

## Chapter 501

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**FISH HATCHERIES**

**501.010 Private game fish hatcheries; license.** (1) Any person may establish a private trout hatchery for the cultivation of trout or game fishes. Any person, firm or corporation engaged in the business of taking fish spawn and artificially hatching them, or in raising fry and fish therefrom, in any of the waters or streams of this state for the purpose of sale, barter or exchange, is deemed to be conducting a private game fish hatchery under ORS 501.010 to 501.060.

(2) Each private fish hatchery before it is entitled to the benefits of ORS 501.010 to 501.060, shall pay an annual license fee of \$5 to the State Game Commission. All moneys collected for such licenses shall be forwarded to the State Treasurer and shall be placed in the State Game Fund.

**501.020 Taking and disposing of fish in private hatcheries; tagging.** Any person lawfully conducting a private trout hatchery and engaged in the artificial propagation, culture and maintenance of fishes, may take them in his own inclosed waters, where they are cultivated and maintained, at any time and for the purpose provided in ORS 501.010 to 501.060. Such person shall tag game fish so disposed of with a tag furnished by the game commission at a price of not to exceed one-half cent per tag. The proceeds from the sale of such tags shall be by the game commission forwarded to the State Treasurer and shall be placed in the State Game Fund.

**501.030 Sale of product of private hatchery.** The product of fish hatchery, fry and fish mentioned in ORS 501.010 may be sold at any time of the year by the hatchery or their vendees after having first complied with the terms of ORS 501.010 to 501.060 and the regulations of the game commission.

**501.040 Reports of sale of product of private hatcheries.** (1) The superintendent or person in charge of any private hatchery shall make a verified monthly report to the game commission of the amount of fry and number of fish sold, and the name and address of the party receiving the same.

(2) Each person, firm or corporation engaged in dealing in fish affected by ORS 501.010 to 501.060 shall render to the game commission a verified monthly report giving a detailed statement showing the amount of

fry and number of fish received from any private hatchery and giving the name and postoffice address of the superintendent or manager of same.

**501.050 Dealers in product of private fish hatcheries; permit.** Every person, firm or corporation engaged in the business of buying and selling, packing and preserving, or otherwise dealing in trout or other game fish obtained from private hatcheries of the state, shall obtain a permit for such business from the game commission.

**501.060 Permission by owner to take fish from private hatchery.** No person shall take fish in any manner from the water in which a private trout hatchery is located, or in which fish are artificially propagated, cultivated and maintained under ORS 501.010 to 501.060, without permission of the owner or proprietor of such hatchery.

**501.070 Tillamook County fish hatcheries.** The county court of Tillamook County may build, construct, maintain, own, lease, rent and operate fish hatcheries for the purpose of propagating all species of salmon and game fish.

**501.080 Petition for Tillamook County fish hatchery; hearing; notice.** (1) Upon petition of 100 or more residents and inhabitants of Tillamook County, 40 of whom must be bona fide commercial fishermen, requesting that the county build, construct, maintain, own, lease, rent and operate any fish hatchery for the purpose of propagating any species of salmon or game fish, the county court to whom the petition is addressed shall set a time and place for a hearing. Notice of this time and place shall be given in some newspaper published in the county in at least three issues of the newspaper. At the hearing any and all residents and inhabitants of the county have the right to appear either in person or by further petition or remonstrance.

(2) As used in this section, a commercial fisherman means one who holds a commercial license to fish for salmon and other food fish in the waters of Tillamook or Nehalem Bays.

**501.090 Findings as to petition; granting or denying; further petition after denial.** Within 30 days from the time the hearing is concluded the county court of Tillamook County shall make and file its findings in respect to the petition previously filed. If

the county court finds that it would be to the best interest of the county as a whole to grant the prayer of the petition, then it may enter an appropriate order. Should the county court find that it would not be to the best interest of the county to grant the prayer of the petition, it shall make an order denying the petition. When a petition is denied no further petition shall be considered by the court for a period of one year from the time the petition is denied.

**501.100 Poundage fee on commercially caught fish in Tillamook County for hatchery purposes.** (1) Should the county court of Tillamook County grant the prayer of the petition, then the county court shall include in its order a provision that a poundage fee shall be thereafter levied upon all fish caught or first sold within the county for commercial purposes. The county court may specify the amount of the poundage fee, which shall not exceed one-half cent per pound for county hatchery purposes.

(2) This fee shall be paid to the Fish Commission of the State of Oregon by all persons, firms and corporations operating as a canner, receiver, buyer, retail dealer, fish peddler or wholesaler of fish and salmon upon all fish and salmon caught or received within the county, in the manner provided by law for the payment of poundage fees collected by the fish commission upon all fish and salmon caught within the state. The poundage fee shall be in addition and not in lieu of the poundage fees required by general law.

(3) The fish commission shall collect all poundage fees levied by the county operating under ORS 501.070 to 501.140 as a trust fund, and remit the county's portion of all poundage fees, such portion being all money above the regular fee now collected by the fish commission, within 30 days from the time it is received by the fish commission. All poundage fees shall be used by the county in defraying the expenses of building, maintaining and operating the fish hatchery.

**501.110 Failure to pay poundage fee.** No person, firm or corporation operating as a canner, receiver, buyer, retail dealer, fish peddler or wholesaler of fish and salmon shall fail to pay to the Fish Commission of the State of Oregon the additional poundage fees specified by the county court under ORS 501.100.

**501.120 Fish commission to cooperate with Tillamook County for hatchery purposes.** The Fish Commission of the State of Oregon shall cooperate with Tillamook County under ORS 501.070 to 501.140 and give such advice and assistance as the fish commission deems proper, when requested to do so by the county court. The fish commission may contribute and pay a portion of the costs of maintaining and operating any such fish hatchery, and may lease, rent or donate to Tillamook County operating under ORS 501.070 to 501.140 any state-owned hatchery and equipment.

**501.130 Control of and contract for operation of Tillamook County hatchery; discontinuance of operation.** The county court, together with a board of three residents and inhabitants of Tillamook County to be appointed by the county court, shall have joint control of the operation and maintenance of any fish hatchery operated under ORS 501.070 to 501.140, but the county court may enter into a contract for the operation and maintenance of the fish hatchery upon such terms and conditions that are deemed by the county court to be the best interest of the county. The county court may temporarily or permanently discontinue the operation of any fish hatchery constructed or maintained under ORS 501.070 to 501.140.

**501.140 Disposition of fish propagated in Tillamook County hatcheries; procuring eggs and fish.** All fish propagated under ORS 501.070 to 501.140 shall be distributed in streams within Tillamook County under the direction of the county court, except that the county court may exchange eggs and fish for other eggs and fish for the purpose of stocking the waters of the county. The county court may take, purchase and procure fish eggs and small fish for hatchery purposes in any manner that the Fish Commission of the State of Oregon may procure the same.

**501.150 Taking salmon eggs from and returning salmon to Rogue River.** Whenever the game commission or any other duly authorized person takes salmon eggs from the waters of the Rogue River which are closed to commercial fishing, for the purpose of supplying the various hatcheries of the state, the game commission shall return at least 40 percent of the fish hatched from

the eggs to the stream from which the eggs producing the hatch were taken.

**501.160 to 501.200** [Reserved for expansion]

### **GAME REFUGES AND RESERVATIONS GENERALLY**

**501.210 Proclamation of Governor setting aside state lands as refuges.** The Governor may at his discretion and by special proclamation set aside any land owned by the state and surrounding state institutions, to be used as wild bird and game refuges. Immediately upon the issuance of the proclamation, it shall be unlawful for any person to injure, take, kill, destroy or interfere with, in any way whatsoever, or have in possession except for breeding purposes within the boundaries of such land, any game or non-game birds, game or wild animals which are protected at any time by the laws of the state.

**501.220 Contracts setting aside land as refuges.** (1) The game commission may enter into written contract with the owner of land for a term of not to exceed 10 years in such localities in the different counties of the state as may by them be deemed appropriate, setting aside such lands as wild bird and game refuges.

(2) The contract shall:

(a) Be in legal form.

(b) Contain a description of the land, the term of years for which the agreement is entered into, the consideration and the purpose of the agreement.

(c) Be properly witnessed, acknowledged and recorded in the county in which the land is located.

**501.230 Hunting or possessing birds and animals in contract refuges unlawful; exceptions.** (1) During the life of the contract or agreement, as provided in ORS 501.220, it is unlawful for any person to injure, take, hunt, kill, destroy, interfere with in any way whatsoever or have in possession, except for breeding purposes, within the boundaries of such land, any game or nongame birds, game or wild animals which are protected at any time by the laws of the state.

(2) The game commission may make exceptions in the contract, excepting out of its provisions any game bird, game or wild animals, when in its judgment the same should be excepted in order to protect the

property or crops of the owners of such land or whenever the game commission finds that the supply of any species or kinds of any such game birds, game or wild animals is such that the hunting, trapping, pursuing or killing thereof will not injuriously affect the supply thereof.

**501.240 Using game fund for contract refuge expenses.** For the purpose of carrying out the provisions of ORS 501.220 and 501.250, the game commission may use any moneys in the State Game Fund as in its discretion are necessary for the payment of rental land as provided in ORS 501.220, for the purchase of birds, for maintaining breeding farms, for the employment of caretakers and general expenses of maintaining the preserves or refuges in the propagation, protection, as defined in ORS 496.620, and promotion of birds and game thereon.

**501.250 Allowing claims for expenditures.** All claims for expenditures on the State Game Fund under ORS 501.220 to 501.240 shall be approved by the game commission upon vouchers duly filed and allowed, as other claims are allowed by the game commission.

**501.260 Hunting wild animals and birds on reservations prohibited; exceptions.** No person shall at any time, within any state game reservation, hunt for, pursue, kill, trap, capture, shoot at, disturb or have in possession any of the wild animals or birds inhabiting the reservation, except predatory animals doing damage to grazing sheep or other livestock.

**501.270 Hunting wild birds and animals in game reservations, reserves and refuges unlawful; exceptions.** It is unlawful for any person to hunt, take, capture or pursue or attempt to hunt, take, capture or pursue any of the wild birds or wild animals in any game reservation, reserve or refuge in the state, except that where the statute creating a game reservation, refuge or reserve by its terms limits the purpose of such reservation, refuge or reserve to the protection of game birds or game animals or any of the species thereof then it is unlawful only to hunt, take, capture or pursue or attempt to hunt, take, capture or pursue any of such game animals or game birds or such species thereof as are named in such statute.

**501.280 Permit to kill predatory animals in reservations.** The game commission shall issue permits to any person, upon good cause being shown by such person, to kill any predatory animals within any game reservation, upon such terms and restrictions as the game commission shall prescribe.

**501.290 Posting signs on contract refuges and state reservations; disturbing signs prohibited.** (1) The game commission shall, immediately upon the creation of wild bird and game refuges mentioned in ORS 501.220, post or have posted in prominent and conspicuous places upon and around land so reserved, signs giving notice that the land is reserved as wild bird and game refuges, and warning all persons not to trespass, hunt, kill or disturb in any way wild birds and animals therein.

(2) The game commission shall, immediately upon the creation of any state game reservation, post same in prominent and conspicuous places, along boundaries thereof, with signs or posters, giving notice that such land is reserved for the protection of animals and birds, and warning all persons not to trespass, hunt, kill or disturb in any manner or way the wild animals and birds therein.

(3) It is unlawful for any person to destroy, mutilate or disturb the signs mentioned in subsections (1) and (2) of this section or any signs or notices which may be posted by authority of the game commission by any means whatever.

**501.300 Opening of closed game areas.** The game commission may open to hunting or fishing any game reserve or other closed area when such an opening is in the interest of conservation of the birds, animals or fish of the state.

**501.310 to 501.400** [Reserved for expansion]

### **PARTICULAR GAME REFUGES AND RESERVATIONS**

**501.410 Brown Island and Minto Island Game Reservation.** There is created a game reservation which shall be known as the Brown's Island and Minto Island Game Reservation and shall be bounded and described as follows: Beginning at the point of intersection of the center line of State Street in Salem, Oregon, with the center line of the Oregon Electric Railway tracks on Front

Street in Salem; thence southwesterly along the center line of the Oregon Electric Railway tracks to the north boundary of the east ell of the donation land claim of R. E. Ekin and wife in township 8 south, range 3 west of the Willamette Meridian in Marion County; thence west to the re-entrant corner in the west boundary of such donation land claim; thence north to the most northerly northeast corner of such donation land claim; thence west to the middle of the Willamette River; thence down the meanderings of such river to the westerly projection of the center line of State Street in Salem; thence easterly to the place of beginning.

**501.420 Burnt River Game Reservation.** The following described lands situated in Baker County shall be known as the Burnt River Game Reservation: The east half and the east half of the west half of section 19 and sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and the east half and the east half of the west half of section 30, all in township 12 south, range 39 east, Willamette Meridian.

**501.430 Canyon Creek Game Refuge.** (1) The following described lands situated in Grant County, shall be known as the Canyon Creek Game Refuge: All lands included in the watershed of Canyon Creek and its tributaries (excepting that which lies north of the Canyon-Burns Road on the west and Sheep Gulch on the east) together with a strip of land approximately five miles in width adjoining the refuge and bounded and described as follows: Beginning at the northeast corner of township 15 south, range 31 east, Willamette Meridian; running thence west 12 miles along the township line to the northwest corner of township 15 south, range 30 east; thence south along the range line to the common corner of sections 25 and 36, township 15 south, range 29 east and sections 30 and 31, township 15 south, range 30 east; thence east along section line 15 miles to the intersection of the boundary line of the Canyon Creek Game Refuge, a point on the section line between sections 28 and 33, township 15 south, range 32 east; thence following the western boundary of the Canyon Creek Game Refuge to the point of beginning.

(2) It is unlawful for any person to hunt, shoot at, kill, molest, disturb, trap or injure any of the wild birds and wild animals within the boundaries of Canyon Creek Game Refuge, as described in sub-

section (1) of this section, except that it is not unlawful for hunters using only the long bow and broad arrow to hunt for or take any of the game birds or game animals, during any open season thereon, in that part of this area lying east and north of Canyon Creek. If it is found necessary by the game commission in the interests of game conservation to reduce further the deer population in this area, the game commission may by order allow hunters using firearms to hunt for or take deer during the latter half of the regular open season for the hunting and taking of deer.

(3) The game commission may grant limited written permits to trap or kill predatory and fur-bearing animals within the boundaries of the reservation described in subsection (1) of this section.

(4) Notwithstanding this section, the rights and privileges now enjoyed by persons to pasture stock in the reservation described in subsection (1) of this section are reserved to such persons. The right of grazing of livestock is not affected or curtailed by closing this area to hunters.

**501.440 Carlton Lake Game Reservation.** (1) The following described lands, including Carlton Lake, situated in Yamhill County, shall be known as the Carlton Lake Game Reservation: Beginning at the northwest corner of the W. C. Hembree D. L. C. (claim) No. 59, in section 17, township 3 south, range 4 west, Willamette Meridian; running thence east along the north line of Hembree D. L. C. and along this north line produced, or extended 4,500 feet to the west line of the state highway, known as the Tualatin Valley Highway; thence southerly along the west line of such highway 6,600 feet to north line of Main Street in the City of Carlton; thence westerly along the north line of Main Street and the county road, which is an extension of Main Street, 6,300 feet to the northeast corner of the intersection of the county road, leading west from Carlton and the county road running north and south through the James Fulton D. L. C. just west of Carlton Lake; thence northerly along the east line of such county road 6,700 feet to the intersection of the east line of the county road with the north line of the James Fulton D. L. C.; thence east along the north line of Fulton D. L. C. 1,950 feet to the northeast corner of the claim; thence north about 60 feet to the northwest corner of the W. C. Hembree

D. L. C., the place of beginning, situated in parts of sections 16, 17, 20 and 21, township 3 south, range 4 west.

(2) It is unlawful for any person to hunt, shoot at, kill, molest, disturb, trap or injure any of the wild birds and wild animals of the state within the boundaries of Carlton Lake Game Reservation, as described in subsection (1) of this section.

(3) The game commission may grant limited written permits to trap or kill wild birds and wild animals doing damage to property within the boundaries of the game reservation described in subsection (1) of this section.

**501.450 Corvallis Watershed Wild Animal Refuge.** (1) The following described lands situated in Benton County shall be known as the Corvallis Watershed Wild Animal Refuge: The west half of section 18, all of section 19 and the north half of the north half of section 30 in township 12 south, range 6 west of Willamette Meridian, and sections 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 34 and the east half of section 33, and the north half of section 35 in township 12 south, range 7 west of Willamette Meridian, and sections 2, 3 and the east half of section 4 in township 13 south, range 7 west of the Willamette Meridian.

(2) It is unlawful for any person to hunt for, shoot at, kill, molest, disturb, trap or injure any wild bird or wild animal, or to angle for or catch any fish within the boundaries of the refuge described in subsection (1) of this section.

(3) It is unlawful for any person to have in his possession any wild bird, wild animal, or fish, either dead or alive, within the boundaries of the refuge described in subsection (1) of this section.

(4) The game commission may grant limited written permits to trap or kill predatory and fur-bearing animals within the boundaries of the refuge described in subsection (1) of this section.

**501.460 Cow Creek Game Refuge.** The following described lands situated in Douglas County shall be known as the Cow Creek Game Refuge: Beginning at the Southern Pacific railway where it intersects the township line between townships 30 and 31 south in range 7 west, Willamette Meridian; thence following the Southern Pacific railroad in a southerly direction to the inter-

section of the Southern Pacific railroad with the Glendale-Pacific Highway Road at Glendale, Oregon; thence over Glendale Highway to Pacific Highway; thence over the Pacific Highway to the Town of Canyonville; thence over the Canyonville-Riddle Highway to intersection of section line between sections 32 and 33, township 30 south, range 5 west, Willamette Meridian; thence south to township line between townships 30 and 31 south; thence west on township line to point of beginning, all of which lands are lying within portions of townships 30, 31, 32 and 33 south, range 4 west, range 5 west, range 6 west, range 7 west and range 8 west, Willamette Meridian.

**501.470 Deschutes Reservation.** The following described lands shall be known as the Deschutes Reservation: Starting on the Fremont Highway at Summit Stage Station, in the southeast quarter section 35, township 24 south, range 11 east; thence southeast along Fremont Highway to junction with South Boundary Forest Road No. 422 in southwest quarter section 19, township 25 south, range 13 east; thence along forest road No. 422 to Cabin Ranger Station in section 17, township 24 south, range 14 east; thence north on the China Hat Forest Road No. 163 to junction with Evans Well Forest Road No. 1032 in section 15, township 20 south, range 14 east; thence southwest on Evans Well Forest Road No. 1032 to Brooks-Scanlon Camp 1 Forest Road No. 1033 at Brooks-Scanlon Camp 1 in section 19, township 20 south, range 14 east; thence south and east on Brooks-Scanlon Camp 1 Forest Road No. 1033 to its junction with Orphan Butte Forest Road No. 467 in section 30, township 20 south, range 14 east; thence southwest along Orphan Butte Forest Road No. 467 to junction with North Paulina Forest Road No. 176 in section 10, township 21 south, range 13 east; thence northwest along North Paulina Forest Road No. 176 to junction with Mokst Butte Forest Road No. 579 in section 23, township 20 south, range 12 east, one-half mile south of Mokst Butte; thence west and northwest along forest road No. 579 to its junction with The Dalles-California Highway in section 35, township 19 south, range 11 east; thence south along The Dalles-California Highway to crossing of Great Northern railroad and junction with Paulina Creek Forest Road No. 177; thence northeast along Paulina Creek Forest Road No. 177 to

junction with Shevlin-Hixon Fire Road in section 35, township 21 south, range 11 east; thence south along Shevlin-Hixon Fire Road to junction with Spring Butte Forest Road No. 482 in northwest quarter section 25, township 22 south, range 11 east; thence south along Spring Butte Forest Road No. 482 through east side of township 23 south, range 11 east, west side of township 24 south, range 12 east and southwest to junction with Fremont Highway at Summit Stage Station, the place of beginning.

**501.480 Grass Mountain Reservation.** The following described lands situated in Lane County shall be known as Grass Mountain Reservation: All lands in township 16 south, range 11 west, and all the lands in the south half of township 15 south, range 11 west, Willamette Meridian.

**501.490 Lake Lytle Bird and Game Refuge.** (1) There is created a migratory bird, game bird and game animal refuge and sanctuary in Tillamook County, to be known as Lake Lytle Bird and Game Refuge of the land and waters within the following described boundaries: Beginning at the northeast corner of section 29, township 2 north, range 10 west of Willamette Meridian; running thence west to the mean low water line of Pacific Ocean; thence southerly along the mean low water line of Pacific Ocean to the middle east and west line of section 32, in such township and range; thence east to the east line of section 32; thence north to the place of beginning.

(2) It is unlawful to shoot, hunt, kill, injure, take or molest any of such birds or animals within the area described in subsection (1) of this section, or to attempt to do so, except under permit of federal authorities for scientific banding purposes.

**501.500 Lake Oswego Game Reserve.** (1) The following described lands situated in Clackamas County, shall be known as the Lake Oswego Game Reserve: The lands included within the reserve are bounded on the north by the Multnomah-Clackamas boundary line; on the west by the Willamette Meridian; on the south by the north lines of sections 19, 20 and 21 in township 2 south, range 1 east, Willamette Meridian, and on the east by the Stafford Road and by the west bank of the Willamette River.

(2) It is unlawful for any person to hunt, shoot at, kill, molest, disturb, trap or injure any of the wild birds and wild



animals within the boundaries of Lake Oswego Game Reserve, as described in subsection (1) of this section.

(3) The game commission may grant limited written permits to trap or kill predatory and fur-bearing animals within the boundaries of the reservation described in subsection (1) of this section.

**501.510 Marion County federal wild fowl sanctuaries.** It is unlawful at any time within Marion County for any person to hunt, pursue, take, capture, molest or trap any wild animal or wild bird within one mile of the boundaries of any wild fowl sanctuary established in Marion County by the United States Government.

**501.520 Mt. Emily Game Reservation.** There is created a game reservation in Union and Umatilla Counties to be known as the Mt. Emily Game Reservation, which includes all the territory bounded and described as follows: Beginning at a point where the Fox Prairie Road intersects the south line of section 30, township 1 south, range 37 east, Willamette Meridian in Umatilla County; thence running northerly and easterly along Fox Prairie Road to the northeast corner of section 12, township 1 south, range 37 east, which section corner is on the county line between Umatilla and Union Counties; thence east two miles more or less to the Umatilla National Forest boundary; thence south along Umatilla National Forest boundary six miles; thence west five miles to the section corner common to sections 3, 4, 9 and 10, township 2 south, range 37 east; thence north one mile along section line between sections 3 and 4, township 2 south, range 37 east; thence west one-half mile along township line; thence one-half mile north to center of section 33, township 1 south, range 37 east; thence one-half mile west to quarter corner between sections 32 and 33, township 1 south, range 37 east; thence north one-half mile to section corner between sections 28, 29, 32 and 33, township 1 south, range 37 east; thence west along section line to Fox Prairie Road to the place of beginning, containing 20,400 acres more or less.

**501.530 Mule Deer Reservation.** (1) There is created a game reservation in Lake and Klamath Counties which shall be known as Mule Deer Game Reservation and shall be bounded and described as follows: Commencing at a point on the state line between Cali-

fornia and Oregon in section 21, township 41 south, range 15 east of the Willamette Meridian, Klamath County, where a certain interstate road known as the Langell Valley-Long Valley Road enters the State of Oregon; thence northeasterly along and upon the east side of such road to where it intersects the Klamath Falls-Lakeview State Highway in section 24, township 37 south, range 15 east of the Willamette Meridian; thence continuing across the state highway and continuing northeasterly along and upon the east side of the continuation of Langell Valley Road to the southeast corner of section 11, township 36 south, range 16 east of the Willamette Meridian; thence easterly along and upon the southerly edge of such road to the southeast corner of the southwest one-fourth of section 12, township 36 south, range 16 east of the Willamette Meridian; thence south along and upon the west side of the United States Forest Service Road from such point to its intersection with the Klamath Falls-Lakeview State Highway in section 17, township 38 south, range 17 east of the Willamette Meridian; thence crossing the state highway at right angles to the right of way; thence continuing in a southeasterly direction along and upon the west side of the right of way boundary of the state highway to a point in section 2, township 39 south, range 17 east of the Willamette Meridian, where the United States Forest Service Road intersects the state highway on the south side thereof; thence southerly along and upon the west side of the forest service road to the point where such road passes out of section 27, township 39 south, range 17 east of the Willamette Meridian, into section 34 of the same township; thence along and upon the west side of a straight line drawn from such point to the summit of Dog Mountain, in section 9, township 40 south, range 17 east of the Willamette Meridian; thence southerly from such summit to the west side of the United States Forest Service Road leading southerly from such summit; thence south along and upon the west side of the forest service road to its intersection with the boundary line between Oregon and California at the southwest corner of section 24, township 41 south, range 16 east of the Willamette Meridian; thence westerly along the boundary line between Oregon and California to the place of beginning.

(2) It is unlawful for any person at any time to shoot at, kill, molest, hunt, take or pursue, or attempt to shoot at, kill, molest,

hunt, take or pursue, or to have in possession any mule deer within the reservation described in subsection (1) of this section.

**501.540 Multnomah-Clackamas Game Refuge.** The following described lands situated in Multnomah and Clackamas Counties shall be known as the Multnomah-Clackamas Game Refuge: Beginning at intersection of center line of the channels of the Willamette River and Willamette slough; thence westerly along center line of channel of Willamette slough to its intersection with the south line of section 27, township 2 north, range 1 west, Willamette Meridian; thence west along south line of sections 27 and 28 to intersection with the Columbia River Highway; thence in southerly direction along Columbia River Highway to intersection with Harborton Road; thence southwesterly along Harborton Road to its intersection with Skyline Boulevard; thence southeasterly along Skyline Boulevard to its intersection with Cornell Road; thence west along Cornell Road to its intersection with the Washington-Multnomah County line; thence south and east along the Washington-Multnomah County line to the south line of Multnomah County; thence east along south line of Multnomah County to the west bank of the Willamette River; thence southerly along the west bank of said Willamette River to a point opposite the intersection of the east bank of the Willamette River and the north bank of the Clackamas River; thence easterly across the Willamette River to said intersection; thence easterly along the north bank of Clackamas River to a point where the east line of Ninety-second Street in the City of Portland extended southerly intersects the north bank of the Clackamas River; thence north along the southerly extension of Ninety-second Street to the point of the Multnomah and Clackamas County line, such point being at the quarter-section corner of south side of section 21, township 1 south, range 2 east, Willamette Meridian; thence east along the Multnomah County line to its intersection with Foster Road; thence northwesterly along Foster Road to the intersection of Foster Road with Jenne Road; thence northeasterly and northerly along Jenne Road to its intersection with Section Line Road; thence east along Section Line Road to its intersection with Rockwood Road; thence north along Rockwood Road to the north side of Sandy Boulevard; thence west along the north side of Sandy Boulevard to the

Government Island Road; thence north along the Government Island Road to the high-water flow line of the south bank of the south channel of the Columbia River; thence westerly along high-water flow line of the waters of the Columbia River to the easterly line of the Spokane, Portland and Seattle railroad; thence south along the Spokane, Portland and Seattle railroad to the junction of the Oregon-Washington Railroad and Navigation Company right of way; thence south along the Oregon-Washington Railroad and Navigation Company right of way to the city boundaries of the City of Portland; thence westerly along the north line of the boundary of the City of Portland to the center of the channel of the Willamette River; thence in a northerly direction along the center line of the channel of the Willamette River to the point of beginning. [Amended by 1953 c.255 §2]

**501.550 Multnomah County Game Reservation.** There is created a game reservation in Multnomah County to be known as the Multnomah County Game Reservation, which shall be bounded and described as follows: Beginning at a point where Union Avenue intersects Columbia Boulevard; thence east along Columbia Boulevard to Sandy Boulevard; thence east along Sandy Boulevard to Buckley Avenue; thence north along Buckley Avenue to the Columbia River; thence west following the Columbia River to the City Drainage Canal to Union Avenue; thence along Union Avenue to the point of beginning.

**501.560 Myrtle Park Game Reservation.** The following described lands situated in Harney County shall be known as the Myrtle Park Game Reservation: Beginning at a point where the Myrtle Park Forest Road crosses Silvies River in section 29, township 19 south, range 31 east of Willamette Meridian; thence northerly and westerly along Myrtle Park Forest Road to its junction with the Bear Creek Forest Road at Cheatem Holler; thence southerly and westerly along the Bear Creek Forest Road to where it intersects the Burns-Izee Road at Bear Tree Camp; thence southwesterly along the Burns-Izee Road to where the same crosses Immigrant Creek; thence in an easterly direction along Immigrant Creek to its confluence with Silvies River; thence northerly up Silvies River to the place of beginning.

**501.570 Ochoco Game Refuge.** (1) The following described lands situated in Crook County shall be known as the Ochoco Game Refuge (reservation): Beginning at a point on the Ochoco Highway where a road known as the Wolf Creek Road joins the highway in section 13, township 14 south, range 18 east; thence in an easterly direction along the Ochoco Highway to the western terminus of the Canyon Creek Road where it joins the Ochoco Highway in section 35, township 13 south, range 19 east; thence in an easterly direction along the main road via Big Summit prairie to Deep Creek; thence down Deep Creek to the confluence of Deep Creek and the north fork of Crooked River; thence along the north fork of Crooked River in a southwesterly direction to the old Willamette Valley and Cascade Mountain wagon road; thence westerly along the Willamette Valley and Cascade Mountain wagon road to a place known as the Williamson Shearing Plant; thence in a northerly direction along the Wolf Creek Road to the Ochoco Highway, the point of beginning.

(2) It is unlawful for any person to hunt, shoot at, kill, molest, disturb, trap or injure any of the wild birds and wild animals within the boundaries of the refuge described in subsection (1) of this section.

(3) The game commission may grant limited written permits to trap or kill predatory and fur-bearing animals within the boundaries of the reservation described in subsection (1) of this section.

(4) Notwithstanding this section, the rights and privileges now enjoyed by persons to pasture stock in the reservation described in subsection (1) of this section are reserved to such persons. The right of grazing livestock is not affected or curtailed by closing this area to hunters.

**501.580 Oregon Caves Game Refuge.** The following described lands situated in Josephine County shall be known as the Oregon Caves Game Refuge: Beginning at a point on the south line of section 13, township 40 south, range 7 west, Willamette Meridian, on the north bank of Sucker Creek, where said creek crosses the Siskiyou National Forest boundary; thence following up the north bank of such stream in a general southerly and easterly direction to the junction with the Left Fork Creek; thence up the north bank of Left Fork Creek in a general easterly direction to the summit of the divide and forest boundary between the Crater and Siskiyou National

Forests; thence north and east along the divide and boundary to the summit of Grayback Mountain; thence in a general northwesterly direction along the divide between Grayback Creek and Clapboard Gulch to the summit of Sugarloaf Peak; thence along the divide in a westerly and northerly direction around the headwaters of the west fork of Williams River to the summit of Holcomb Peak; thence in a general southwesterly direction along the divide between Little Grayback and Lake Creek to the Siskiyou National Forest boundary, approximately one-fourth mile south of the northwest corner of section 19, township 39 south, range 6 west, Willamette Meridian; thence south along the national forest boundary line to the point of beginning, being an area of 30,000 acres, more or less.

**501.590 Prospect Game Reservation.** There is created in Jackson County a game reservation which shall be known as Prospect Game Reservation and which shall be bounded and described as follows: Beginning at the junction of the North and South Forks of Rogue River in section 11, township 33 south, range 2 east Willamette Meridian; thence northeast along the north bank of the North Fork of the Rogue River to a point where the North Fork intersects the north and south center line of the northwest quarter of section 6, township 33 south, range 3 east of Willamette Meridian; thence north to the northeast corner of the northwest quarter of the northwest quarter, section 31, township 32 south, range 3 east of Willamette Meridian; thence east one-quarter mile; thence north one-half mile; thence east one-half mile; thence north one-quarter mile; thence east one mile; thence south one-quarter mile; thence paralleling the C. O. P. Co., main canal along its north bank at a distance of one-quarter mile to a point one-quarter mile north of the Middle Fork of the Rogue River intake in the northeast quarter of northeast quarter, section 1, township 33 south, range 3 east Willamette Meridian; thence south one-quarter mile more or less to the south bank of the Middle Fork at such intake; thence in a southwesterly direction along the south bank of the Middle Fork of Rogue River to a point one-quarter mile east of the C. O. P. Co., siphon over such stream; thence in a south and easterly direction paralleling at a distance of one-quarter mile the east and north side of the South Fork pipe line and canal of the C. O. P. Co., to a point one-quarter mile north of the

intake of the canal and pipe line in the north-east quarter of section 18, township 33 south, range 4 east of Willamette Meridian; thence south one-quarter mile over more or less to the south bank of the South Fork of the Rogue River at above described intake; thence westerly along the south bank of the South Fork of the Rogue River to the point of beginning, the above described area being within the following townships and ranges: Township 33 south, range 2 east Willamette Meridian; township 32 and 33 south, range 3 east Willamette Meridian, and township 33 south, range 4 east Willamette Meridian.

**501.600 Salt Creek Game Refuge.** The following described lands situated in Lane County shall be known as the Salt Creek Game Refuge: Beginning at the railroad station on the Southern Pacific railroad named Pryor, approximately in the center of section 23, township 21 south, range 3 east; thence along the trail known as the Salt Creek Cutoff Trail to the Bunchgrass Trail, in the southeast quarter of the southeast quarter of section 14, township 21 south, range 3 east; thence in a general easterly direction following the Bunchgrass Trail which traverses near the summit of the divide between Salt Creek and Salmon Creek (this trail is plainly marked by guide boards at mile intervals indicating Bunchgrass Trail), to point where the Bunchgrass Trail connects with the Waldo Lake Trail in section 22, township 22 south, range 5½ east, Willamette Meridian; thence in a south and southeasterly direction along the Waldo Lake Trail to where the trail connects with the Salt Creek Trail 340 yards southwest of the Salt Creek Falls; thence in a westerly direction to Diamond Peak Trail; thence in a southerly direction along Diamond Peak Trail to the summit of the ridge south of Diamond Camp; thence following the ridge trail on the south side of Salt Creek in a northwesterly direction passing Pinto Mountain, Wolf Mountain, Coyote Mountain, Beach Mountain, Cougar Mountain and along the summit of Kitson Ridge to Bald Butte in section 25, township 21 south, range 3 east; thence down the Bald Butte Trail to the Willamette Highway; thence along the Willamette Highway to Salt Creek Road; thence along the Salt Creek Road to point of beginning.

**501.610 Steen's Mountain Game Refuge.** All lands within the following described areas situated in Harney County shall be known as the Steen's Mountain Game Refuge: That por-

tion of Steen's Mountain beginning on Burnt Flat at a point known as the summit of Juniper Grade; thence following the rim of the mountain south to Wild Horse Canyon; thence following Wild Horse Creek to Alvord Lake in a southeasterly direction; thence running north through the centers of Wild Horse Valley, Alvord Desert and Juniper Valley; thence to the point of beginning, all of which lands are situated in townships 31, 32, 33, 34, 35 and 36 south, ranges 33, 34 and 35 east, Willamette Meridian.

**501.620 Sturgeon Lake Game Reservation.** (1) The following described lakes, islands and adjacent lands shall be known as the Sturgeon Lake Game Reservation: Big Sturgeon Lake, situated in sections 9, 10, 15, 16, 21, 22, 23, 26, 27, 28, 33 and 34, township 3 north, range 1 west, Willamette Meridian; West Sturgeon Lake, situated in sections 20, 28, 29, 30, 32 and 33, township 3 north, range 1 west; Little Sturgeon Lake, situated in sections 32 and 33, township 3 north, range 1 west, Willamette Meridian, and sections 4 and 5, township 2 north, range 1 west, Willamette Meridian; Marquam Lake, situated in sections 34 and 35, township 3 north, range 1 west, Willamette Meridian, and sections 2 and 3, township 2 north, range 1 west, Willamette Meridian.

(2) The game commission shall conduct an investigation and inquiry for the purpose of ascertaining how much of the lands described in subsection (1) of this section should be included in the game reservation for the best protection, as defined in subsection (2) of ORS 496.620, and conservation of the wild birds and animals therein. When the game commission finds from such investigation and inquiry the portion of such lands as in its opinion will best protect and conserve such wild birds and animals, this portion shall be the reasonable portion thereof for the better protection and conservation of the wild birds and animals within the boundaries thereof. However, in no event shall any boundary line so established be fixed further than 100 yards from the average waterflow lines of any of the lakes named in subsection (1) of this section, such average waterflow lines to be established by using a water reading of four and one-half feet above zero at the mouth of the Gilbert River, except that the average waterflow lines of Marquam Lake shall be established by using a water reading of six and one-half feet above zero at the mouth of the Gilbert River. Nor shall any such boundary

line be fixed to include within the reservation any lake used for duck hunting purposes during the duck season of 1932. The game commission shall designate after such investigation the exact boundary of the Sturgeon Lake Game Reservation and shall mark the boundaries with a sign of the same kind and description as it ordinarily uses in marking game reservation boundaries. Such boundaries shall be placed along such shore lines or streams or over and across such ground as in the judgment of the game commission will best protect the wild birds and animals therein.

(3) When the game commission has ascertained the boundaries of the reservation and has placed the markers thereon pursuant to subsection (2) of this section then all territory inclosed by said boundaries shall be a game reservation and it shall be unlawful to hunt, take, capture or pursue, or attempt to hunt, take, capture or pursue any of the wild birds or animals of the state within said game reservation.

**501.630 Summer Lake Wild Fowl Reserve.**

(1) The State Land Board may, within three years from June 9, 1943, convey to the game commission not less than 3,000 acres nor more than 8,000 acres of the lands constituting the bed of Summer Lake in Lake County, Oregon, and the waters over the same, the exact acreage and location to be agreed upon by the State Land Board and the game commission. Payment for these lands shall be made out of the State Game Fund to the Common School Fund at the rate of \$2.50 for each acre of such lands, the title and possession of which is so conveyed and transferred.

(2) The game commission may develop lands transferred to it as provided in subsection (1) of this section, and other adjoining and adjacent lands to which the game commission may obtain title or possession and control, as a wild fowl reserve and shooting grounds, for fur research development and such other purposes as the commission deems proper.

(3) The game commission may use funds to the credit of the State Game Fund in the development and management of such land and charge reasonable fees for the use of or entrance upon such lands. All funds so collected shall be a part of the State Game Fund and shall be available as a continuing appropriation for the development, maintenance and management of this reserve.

**501.640 Three Sisters Game Refuge.** (1) The following described lands situated in Lane and Deschutes Counties shall be known as the Three Sisters Game Refuge (reservation): Beginning at a point on the Oregon Skyline Trail known as Frog Camp; thence in a southerly direction west of the Husband Mountain to Sphinx Butte; thence in an easterly direction to a point south and east of Broken Top Mountain; thence in a northerly direction to the source of Pole Creek; thence in a westerly direction to the point of beginning.

(2) It is unlawful for any person to hunt, shoot at, kill, molest, disturb, trap or injure any of the wild birds and wild animals within the boundaries of the refuge described in subsection (1) of this section.

(3) The game commission may grant limited written permits to trap or kill predatory and fur-bearing animals within the boundaries of the reservation described in subsection (1) of this section.

(4) Notwithstanding this section, the rights and privileges now enjoyed by persons to pasture stock in the reservation described in subsection (1) of this section are reserved to such persons.

**501.650 Umatilla County State Game Bird Reservation.** (1) The following described lands situated in Umatilla County shall be known as the Umatilla County State Game Bird Reservation: The northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of section 29; west half of the west half of the northeast quarter and west half of the southeast quarter of section 33; southwest quarter of section 28, all in township 5 north, range 28 east, Willamette Meridian.

(2) It is unlawful to shoot, hunt, kill or otherwise injure or molest any of the game birds of the state within the territory and boundaries described in subsection (1) of this section.

**501.660 Umatilla County State Game Refuge.** (1) The following described lands situated in Umatilla County shall be known as the Umatilla County State Game Refuge: All of sections 28 and 33, lying west of the Old Oregon Trail, situated in township 5 north, range 28 east, Willamette Meridian.

(2) It is unlawful to shoot, hunt, kill or otherwise injure or molest any of the wild animals or birds of the state within the terri-

tory and boundaries described in subsection (1) of this section.

**501.670 Wallowa Mountain Sheep Refuge.** The following described lands situated in Wallowa County shall be known as the Wallowa Mountain Sheep Refuge: Beginning at the northwest corner of section 18, township 3 south, range 44 east, Willamette Meridian; thence east six miles to the northeast corner of section 13; thence south one-half mile; thence east one and one-half miles; thence south one-half mile; thence east two and one-half miles to the northeast corner of section 22, township 3 south, range 45 east, Willamette Meridian; thence south three miles to the southeast corner of section 34, township 3 south, range 45 east, Willamette Meridian; thence east on township line to northeast corner of section 2, township 4 south, range 45 east, Willamette Meridian; thence south six miles to the southeast corner of section 35, township 4 south, range 45 east, Willamette Meridian; thence west 11 miles to the southwest corner of section 31, township 4 south, range 44 east, Willamette Meridian; thence north six miles on range line between ranges 43 and 44 east, Willamette Meridian, to the northwest corner of section 6; thence east to the southwest corner of section 31, township 3 south, range 44 east, Willamette Meridian; thence north 4 miles to the point of beginning.

**501.680 Warner Game Refuge.** (1) A game refuge, to be known as Warner Game Refuge, for the protection of all birds, fowls and animals which are classified as game birds, game fowls or game animals under any law of the state, is created and established with boundaries as follows: Beginning at the northwest corner of township 32 south, range 27 east, Willamette Meridian; thence east to the northeast corner of township 32 south, range 29 east; thence south to the southeast corner of township 41 south, range 29 east, a point common with the Oregon-Nevada state line; thence west on the Oregon-Nevada state line to the southwest corner of township 41 south, range 24 east; thence north to the northwest corner of township 41 south, range 24 east; thence east to the southwest corner of section 32, township 40 south, range 25 east; thence north to the northwest corner of section 5, township 40 south, range 25 east; thence east to the southwest corner of section 33, township 39 south, range 25 east; thence north to the

northwest corner of section 4, township 39 south, range 25 east; thence east to the southwest corner of section 34, township 38 south, range 25 east; thence north to the northwest corner of section 3, township 38 south, range 25 east; thence west along the township line to the intersection of the line with the road extending northwesterly and northeasterly along the east side of Warner Lake; thence northwesterly and northeasterly along this road around the east shores of Warner Lake, Hart Lake, Anderson Lake, Flagstaff Lake and Blue Joint Lake to the intersection of this road with the south township line of township 33 south, range 26 east; thence east along the township line to the southwest corner of township 33 south, range 27 east; thence north to the northwest corner of township 32 south, range 27 east, to the point of beginning, all lying within Lake and Harney Counties.

(2) It is unlawful at any time to shoot at, kill, molest, hunt or otherwise injure, or have in possession, any bird, fowl or animal which is classified as a game bird, game fowl or game animal by any law of the state within the boundaries of the refuge described in subsection (1) of this section.

**501.690** [Repealed by 1953 c.81 §2]

**501.700 to 501.980** [Reserved for expansion]

## PENALTIES

**501.990 Penalties.** (1) Violation of ORS 501.110 is punishable, upon conviction, in addition to all the penalties provided by law for failure to pay the regular state poundage fees, by a fine of not less than \$100 nor more than \$1,000.

(2) Violation of ORS 501.450 is punishable, upon conviction, by a fine of not more than \$100, or by imprisonment in the county jail for not more than three months, or both.

(3) Violation of ORS 501.490 is a misdemeanor and is punishable, upon conviction, as provided by law.

(4) Violation of ORS 501.500 or 501.570 is punishable, upon conviction, by a fine of not more than \$100, or by confinement in the county jail for not more than three months.

(5) Violation of ORS 501.510 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than 30 days, or both.

(6) Violation of ORS 501.680 is punish-

able, upon conviction, by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than one month nor more than three months.

**CHAPTERS 502 TO 505****[Reserved for expansion]**

