by the commissioner in investigating the character of the land, shall be returned to the applicant.

Application for option contract for coal prospecting.

Fee.

SEC. 165. Upon the filing of any such application, the commissioner of public lands shall forthwith investigate the character of the lands applied for, and if, from such investigation, he deems it to the best interests of the state he shall enter into an option contract with the applicant.

Investigation of lands by commissioner.

The holder of any option contract shall be entitled, during the period of one year from the date thereof, to enter upon the lands and carry on such work of exploration, examination and prospecting for coal as may be necessary to determine the presence of coal upon the lands and the feasibility of mining the same. He shall have the right to use such timber found upon the lands and owned by the state as may be necessary for steam purposes and timbering in the examination and prospecting of such lands: *Provided*, That this provision shall not be construed to require the state to withhold any such timber from sale. No coal shall be removed from such lands during the period of such option contract except for samples and testing. At the expiration of the option contract, the applicant shall fill or cover in a substantial manner all prospect holes and shafts, or surround the same with substantial fences, and shall file with the commissioner of public lands a report showing in detail the result of his investigation and prospecting.

One-year contract for exploration.

Timber privileges.

May remove only samples of coal for testing.

Contract expired.

Applicant to cover prospect holes and file report of his investigation.

SEC. 166. In the case of lands which the state may have sold or leased and reserved the mineral rights therein, if the holder of any option contract or lease shall be unable to agree with the owner or prior lessee of the lands, he shall have a right of action in the superior court of the county in which the land is situated to ascertain and determine the amount of damages which will accrue to such owner or lessee of the land by reason of the entry thereon and prospecting for or mining coal, as the case may

Damages payable to prior purchaser or lessee of lands by option mining contract or leaseholder.

be. In the event of any such action, the term of the option contract or lease shall begin thirty days after the entry of the final judgment in such action.

During option may apply for coal mining lease.

Term, form and conditions of lease.

Royalty to state.

May graduate royalty for the different years.

SEC. 167. At any time during the life of the option contract, the holder thereof may apply to the commissioner of public lands for a coal mining lease of the lands included therein, or such portion thereof as he may specify, for the purpose of mining and extraction of coal therefrom. Such coal mining lease shall be for such term, not more than twenty years, and in such form as may be prescribed by the commissioner of public lands, shall entitle the lessee to mine and sell and dispose of all coal underlying said lands and to occupy and use so much of the surface thereof as may be necessary for bunkers and other outside works, and for railroads, buildings, appliances and appurtenances in connection with the mining operations. Such lease shall provide for the payment to the state of a royalty, according to the grade of coal, for each ton of two thousand two hundred and forty pounds of merchantable coal taken from the lands, as follows: For lignite coal of the class commonly found in Lewis and Thurston counties, not less than ten cents per ton; for sub-bituminous coal, not less than fifteen cents per ton; for high grade bituminous and coking coals, not less than twenty cents per ton; but such lease shall provide for the payment each year of a minimum royalty of not less than one nor more than ten dollars an acre for the lands covered thereby: *Provided*, That the commissioner of public lands may agree with the lessee that said minimum royalty shall be graduated for the different years of said lease so that a lower minimum royalty shall be paid during the earlier years of the term. The minimum royalty fixed in the lease shall be paid in advance each year, and the lessee, at stated periods during the term

of the lease, fixed by the commissioner, shall furnish to the commissioner of public lands a written report under oath showing the amount of merchantable coal taken from the land during the period covered by such report and shall remit therewith such sum in excess of the minimum royalty theretofore paid for the current year as may be payable as royalty for the period covered by such report.

Reports and remittances to commissioner.

Failure on the part of any lessee to comply with the foregoing provisions, or of his lease, shall work a forfeiture of the lease, and no such forfeiture may be waived. The commissioner shall incorporate in every lease such provisions and conditions not inconsistent with the provisions of this act and not inconsistent with good coal mining practice as he shall deem necessary and proper for the protection of the state, and, in addition thereto, the commissioner shall be empowered to prescribe such rules and regulations, not inconsistent with this act and not inconsistent with good mining practice, governing the manner and methods of mining as in his judgment are necessary and proper.

Forfeiture of lease for breach.

Mining rules.

SEC. 168. In the case of lands known to contain workable coal, the commissioner may, in his discretion, issue coal mining leases under the foregoing provisions although no option contract has been theretofore issued for such lands.

Option contract not condition precedent to lease.

SEC. 169. The commissioner of public lands or any person designated by him shall have the right at any time to enter upon the lands and inspect and examine the structures, works and mines situated thereon, and shall also have the right to examine such books, records and accounts of the lessee as are directly connected with the operation of the mine on the property under lease from the state; but it shall be unlawful for the commissioner or any person so appointed to disclose any information thus

Commissioner's right of entry and inspection.

Unlawful to disclose information.

obtained to any person other than the commissioner of public lands and his employes, except the attorney general and prosecuting attorneys of the state.

State may sell other valuable materials upon land during option period.

SEC. 170. The state shall have the right to sell or otherwise dispose of any timber, stone or other valuable materials, except coal, found upon the land during the period covered by any option contract, or lease issued under the foregoing provisions, with the right to enter upon such lands and cut and remove the same, and shall not be obliged to withhold from sale any timber for coal mining or prospecting purposes: *Provided*, That the lessee shall be permitted to use in his mining operations any timber found upon the land, first paying therefor to the commissioner of public lands the value thereof as fixed by said commissioner: *And provided further*, That any bill of sale for the removal of timber, stone or other material given subsequent to the coal lease shall contain provisions preventing any interference with the operations of the coal lease.

Payment for timber used.

Removal of stone, etc., not to interfere with coal lessee.

Suspension of mining operations.

Lease cancelled.

SEC. 171. Should the lessee for any reason, except strikes or inability to mine or dispose of his output without loss, suspend mining operations upon the lands included in his lease, or upon any contiguous lands operated by him in connection therewith, for a period of six months, or should the lessee for any reason suspend mining operations upon the lands included in his lease or in such contiguous lands for a period of twelve months, the commissioner of public lands may, at his option, cancel the lease, first giving thirty days' notice in writing to the lessee.

Lessee's right to terminate lease.

The lessee shall have the right to terminate the lease after thirty days' written notice to the commissioner of public lands and the payment of all royalties and rentals then due.

SEC. 172. Upon the termination of any lease issued under the foregoing provisions, the lessee shall

surrender the lands and premises and leave in good order and repair all shafts, slopes, airways, tunnels and watercourses then in use. Unless the coal therein is exhausted, he shall also, as far as it is reasonably practicable so to do, leave open to the face all main entries then in use so that the work of further development and operation may not be unnecessarily hampered. He shall also leave on the premises all buildings and other structures, but shall have the right to, without damage to such buildings and structures, remove all tracks, machinery and other personal property.

Lessee to leave land and premises in good order.

May remove personalty, but not fixtures.

SEC. 173. If at the expiration of any lease for the mining and extraction of coal or any renewal thereof the lessee desires to re-lease the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be in writing and under oath, setting forth the extent, character and value of all improvements, development work and structures existing upon the land. The commissioner of public lands may on the filing of such application cause the lands to be inspected, and if he deems it for the best interests of the state to re-lease said lands, he shall fix the royalties for the ensuing term in accordance with the foregoing provisions 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 the 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.

Application for re-lease for coal mining.

Procedure.

Preference against new applicant.

SEC. 174. It shall be unlawful for the holder of any coal mining 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 prohibited.

May issue
petroleum
and gas
leases.

Conditions.

SEC. 175. The commissioner of public lands shall have the power to execute leases for the extraction of petroleum or natural gas from any state, tide or shore lands or the beds of navigable waters, belonging to the state or which have been sold and the materials thereon reserved by the state, subject to the conditions hereinafter provided, upon application being made therefor upon a proper form, by any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or any corporation organized and existing under the laws of any state or territory of the United States and authorized to do business in this state: *Provided*, That no such lease for the extraction of petroleum or natural gas, of lands sold by the state and the minerals thereon reserved by the state, shall be executed until full payment of all damages that the owner of such lands may suffer shall have been made or tendered in the manner provided by law.

Terms of
lease.

Acreage.

Time.

Royalty.

SEC. 176. No lease, or re-lease, of lands for the extraction of petroleum or natural gas shall be made for any larger area than six hundred and forty acres, or one section of land, nor for any term exceeding twenty years, nor for any sum less than fifteen cents per acre for the first year, thirty cents per acre for the second year, forty cents per acre for the third year, fifty cents per acre for the fourth year, and sixty cents per acre for the fifth year and each year thereafter, during the term of the lease, and in addition thereto said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent of the gross value of all petroleum, and/or, natural gas extracted from the land described in the lease during the term of said lease, payable semi-annually during said term less the semi-annual rental due at the date of payment of the

royalty. The term "gross value" shall be construed to mean the value of the petroleum and/or gas at the well when produced, without deduction for expenses of production.

"Gross value" defined.

SEC. 177. The holder of any lease from the state for the extraction of petroleum and natural gas shall extract, keep, maintain, ship and sell all petroleum and/or natural gas extracted from the lands so leased, separate and distinct from all like products taken from other lands, and shall submit to the commissioner of public lands, at stated periods to be fixed by said commissioner, statements showing the total product taken from said leased lands, the total shipments of such products, and accounts showing the sales of all such products.

Accounting and reports by lessee.

SEC. 178. The commissioner of public lands is authorized to make and enforce all rules and regulations in relation to the leasing of lands for the extraction of petroleum and/or natural gas, necessary to protect the interests of the state, and all books and accounts of every lessee of lands from the state for that purpose, and the property leased, together with all buildings, machinery, storage tanks and appliances of every kind and nature whatsoever, shall be open to inspection by the commissioner of public lands, or such person as he may designate, at all times.

Rules and regulations by commissioner.

The commissioner of public lands shall have the power to incorporate in any lease of lands from the state for the purpose of extracting petroleum and/or natural gas such other and further provisions and conditions not inconsistent with the provisions and conditions contained in this act as may in his judgment be advantageous to the state.

SEC. 179. All reports required to be made by lessees of lands from the state for the purpose of extracting petroleum and/or natural gas required

Reports to be made under oath on prescribed forms.

by this act or by any rule or regulation of the commissioner of public lands shall be made under oath upon forms prescribed by the commissioner.

Forfeiture
for breach
of lease.

Failure on the part of the lessee of any lands from the state for the purpose of extracting petroleum and/or natural gas, to comply with any of the provisions of this act or the rules and regulations prescribed by the commissioner of public lands, or the terms of his lease, shall forthwith work a forfeiture of the lease and the commissioner of public lands is not authorized to waive any such forfeiture.

Work neces-
sary to vali-
date lease.

SEC. 180. All leases of lands from the state for the purpose of extracting petroleum and/or natural gas shall be deemed to be void and of no effect unless the lessee, or his assigns, shall commence work of drilling or boring for petroleum and/or natural gas within such period as may be designated by the commissioner of public lands, not exceeding five years from and after the date of the execution of the lease, and such work of development shall proceed continuously, and at no time cease for a greater period than ninety days.

Failure to
operate after
discovery of
oil forfeits
lease.

SEC. 181. Whenever petroleum or natural gas shall be discovered in paying quantities on any lands leased from the state for the purpose of extracting the same, no further work need be done under the terms of any lease than to proceed to extract, secure and store the same, but failure to operate after discovery of petroleum or natural gas in paying quantities for a period of ninety consecutive days shall work a forfeiture of the lease, unless such failure to operate shall be due to no fault or negligence of the lessee, or unless the commissioner of public lands for sufficient cause shown, such as market conditions, lack or failure of transportation, or other good and sufficient cause, shall deem it to the best interests

of the state to grant a permit or permits for suspension of operation and production.

SEC. 182. If, at the expiration of the term of any lease for the extraction of petroleum and/or natural gas, or any renewal thereof, the lessee desires to re-lease the lands covered by such lease he may make application to the commissioner of public lands in writing within thirty days after the expiration of his lease, which application shall be verified under oath by the applicant and shall set forth the character and value of all improvements existing on the land, the name and post office address of the owner thereof, the purpose for which he desires to re-lease the land, and such other information as the commissioner of public lands may require, and shall be accompanied by a deposit of ten dollars, which deposit, if the land be not leased, through failure or refusal of the applicant to accept the lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state, and by the commissioner paid into the state treasury and credited to the general fund.

Application
for re-lease.

SEC. 183. The commissioner of public lands may, upon the filing of an application for re-lease of lands for the extraction of petroleum and/or natural gas, cause the lands to be inspected by a state land inspector, and if he deem it for the best interest of the state to re-lease said lands, he shall fix the rental value thereof as provided in this act, and, upon receipt of the first year's rental, together with the fees required by law, the commissioner of public lands shall issue to the applicant a renewal lease for any period not exceeding twenty years.

Lease
renewed.

Terms.

SEC. 184. The commissioner of public lands, if he shall determine to re-lease any lands for the extraction of petroleum and/or natural gas, shall notify the applicant by mail, of the rental value

Applicant
notified of
re-lease.

Refusal to pay rental and fee within time.

Application rejected.

Removal of improvements.

Lease at public auction.

Payment to prior lessee for improvements.

Minimum price of lease.

Damages to agricultural lessee.

fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the commissioner of public lands the first year's rental, together with the statutory fee for issuing a lease, the application shall be rejected and the applicant thereunder permitted to remove such improvements from the land as may be removed without injury thereto, within ninety days from such rejection, and the commissioner of public lands may cause such of the improvements remaining on the land as in his judgment will add to the value of the land for leasing purposes, to be appraised in the same manner as in the case of the sale of state lands, and offer the land for lease at public auction to the highest bidder, for the extraction of petroleum and/or natural gas, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements.

The amount deposited as the appraised value of the improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands, and upon confirmation of the lease by the commissioner of public lands, the amount so deposited in payment for the improvement shall be disposed of by the commissioner in the same manner as in the case of the sale of state lands.

No bid for any lease of lands by the state for the purpose of extracting petroleum and/or natural gas shall be received for less than the minimum price fixed by the commissioner of public lands.

SEC. 185. If land is leased by the state for the extraction of petroleum and/or natural gas, upon which an existing lease for agricultural purposes is held by some person other than the lessee of the lands for the extraction of petroleum and/or natural

gas, the lessee for that purpose shall pay to the prior agricultural lessee reasonable compensation for any and all damages sustained by him to growing crops, or for the use of said premises during the development and operation of the extraction of petroleum and/or natural gas from such land, and no such lease for the extraction of petroleum or natural gas shall authorize entry upon the leased premises until the lessee shall have made a settlement with the prior lessee in the manner provided by law.

Payment.

SEC. 186. In all hearing pertaining to public lands of the state, except capitol building lands, as provided by this act, the board of state land commissioners, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

Board may issue subpoenas, etc.

Said subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpoena is issued.

Service of subpoena.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Fees and mileage of witnesses.

Any person duly served with a subpoena, as herein provided, and who shall fail to obey the same, without legal excuse, shall be considered in contempt, and the board, or commissioner, shall certify

Punishment for contempt.

the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases for contempt of court and the certificate of the board, or commissioner, shall be considered by the court as *prima facie* evidence of the guilt of the party charged with contempt.

Maps, etc.,
filed with
commis-
sioner.

Record and
index to be
kept.

SEC. 187. All maps, plats and field notes of surveys, required to be made by this act shall, after approval by the board of state land commissioners, or the commissioner of public lands, as the case may be, be deposited and filed in the office of the commissioner of public lands, who shall keep a careful and complete record and index of all maps, plats and field notes of surveys in his possession, in well bound books, which shall at all times be open to public inspection.

Authentica-
tion of
notices, etc.

Seal.

SEC. 188. All notices, orders, contracts, certificates, rules and regulations, or other documents or papers made and issued by or on behalf of the board of state land commissioners, or the commissioner of public lands, as provided in this act, shall be authenticated by a seal whereon shall be the vignette of George Washington, with the words "Seal of the commissioner of public lands, State of Washington."

Exemption
from tax sale
of harbor
area im-
provements.

Lien for
taxes not
impaired.

SEC. 189. Whenever improvements have been made on tide lands or lands under water, in front of cities or towns, prior to the location of harbor lines in front of such cities or towns, and the reserved harbor area as located includes such improvements, no distraint or sale of such improvements for taxes shall be had until six months after said lands have been leased or offered for lease, but this section shall not affect or impair the lien for taxes on said improvements.

SEC. 190. The commissioner of public lands for services performed by him as such, may charge and collect the following fees: (1) for a copy of any record, document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, two dollars; (4) for each deed, five dollars; (5) for issuance of each harbor area lease and approval of bond, five dollars; (6) for approval of each assignment of contract, lease or bill of sale, one dollar; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, two dollars for each contract; (8) for each right of way certificate issued, two dollars.

Fees of land
commis-
sioner.

SEC. 191. The commissioner of public lands shall keep a fee book, in which shall be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book shall be verified monthly by his affidavit entered therein, and all fees collected by him shall be paid into the state treasury in the manner and at the time provided by law for the payment of moneys received by state officers, and the receipt of the state treasurer taken therefor and retained in the office of the commissioner of public lands as a voucher.

To keep fee
book.

Disposition
of fees.

SEC. 192. When any public land of the state as defined in this act shall have been assessed for local improvements, or for benefits, by any municipal corporation authorized by law to assess the same, and such assessments have been paid by the state, and such land is offered for sale, there shall be added to the value of such land, appraised as provided by this act, the amount of assessments paid by the state, which amount so added shall be paid by the purchaser, in case of sale, in equal annual installments

Local im-
provement
assessments
added to sale
price of state
lands.

at the same time, and with the same rate of interest upon deferred payments, as the installments of the purchase price are paid, in addition to the amounts otherwise due to the state for said land, and no deed shall be executed until such assessments have been paid.

Land commissioner to represent the state.

SEC. 193. The commissioner of public lands is authorized and directed to appear before the United States land offices in all cases involving the validity of the selections of any lands granted to the state, and to summon witnesses and pay necessary witness fees and stenographer fees in such contested cases.

Duties of attorney general.

SEC. 194. It shall be the duty of the attorney general, to institute, or defend, any action or proceeding to which the state, or the commissioner of public lands, or the board of state land commissioners, is or may be a party, or in which the interests of the state are involved, in any court of this state, or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when requested so to do by the commissioner of public lands, or the board of state land commissioners, or upon his own initiative.

Land commissioner represents state except as to capitol building lands.

The commissioner of public lands is authorized to represent the state in any such action or proceeding relating to any public lands of the state, except capitol building lands.

Power of review of board.

SEC. 195. The board of state land commissioners, or the commissioner of public lands, may review and reconsider any of its, or his, official acts relating to the public lands of the state until such time as a lease, contract or deed shall have been made, executed and finally issued, and the commissioner of public lands may recall any lease, contract or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

SEC. 196. It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable.

Land law changes recommended by land commissioner.

SEC. 197. Every person who wilfully commits any trespass upon any public lands of the state and cuts down, destroys or injures any timber, or any tree standing or growing thereon, or takes, or removes, or causes to be taken, or removed, therefrom any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom any earth, soil, stone, mineral, clay, sand, gravel, or any valuable materials, shall be guilty of larceny.

Trespass.

Removal of wood, earth, mineral.

Larceny.

SEC. 198. Every person being in lawful possession of any public lands of the state, under and by virtue of any lease or contract of purchase from the state, cuts down, destroys or injures, or causes to be cut down, destroyed or injured, any timber standing or growing thereon, or takes or removes, or causes to be taken or removed, therefrom, any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom, any earth, soil, clay, sand, gravel, stone, mineral or other valuable material, or causes the same to be done, or otherwise injures, defaces or damages, or causes to be injured, defaced or damaged, any such lands unless expressly authorized so to do by the lease or contract under which he holds possession of such lands, or by the provisions of law under and by virtue of which such lease or contract was issued, shall be guilty of a misdemeanor.

Injuries to public lands.

Penalty.

SEC. 199. Every person who shall cut or remove, or cause to be cut or removed, any timber

Penalty for removing valuable materials.

growing or being upon any public lands of the state, or who shall manufacture the same into logs, bolts, shingles, lumber or other articles of use or commerce, unless expressly authorized so to do by a bill of sale from the state, or by a lease or contract from the state under which he holds possession of such lands, or by the provisions of law under and by virtue of which such bill of sale, lease or contract was issued, shall be liable to the state in treble the value of the timber or other articles so cut, removed or manufactured, to be recovered in a civil action, and shall forfeit to the state all interest in and to any article into which said timber is manufactured.

Investigation of trespasses.

SEC. 200. The commissioner of public lands is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of, the same, to be commenced as is provided by law.

Prosecutions.

Actions for damages.

SEC. 201. This act shall not be construed to affect any vested right of any person, firm or corporation, acquired under existing laws, in any public lands of the state, or any preference right to purchase or lease the same, or any findings, rulings or decisions of the commissioner of public lands, or the board of state land commissioners, under existing laws, or any cases now pending before the board of state land commissioners, or the commissioner of public lands, or in any court, but the same shall be continued and determined in the manner provided in existing laws and in this act.

Saving clause.

Passed the Senate March 8, 1927.

Passed the House March 5, 1927.

Approved by the Governor, with the exception of section 29, which is vetoed, March 21, 1927.