RULES AND REGULATIONS

Transcript from Crook County Deeds

State of Oregon
To
Deschutes Reclamation and Irrigation Company

Filed May 6th at 10 o'clock A. D.1907
Warren Brown, County Clerk

Salem, Oregon April 16, 1907
The State Land Board met this Day: Pres. Hon. George E. Chamberlain, Governor
Hon. Geo. A. Steel, Treasurer
G. G. Brown, Clerk of the Board

Among others the following proceedings were had:

Now comes the Deschutes Reclamation and Irrigation Company under contract dated the 9th day of February 1903, and submits for the approval of the Board Rules and Regulations regarding the distribution of water for lands reclaimed by the State of Oregon by contract with the Deschutes Reclamation and Irrigation Company which the contract entered into between the parties prescribed shall be submitted for approval, the same having been properly adopted by said Company and duly certifies by the Secretary of the Company under its Corporate seal.

It appearing to the Board that same are reasonable and proper rules and regulations for the distribution of water for lands reclaimed under the terms of the aforesaid contract, it is hereby ordered that the same be and are hereby approved and adopted:

It is further ordered that the same be entered in full upon the minutes of the Board and that the Clerk be and he is hereby authorized and directed to transmit under the seal of the Board, a certified copy of this order to the Deschutes Reclamation and Irrigation Company at a special meeting of the Deschutes Reclamation and Irrigation Company of Laidlaw, Crook County Oregon held on Friday the 5th day of April 1907 for the purpose of consideration of communications of the State Land Board with regard to the extension of time for final proof on the contract with the State of Oregon for the reclamation of certain lands.

There were present at said meeting a Majority of the stock holders and the rules and regulation for the distribution of water for lands reclaimed by the State of Oregon by contract with the Deschutes Irrigation & Power Company were adopted by the Deschutes Reclamation and Irrigation Company with certain modifications subject to the decision and approval of the State Land Board.

Regarding the Distribution of Water for Lands Reclaimed by the State of Oregon by Contract with The Deschutes Reclamation and Irrigation Company.

April 5, 1907

1. The Deschutes Reclamation and Irrigation Company, its successors or assigns (for convenience hereinafter called "the company"), shall be required to furnish a supply of water for each tract in the Lists for Patents, sufficient to thoroughly irrigate and reclaim it and to prepare it to raise ordinary crops.

2. The irrigation season shall be from April 1 to November 1 of each year, and during the period of maximum use from May 23 to August 20 (90 days) of each year the Company shall deliver to each settler, his heirs, personal representative or assigns, owning lands reclaimed by contract with the State of Oregon (for convenience hereinafter called "the Settler") an amount of water, measured at the point of delivery to his land, which will cover each acre of irrigable land to a depth of one and eight-tenth (1.8) feet. If the above supply of water is found to be in excess of that required during the period of maximum use, or insufficient, to raise ordinary agricultural crops, it can be changed with the approval of the State Land Board to conform with the recommendations of the Chief of Irrigation Investigations of the United States Department of Agriculture.

3. Water shall be delivered to the lands of each settler at the highest practicable point or points which can be reached by a gravity flow, which point or points are best adapted to reclaim all the irrigable lands owned by such settler. Said point or points of delivery shall be ascertained and determined by the Chief Engineer of the Company, and in case of dispute between the Chief Engineer of the Company and the settler as to the proper point of delivery, the question shall be submitted to the State Engineer, whose decision shall be final.

4. The settler shall construct all necessary distributing ditches from the point or points of delivery to his lands, for the proper irrigation of his own lands, and shall keep the same in good repair at his own cost and expense.

5. The annual maintenance charge shall be paid on the irrigable land in each tract on the first Saturday in March of each year at the office of the Company in Crook County, Oregon. Persons in arrears for thirty days shall not be entitled to the use of water until such arrears are paid. Nothing in these rules contained shall alter or affect the rights of the Company under its contract with the State, the acts of Congress and of the Legislature of Oregon.

6. Each settler shall be entitled to the use of water only on the land segregated by the Company.

7. If, from natural cause, there should be a shortage in the water supply, then the amount to which each person shall be entitled shall represent, such part of the aggregate quantity of water as his full amount bears to the total amount of water under all water rights sold. In case of shortage from other than natural cause, a proportionate reduction shall be made by the Company in its annual charge for maintenance.

8. Omitted, as not necessary in our case.

9. All persons are forbidden to disturb, pollute, or cause to become impure, the water in any of the flumes, canals, laterals, or sub-laterals of the said Company, or to allow any act to be done by which the same may become so, and shall not erect or cause to be erected or placed within 200 feet of any canal or lateral ditch of the irrigation system of the said Company, any stable, corral, hog house, poultry house or yard, butchering house or yard, water closet, cesspool, manure pile, compost heap or other structure or inclosure or condition productive of offal or any refuse injurious to health that might befoul the water in said canals or ditches; or to permit any domestic animal or poultry, garbage, offal, manure, slops or refuse of any sort within his control to injure or in any way befoul any canal or ditch of the said Company.

All persons are also forbidden to pollute or befoul in the manner above stated or otherwise the water in ditches entirely upon their own land unless said ditches shall terminate within not less than 200 feet of the boundary line.

If any person shall violate any of the provisions of this rule #9, the Company shall notify him to at once desist, therefrom, and if such person shall not at once comply with said notice, the Company shall immediately shut off the said person's supply of water.

10. All or any of the above rules and regulations may be changed or amended and such other rules and regulations as later experience will show advisable may be adopted. However, no changes, amendments or new rules and regulations shall become operative until approved by the State Land Board.

11. It shall be the duty of the State of Oregon to cause a copy of these rules and regulations, or of such other rules and regulations as may subsequently be adopted by the State Land Board, to be placed upon the deed records of each of the Counties in said State in which any of the lands reclaimed by the State of Oregon by contract with the Company are situated.

With our hands and seal of the D. R. & I. C. thereto affixed this 5th day of April 1907.
(seal)

The Deschutes Reclamation and Irrigation Company
By J. R. Benham, President

Attest:
Wm. Johnson, Secretary

State of Oregon Office of the Clerk of the State Land Board.

I, G. G. Brown, Clerk of the State Land Board of the State of Oregon and custodian of the records and seals of such Board, do hereby certify that the forgoing transcript of order made by the State Land Board, on April 16, 1907 has been made by me compared with the original record thereof found on pages 140, 141 and 143, Record of Arid Land Board Minutes and is a true and correct copy thereof, and the whole of said original record.

In testimony whereof, I have hereunto set my hand and affixed hereunto the seal of the State Board, done at the Capitol at Salem, Oregon this 19th day of April A. D. 1907.
(seal)

G. G. Brown, Clerk of the State Land Board.

State of Oregon, Office of the Clerk of the State Land Board.
April 16, 1907, pages140, 141, 142 & 143, Record of Arid Land Board Minutes
Recorded Crook County 14/580, May 6, 1907
Deschutes County 4/128