

stated; that no payment has been received by me on account thereof; that no rebate of any character, kind or description has been made to me by any person or persons furnishing any of said transportation or subsistence; that the expenses charged were actually and necessarily incurred and paid by me in lawful money.

.....
 Subscribed and sworn to before me this.....day
 of....., A. D.....

.....
 Notary Public in and for the
 State of Washington, residing
 at

Passed the House March 4, 1929.

Passed the Senate March 1, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 105.

[H. B. 135.]

ANNUAL LICENSE FEE OF USERS OF WATER FOR POWER DEVELOPMENT.

AN ACT relating to the payment of annual fees by claimants of water power; to the furnishing of an annual statement by such claimants; providing penalties for failure to pay such fees or to make such statements.

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

SECTION 1. Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the State of Washington for power development, shall on or before the first day of July, 1929, and on or before the first day of January of each year thereafter pay to the State of Washington in advance an annual license fee, based

Annual
license fee
payable in
advance be-
fore July 1,
1929, and
January 1
thereafter.

upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

Projects in operation. Schedule of fees. For projects in operation: For each and every theoretical horse-power claimed up to and including 1,000 horse-power, at the rate of ten cents (10c) per horse-power; for each and every theoretical horse-power in excess of 1,000 horse-power, up to and including 10,000 horse-power, at the rate of two cents (2c) per horsepower; for each and every theoretical horse-power in excess of 10,000 horse-power, at the rate of one cent (1c) per horse-power.

Undeveloped projects. Same fees. For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee above specified for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects. *Provided*, That upon the filing of statement, as hereinafter required, by the United States or the state claiming the right to the use of water to any extent for the generation of power, or any other claimant to the use of water for the generation of 50 horse-power, or less, shall be exempted from the payment of all fees hereinafter required; and *Provided further*, That any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, may upon the filing of a statement, showing the amount of power used for irrigation pumping, be exempted to the extent of the power so used from the payment of the annual license fee herein provided for.

Fee to be paid to Department of Conservation and Development. SEC. 2. The license fee herein required shall be paid in advance to the state department of conservation and development and shall be accompanied by

written statement, showing the extent of the claim. Said statement shall set forth the name and address of the claimant, the name of the stream from which the water is appropriated or claimed for power development, a description of the forty acres or smallest legal subdivision in which the point of diversion and point of return are located, the date of the right as claimed, the maximum amount of water claimed, expressed in cubic feet per second of time, the total average fall utilized under such claim, the manner of developing power and the use to which the power is applied. If the regular flow is supplemented by water stored in a reservoir, the location of such reservoir, its capacity in acre feet, and the stream from which it is filled and fed, should be given, also the date of the right as claimed for storage purposes.

Accompanied
by statement.

Contents of
statement.

Should any claimant fail or neglect to file such statement within the time specified, or fail or neglect to pay such fees within the time specified, the fees due and payable shall be at the schedule rates set out in Section 1, increased twenty-five per cent (25%), and the state shall have preference lien therefor, with interest at the rate of ten per cent (10%) per annum from the date of delinquency, upon the property of claimant used or necessary for use in the development of the right or claim, together with any improvements erected thereon for such development, and upon request from the director of conservation and development the attorney general shall proceed to foreclose the lien, and collect the amount due, as herein provided, in the same manner as other liens for general state and county taxes on real property are foreclosed.

Failure to
file statement
or pay fees,
penalty.

The filing of a claim to water in excess of the amount to which the claimant is legally entitled shall not operate to vest in such claimant any right to the use of such excess water, nor shall the payment of

Excessive
claim to
water gives
no rights.

Filing of
claims evi-
dence of
abandon-
ment.

Method of
computing
theoretical
horsepower.

Fees credited
to general
fund.

the annual license fees, provided for herein, operate to vest in any claimant any right to the use of such water beyond the amount to which claimant is legally entitled. The filing of such claim, or claims to water shall be conclusive evidence of abandonment by the claimant of all right to water for power purposes not covered by the claim, or claims, as filed; and the failure to file statement and pay the fees, as herein required, for any power site or claim of power rights on account of riparian ownership within two years after the passage of this act shall be conclusive evidence of abandonment. The amount of the theoretical horse-power upon which fees shall be paid under the provision of this act, shall be computed by multiplying the maximum amount of water claimed, expressed in cubic feet per second of time, by the average fall utilized, expressed in feet, and dividing the product by 8.8.

SEC. 3. That all fees paid under provisions of this act, shall be credited by the state treasurer to the general fund.

Passed the House February 21, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor March 13, 1929.