

districts in which they are situated, or in cases where two or more cities unite, as provided by law: *And provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter, shall not prevent the formation of new school districts, whether or not such bonds have been redeemed, canceled, or paid in whole or in part and shall not prevent the transfer or uniting with another school district of a portion or the whole of a district where bonds have been or may hereafter be issued.

Passed the House, March 2, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 16, 1921.

CHAPTER 102.

[H. B. 62.]

CONSERVATION OF FORESTS.

AN ACT relating to state forests, authorizing the designation of places for camping grounds where fires may be kindled and amending sections 5, 8, and 11 of chapter 125 of the Laws of 1911, and amending chapter 125 of the Laws of 1911 by adding a new section to be known and designated as section 23.

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

SECTION 1. That section 5 of chapter 125 of the Laws of 1911 be amended to read as follows:

Section 5. The forester shall, subject to the approval of the board, have power to appoint within any county in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the forester deems that forest fire dangers exist.

Forester may
appoint
wardens.

The forester may, subject to the approval of the board, and at such times and in such localities as he

deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens, shall, under the direction of the forester, engage in the discovery of inflammable material, and cause, or assist in the burning of such material at such times as the burning can be done without endangering adjacent timber, or other property. The said wardens, under the direction of the forester, shall prevent and detect trespass and illegal cutting upon state timber lands, and shall enforce the laws in respect to such trespass and illegal cutting.

The forester shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the board.

The wardens shall make their headquarters at the county seat of the county which they represent, and be equipped with suitable office quarters in the county court house by the county commissioners.

The board of county commissioners of any county in which there has been no warden appointed, may request the forester to appoint a warden, and the forester may, if in his judgment the necessity exists, appoint, subject to the approval of the board, one or more wardens for each county.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any adjacent county, or to any part of the state in times of great fire danger.

The salaries and necessary expenses of all wardens, together with all wages and expenses incurred

for help and assistance in forest fire protection shall be fixed by the state board of forest commissioners, the wages and salaries to be based on but not to exceed going wages and salaries for similar work, and shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

All accounts of the wardens shall be submitted to the forester as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 3 of this act, the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated by this act.

All wardens and rangers shall render reports to the forester on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred, and such other information as may be called for by the forester.

SEC. 2. That section 8 of chapter 125 of the Laws of 1911 be amended to read as follows:

Section 8. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the 1st day of May west of the summit of the Cascade Mountains, and the 1st day of June east of the summit of the Cascade Mountains and ending, unless sooner ended by proclamation of the Governor, on the 1st day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the forester, or a warden or a ranger, and afterwards complying with the terms of said permit; and any one violating any provisions contained in the preceding portions

Closed season for fires.

Penalty.

of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the board shall prescribe, which shall be only such as the board deems necessary for the protection of life or property.

The forester, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

SEC. 3. That section 11 of chapter 125 of the Laws of 1911 be amended to read as follows:

Section 11. Any person who shall wilfully or needlessly deface or remove any warning placard or notice posted under the requirements of this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Removing notices.

Penalty.

Any person who shall upon any land within this state set any fire, except for necessary lumbering operations, or at the proper places on camping grounds which have been prepared and designated for recreation purposes, which fire shall spread and damage or destroy property of any kind not his own, shall upon conviction be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand

Spread of fires set.

Penalty.

dollars (\$1,000.00) or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment.

Set fire during closed season.

During the closed season any person who without a written permit from the state board of forest commissioners, shall kindle a fire, in or dangerously near any forest material, except for necessary lumbering operations or at the proper places on camping grounds which have been prepared and designated for recreation purposes, or who shall be a party to kindling such fire, or who shall by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner start a fire in forest material, and who shall fail immediately to extinguish the same, shall upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not exceeding two (2) months.

Penalty.

Provided, That nothing in this section contained shall absolve any person from liability on account of negligence.

The State Board of Forest Commissioners is hereby authorized and empowered, and it is its duty to designate and prepare such camping grounds as it may determine for the purpose of carrying out the provisions of this section.

SEC. 4. That chapter 125 of the Laws of 1911 be amended by adding a new section to be known and designated as section 23 to read as follows:

Division of forestry assumes powers and duties.

Section 23. The director of conservation and development, through and by means of the division of forestry, shall, upon his appointment, qualification and assumption of the duties of his office, exercise all the powers and perform all the duties vested in, and required by this act to be performed by either the state forester and fire warden or the state board of forest commissioners. The director of conservation and development shall have the power and au-

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

Passed the House, February 14, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

CHAPTER 103.

[H. B. 133.]

AMENDMENTS TO WATER CODE.

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

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

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

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

Regulation
of stream
pending pro-
ceedings.