

6. The Sixth subdivision consists of the county of Logan and two terms of the district court shall be held each year at the county seat thereof, commencing on the first Tuesday in March and the third Tuesday in September.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1917.

DRAINAGE

CHAPTER 114.

[H. B. No. 157—Lathrop and Tenneson.]

DRAINAGE.

An Act Granting Additional Powers and Duties to Drainage Districts, Drainage Boards, Drain Commissioners or other Drainage Officials of this State by Co-operating, Jointly and Severally, with the Drainage Districts, Drainage Boards, Drain Commissioners, or other State officials, in any adjoining State concerning Drainage and Control of Boundary Waters; Accomplishing Uniform Methods of Procedure in the States Concerned Relative to Drainage Matters and Drainage Areas, and Providing for joint Conferences of Drainage Boards.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Whenever under the laws of any adjoining state and drainage districts, any drainage board, drain commissioners or other state officials shall be authorized by the laws of such state to co-operate with any drainage district, drain commissioners, or other drainage officials of the state, for the purpose of better effectuating drainage conditions and the reclamation of flooded areas, in any of the states affected, by mutual co-operation in proceedings that may be had under the drainage laws of any of the states affected, any drainage commissioners or drainage board established under the laws of this state, may either jointly or severally, co-operate with any similar drainage district or drainage board, so authorized to do in any adjoining state, and with each other, and are herewith directly empowered so to do, in the establishment of any drainage area or drainage basin in any of such states affecting boundary waters between such states and the drainage and control thereof, and lands affected thereby situated in such states for the purpose of accomplishing uniform methods of procedure in the respective states concerned in the drainage matters.

§ 2. In order to effectuate such co-operation, any such drainage district, drainage board or drain commissioners are herewith empowered to meet in joint conference to agree upon joint plans

of procedure, to employ jointly a competent engineer and to carry into effect the plans and suggestions adopted at any such joint conference as the same may affect the drainage district or area affected in this state, conformable and in accordance with the laws of this state now existing with reference to the construction of drains and drain improvements, and to assess the costs thereof upon the drainage district or area affected in accordance with the benefits received.

§ 3. It is the intention of this Act to impose upon any drainage commissioners or boards established, or to be established under the laws of this state, additional powers and duties for the purpose of affecting uniform methods and systems of drainage and reclamation on boundary line waters between this state and other adjoining states, and in the drainage areas and districts that are affected thereby in the states concerned.

§ 4. This act shall not be construed to repeal any provisions of law now existing relating to drains or their establishment, but simply to amplify the duties and powers of the drainage commissioners or drainage boards established thereunder.

Approved March 10, 1917.

CHAPTER 115.

[H. B. No. 175—Byrne.]

IRRIGATION DISTRICTS.

An Act to provide for the Creation, Organization, Government and Extension of Irrigation Districts.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. IRRIGATION DISTRICTS; ORGANIZATION; ELECTORS.] Whenever a majority of the electors owning lands or holding leasehold estates in the manner and to the extent hereinafter provided in any district susceptible of one mode of irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district. Provided, that where ditches or canals have been constructed before the passage of this act of sufficient capacity to water the lands thereunder for which the water taken in such ditches is appropriated, such ditches and franchises and the land subject to be watered thereby, shall be exempt from operation of this law, except such district shall be formed to make purchase of such ditches, canals and franchises. Provided, that this law shall not be construed to in any way affect the rights of ditches already constructed. Provided, further, that the term elector, as used in this chapter shall include any

resident of the State of North Dakota, owning not less than ten acres of land within any district or proposed district, or entryman upon public lands therein, or any resident of the State of North Dakota holding a leasehold estate in not less than forty acres of State land within said district for a period of not less than five years from the date at which said elector seeks to exercise the elective franchise. Provided, however, when the elector is the owner or entryman of land in more than one division of the irrigation district and reside without the district he shall be considered an elector in that division of the district in which the major portion of his land is situated.

§ 2. DISTRICT, HOW FORMED.] A petition shall be filed with the Board of County Commissioners, signed by a majority of the said electors of the proposed district who shall be entrymen upon or shall own, or hold leasehold estates in a majority of the whole number of acres owned or held by the electors of the proposed district, which petition shall set forth and particularly describe the boundaries of said district and shall pray that the same be organized under the provisions of this article. The petitioners must accompany the petition with a map of the proposed district. Said map shall show the location of the proposed canal or the works by means of which it is intended to irrigate the lands of the proposed district, and canals situated within the boundaries of the proposed district: Provided, canals that merely pass through said lands, and which do not irrigate any of the same, need not be shown. If the water supply be from natural streams, the flow of said stream or streams shall be stated in cubic feet per second.

If the water supply for the district is to be gathered by storage reservoirs, the map shall show the location of the proposed reservoirs and shall give their capacity in acre feet.

The map shall be drawn to a scale of two inches to the mile. Cross sections of the proposed canal, and all canals existing within the boundaries of the proposed district and shown on the map, and of all proposed dams and embankments, shall be given in sufficient detail to show the contemplated method of construction, and the capacity shall be given in cubic feet per second of the proposed and said existing canals. Such cross sections shall be drawn to a scale of ten feet to the inch, and said map and cross sections shall be certified to by a competent irrigation engineer. The petition must be accompanied with a good and sufficient bond, to be approved by the said Board of County Commissioners, in double the amount of the probable cost of organizing such district, conditioned that the sureties will pay all costs in case said organization shall not be effected. Such petition shall be published for at least two weeks prior to the date when the same is to be presented, in some newspaper printed and published in the County where the petition is presented, together with a notice stating the date of the meeting at which same will be presented. A copy of such petition and all maps and other papers filed with the same shall be filed in the office

of the State Engineer for at least four weeks before the date set for such hearing. It shall be the duty of the State Engineer to examine such petition, maps and other papers, and if he deem it necessary, to further examine the proposed district, the works proposed to be purchased, or the location of the works to be constructed, and he shall prepare a report upon the matter in such form as he deems advisable, and submit the same to the said Board of County Commissioners, at the meeting set for the hearing of said petition. At the time set for said hearing the said Board may amend such plan of irrigation as they may find advisable, and when they shall have determined to proceed with the matter, the said Board may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define the boundaries; Provided, the said Board shall not change the boundaries so as to exempt from the operation of this article any territory within the boundaries of the district proposed by the petitioners, which is susceptible of irrigation by the same system of works applicable to the other lands in such proposed district; nor shall any land which will not, in the judgment of said Board, be benefited by irrigation by said system be included in such districts: Provided, any person whose lands are susceptible of irrigation from the same source, shall, upon application of the owner to the said Board, be entitled to have such lands included in such district. The said Board shall also make an order dividing the district into three, five or seven divisions, as they may deem proper, and be as nearly equal in size as may be practicable, and which shall be numbered, and one director shall be elected for each division.

The said Board shall then give notice of an election to be held in such proposed district, for the purpose of determining whether, or not, the same shall be organized under the provisions of this article. Such notice shall describe the boundaries as established and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper in the county; and if any portion of such proposed district lies within another county, or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which contain the words, "Irrigation District—Yes," or "Irrigation district—No." or words equivalent thereto; and also the names of persons voted for to fill various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this article unless he shall be a qualified elector.

§ 3. SAME—ELECTION—ORGANIZATION.] Such election shall be conducted in accordance with the general laws of the state. The said County Board shall meet on the second Monday next succeeding such election and proceed to canvass the vote cast thereat; and if upon such canvass it appears that a majority of all the votes cast

are "Irrigation District—Yes," the said Board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style therefor designated, and shall declare the persons receiving the highest number of votes for such several offices to be duly elected to such offices. The said Board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county register of deeds of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the Board of County Commissioners of each of the counties in which any portion of the district may lie; and no Board of County Commissioners of any county, including any portion of such district, shall, after the date of the organization of such district, permit another district to be formed including any of the lands of such district, without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices until their successors are elected and qualified.

For the purpose of the election above provided for the said County Board must establish a convenient number of election precincts in the said proposed district, and define the boundaries thereof, which precincts may thereafter be changed by the Board of Directors of such district.

§ 4. OFFICERS—ELECTION—TERM—BOND.] The officers elected in compliance with the foregoing sections upon qualifying as hereinafter provided, shall hold their respective offices until the next general election for irrigation district, when their successors shall be elected. At such general election the assessor, treasurer and member of the Board of Directors having the highest number of votes shall hold their respective offices for the term of three years; a member of the Board of Directors having the next highest number of votes shall be declared to be elected for two years; the member of the Board of Directors having the next highest number of votes shall be elected for one year. In case of a tie, the election, or the term of office of the members tying shall be determined by lot. Each year thereafter there shall be elected for a term of three years, one member of said Board of Directors, and every three years thereafter an assessor and treasurer, the term of office of each of whom shall be three years. The member of the said Board of Directors shall be nominated and elected by a majority vote of the electors of the division in the irrigation district for which he is to serve as such director. The regular election of said district shall be held on the first Tuesday in January. Within ten days after receiving their certificates of election hereinafter provided for said officers shall take and subscribe the official oath. The assessor shall execute an official bond in the sum of \$500.00, the district treasurer, an official bond in the sum of not less than \$1,000.00, and not less

than double the amount of money that may come into his hands, the amount to be determined by the Board of Directors, said bond to be approved by the Board of Directors, and each member of said Board of Directors shall execute an official bond in the sum of \$1,000.00, which bond shall be approved by the judge of the District Court in the county where such organization was effected, and after such approval all bonds shall be recorded in the office of the register of deeds of such county. Provided, that in case any district organized hereunder is appointed fiscal agent of the United States or by the United States is authorized to make collections of money for and on behalf of the United States in connection with any federal reclamation project, such treasurer and each such director shall execute a further additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization; such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by failure of such officer or district to fully, promptly and completely perform their respective duties. All official bonds herein provided shall be in the form prescribed by law for official bonds of county officers, except the obligee named in said bond shall be the said district. The officers elected shall assume the duties of their office the first Monday in March after their election; Provided, all incumbents shall hold their respective offices until their successors are elected and qualified, as above provided.

§ 5. SUBSEQUENT ELECTIONS.] Fifteen days before any election held under the provisions of this article, subsequent to the organization of the district, the secretary of the Board of Directors shall cause notice to be posted in three public places in each election precinct of the time and place of holding the election, and shall also post a general notice of the same in the office of the Board, specifying the polling places of each precinct. Prior to the time for posting the notices the Board must appoint from each precinct, from the electors thereof, one clerk and two judges, who shall constitute a Board of Election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The Board of Directors must, in its order appointing the board of election, designate the hour and place in the precinct where the election must be held.

§ 6. SAME—QUALIFICATIONS OF ELECTION OFFICERS.] One of the judges shall be chairman of the election board and may: First, administer all oaths required in the progress of an election, Second, appoint judges and clerks, if during the progress of the election any judges or clerk ceases to act. Any member of the board of

election, or clerk thereof, may administer and certify oaths required to be administered during the progress of an election. Before opening the polls each member of the board must take and subscribe to an oath to faithfully perform the duties imposed by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock on the morning of the election and be kept open until six o'clock P. M. of the same day; provided that in districts embracing twelve thousand acres, or less, the polls may be opened at one o'clock P. M. and be kept open until five-thirty o'clock P. M. of the same day.

§ 7. SAME—RETURN AND CANVASS OF VOTE.] No lists, tally paper, or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. The Board of Directors must meet at its usual place of meeting on the first Monday after each election and canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were opened have been received, the Board of Directors must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received, or until postponements have been had. The canvass must be made in public, and by opening the returns and ascertaining the vote of the district for each person voted for and declaring the result thereof.

§ 8. DECLARATION OF RESULT—CERTIFICATES OF ELECTION.] The Secretary of the Board of Directors must, as soon as the result is declared, enter upon the records of such board a statement of such results, which statement must show:

First: The whole number of votes cast in the district and in each division of the district.

Second: The name of the persons voted for.

Third: The office to fill which each person was voted for.

Fourth: The number of votes given in each precinct for each of such persons.

Fifth: The number of votes given in the district for each of such persons.

The Board of Directors must declare elected the person having the highest number of votes given for each office. The Secretary must immediately make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the district. In case of a vacancy in the office of assessor or treasurer, the vacancy shall be filled by appointment by the Board of Directors; in case of a vacancy in the office of member of the Board of Directors, the vacancy shall be filled by appointment by a majority of the remaining members of the Board and district treasurer. Any officer appointed, as above provided, shall hold his office until the next general election of said district and until his successor is elected and qualified.

§ 9. BOARD OF DIRECTORS—POWERS AND DUTIES.] On the first Wednesday following their election the directors shall meet

and organize as a board, elect a president from their number, and appoint a secretary who need not be a member of the Board. The board shall have the power, and it shall be its duty to manage and conduct the business affairs of the district, make and execute all necessary contracts, employ such agents, officers and employees as may be required and prescribe their duties, adopt a seal for said district, which shall be kept in the custody of the secretary, establish equitable by-laws, rules and regulations for the distribution and use of water, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this article. The said by-laws, rules and regulations shall be printed in convenient form for distribution. All water rights shall be appurtenant to the land. If any tract of land, or any part thereof, to which a water right has attached shall at any time become sub-irrigated, to the extent that water is no longer of any benefit thereon for irrigation purposes, the owner or entryman thereof may make application to the irrigation district board to relieve such lands so sub-irrigated from the district assessment as provided herein, releasing in such application all claim to such water right as may belong to, or that has been applied to or upon said lands until such time as the said lands may be drained and water may again be applied to beneficial use. Provided, that such land owner or entryman may apply for a permit to transfer such water right to any other lands to which the same may be beneficially applied, and apply to have such new or additional tract included within the boundaries of such district as provided by law and the exclusion of such lands, and the inclusion of the new tract as herein contemplated. The Board shall thereupon make the appropriate order of suspension of assessment, or of the exclusion and inclusion of the lands, and the transfer of the water right. A certified copy of such order shall be filed for record and recorded in the office of the register of deeds in the county in which such land is situated, and thereafter all the obligations against such lands from which such water right has been taken, arising by reason of such water right, shall thereupon be cancelled and such obligation shall follow and attach with such water right to the land so included, if any: . Provided, nothing herein contained shall authorize or empower the Board of Directors to include any land within its district unless the owner or lessee thereof shall pay or obligate such land to pay the same rate per acre for such water as all other lands have originally paid or shall have been obligated for, to cover costs of construction. It shall be the duty of the directors to make all necessary arrangements for right of way for laterals from the main canal to each tract of land subject to assessment, and when necessary the Board shall exercise its right of eminent domain to procure right of way for laterals and shall make such rules in regard to the payment for such right of way as may be just and equitable: Provided, this section shall not be construed to deprive any person, persons, company or corporation now entitled thereto, to exercise the right of eminent domain.

§ 10. SAME—MEETINGS—QUORUM—RECORD.] The Board of Directors shall hold regular meetings in their office on the first Tuesday of each month and continue in session from 10 o'clock A. M. to 4 o'clock P. M. each of said days and such special meetings as may be required for the proper transaction of business. Provided, all special meetings shall be ordered by the President of the Board, the order must be entered of record, and five days' notice thereof must be given each member. The order must specify the business to be transacted, and no other than that specified shall be transacted at such special meeting. All meetings of the Board must be published, and a majority of the members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least a majority of such Board. All records of the Board must be open to the inspection of any elector during business hours, and said Board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in one newspaper of general circulation in the district, if same can be done at an expense not exceeding one third of the legal rate for advertising notices. The Board, its agents and employees shall have the right to enter upon any land within the district, to make surveys, and may locate the line of any canal, or canals, and the necessary branches for such location. The Board shall also have the right to acquire either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, maintenance and repair and improvement of any canals, power plants of any kind or nature, and lands for reservoirs for storage of water and all necessary appurtenances. The Board shall also have the right to acquire by purchase or condemnation any irrigation works, power plant, ditches, canals or reservoirs already constructed, for the use of said district. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment. The Board may also construct the necessary dams, reservoirs and works for the collection of water for the district and do any and every lawful act necessary to be done that sufficient water may be furnished to each tract of land in the district for irrigation purposes, and may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary work for the delivery and distribution of water therefrom under the provision of the Federal Reclamation Act and all acts amendatory thereof, or supplementary thereto, and the rules and regulations established thereunder; or the Board may contract with the United States for a water supply under any act of congress providing for or permitting such contract, and in case contract has been, or may be hereafter made with the United States as herein provided, bonds of the district may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on such bonds to be provided for

by assessment and levy as in the case of other bonds of the district and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the Board of Directors to include as part of any levy or assessment provided for in Section 19 of this Act, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the Board may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of money for and on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said Board, shall have full power to do any and all things required by the federal statutes in connection therewith, and all things required by the rules and regulations established by any department of the federal government in regard thereto. The use of all water required for irrigation of lands of any district formed under the provisions of this article, together with canals and ditches already constructed, the rights of ways for canals and ditches, sites for reservoirs, and pumping plants, and all other property required in fully carrying out the provisions of this article, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law. If contract is made with the United States, as in this section provided, and bonds are not to be deposited with the United States in connection with such contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, shall be issued only in the amount needed in addition thereto.

§ 11. TITLE TO PROPERTY.] The legal title to all property acquired under the provisions of this article shall immediately, and by operation of law, vest in such irrigation district in its corporate name, and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this article. The Board is hereby authorized and empowered to hold, use, and acquire, manage, occupy and possess such property as herein provided.

§ 12. MAY ACQUIRE PROPERTY, SUE AND BE SUED, ETC.] The Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this article, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this article, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this article, or acquired in pursuance thereof. In all courts, actions, suits or proceedings, the Board may sue, appear and defend, in person or by attorneys, in the name of such irrigation district.

§ 13. BONDS, WHEN ISSUED, INTEREST.] As soon as practicable after the organization of any such district, the Board of Directors shall, by a resolution entered on its record, formulate a general plan of its proposed operation, in which it shall state what constructed works or other property it proposed to purchase and the cost of purchasing the same; and further, what construction work it proposed to do and how it proposed to raise the funds for carrying out said plan. For the purpose of ascertaining the cost of any such construction work, the Board shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan, and furnish the proper basis for an estimate of the cost of carrying out the same. All such surveys, examinations, maps, plans, and estimates, shall be made under the direction of a competent irrigation engineer and certified by him. The Board shall then submit a copy of the same to the State Engineer within ninety days thereafter, who shall file a report upon the same with the Board, which report shall contain such matters as in the judgment of the said State Engineer may be desirable. Upon receiving the report, the Board of Directors shall proceed to determine the amount of money necessary to be raised, and if a bond issue is contemplated, shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question of whether, or not, the bonds of said district shall be issued and the amount so determined: Provided, such bonds shall not be issued for more than the actual estimated cost of said ditches, the purchase price of ditches, the cost of construction work, all as contained in its general plan of operation as well as the first years' interest upon such bond issued.

Notice of such election must be given by posting notice in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper, published in the county where the office of the Board of Directors of such District is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, and the election must be held, and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: Provided, no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words, "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If a majority of the ballots cast are "Bonds—Yes," the Board of Directors shall immediately cause bonds in said amount to be issued; such bonds shall be payable in lawful money of the United States, as follows, to-wit: At the expiration of eleven years, not less than five per cent of said bonds; at the expiration of twelve years, not less than six per cent; at the expiration of thirteen years, not less

than seven per cent; at the expiration of fourteen years, not less than eight per cent; at the expiration of fifteen years, not less than nine per cent; at the expiration of sixteen years, not less than ten per cent; at the expiration of seventeen years, not less than eleven per cent; at the expiration of eighteen years, not less than thirteen per cent; at the expiration of nineteen years, not less than fifteen per cent; and for the twentieth year a percentage sufficient to pay off said bonds, and shall bear interest at the rate of six per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the treasurer of the county in which said district was originally organized. The bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars, shall be negotiable in form, executed in the name of the district and signed by the president and secretary, or by their lithographic fac simile, and the seal of the district shall be affixed thereto. They shall be numbered consecutively as issued and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president and secretary. The bonds shall express on their face that they were issued by the authority of this article, stating its title and date of approval. Each bond shall be made payable at a given time for its entire amount, and the bonds issued in series only, each series being payable at the expiration of a certain number of years, as hereinbefore set forth. The Secretary shall keep a record of the bonds sold, their number, date of sale, the prices received, and the name of the purchaser; Provided, any such district may by a majority vote provide for the issuance of bonds that will mature in any number of years less than twenty, and arrange for the payment thereof in installments at the same ratio as above provided; and provided further, such district by a majority vote may provide and authorize the payment of interest at a rate not exceeding six per cent per annum on any or all due and unpaid interest coupons attached to valid and outstanding bonds of such district heretofore or hereafter issued and sold, for the date of registration of such interest coupons for payment, or if previously registered, then from the date of such election to pay such interest, until paid. Such question may be submitted at any general or special election of the district by ballot which shall generally describe the bonds to which such coupons are attached upon which such interest is to be paid, by number, series, and date of issue, and such ballots shall be substantially the following form:

“For the payment of interest or coupons attached
to bonds numbered Yes.....
Series..... dated..... at.....
per cent per annum.” No.....

Such election shall be governed by the laws now in force relating to bond elections in such districts, and if a majority of the

ballots cast on such proposition shall be in favor thereof the Board of Directors shall declare the same adopted and the funds to pay such interest shall be estimated and included in the levy for the bond fund of such irrigation district as provided by law. Thereafter, upon the presentation of any bond with coupons attached, or any detached coupons of such bonds, upon which interest is payable under the provisions of this article, the treasurer shall stamp or write on such coupons:

"bears interest at.....per cent per annum from the registration for payment (or if previously registered for payment, then from the date of election to pay interest.)

.....
County Treasurer.

And payment of such coupon shall include the payment of the interest accruing under this article.

At least as often as once a year after organization, the Board of Directors shall make a report to the State Engineer of the condition of the work of construction, as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this title is being successfully carried out, and whether or not in the opinion of the Board, the funds available will complete the proposed works. Upon the receipt of such report by the State Engineer he shall make such suggestions and recommendations to such Board of Directors as he may deem advisable for the best interest of the district.

§ 14. BONDS. SALE OF. NOTICE.] The Board may sell such bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction of such canals and works, the acquisition of property and rights, and otherwise to fully carry out the object and purposes of this article. Before making any sale, the Board shall at a meeting, by resolution declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of sale to be given by publication thereof at least twenty days in a daily newspaper published in each of the cities of Bismarck and Fargo, and in any other newspaper, at their discretion. The notice shall state that sealed proposals will be received by the Board at their office, for the purchase of the bonds till the day and hour named in the resolution. At the time appointed the Board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids; but said Board shall in no event, sell any of said bonds for less than ninety-five per cent of the face value thereof.

§ 15. SAME. HOW PAID.] Such bonds, and the interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all real property of the district shall be and remain liable to be assessed, for such payments as herein provided, and for all payments due or to become

due to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as in Section 10 of this Act provided.

§ 16. APPORTIONMENT OF BENEFIT.] The assessor must between the first Monday in March and the first Monday in May of each year, examine each tract or legal subdivision of land in said district including entered and unentered public lands of the United States subject thereto under the act of Congress approved August 11, 1916, entitled an Act to promote the irrigation of arid lands, and shall determine the benefits which will accrue to each of such tracts or subdivisions on account of the construction or acquisition for such irrigation works; and the amount so apportioned or distributed to each of said tracts or subdivisions as finally equalized or confirmed by the court as the case may be, shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivisions in carrying out the purposes of this Act. Such assessor shall make or cause to be made, a list of such apportionment or distribution, which list shall contain a complete description of each subdivision or tract of land of such district with the amount and rate per acre of such apportionment or distribution of cost, and the name of the owners thereof; or he may prepare a map on a convenient scale showing each of said subdivisions or tracts with the rate per acre of such apportionment entered thereon; provided, that where all lands on any map or section of a map are assessed at the same rate, a general statement to that effect shall be sufficient. Said list or map shall be made in duplicate and one copy of each shall be filed in the office of the State Engineer and one copy shall remain in the office of the Board of Directors for public inspection. Whenever any assessment is made either in lieu of bonds, of any annual levy, for raising the interest on bonds, or any portion of the principal or the expenses of maintaining the property of the district, or any special assessment voted by the electors, it shall be spread upon the lands in proportion to the benefits received, and the whole of the assessment of benefits shall equal the amount of bonds or other obligations authorized at the election last above mentioned. Provided, however, the assessment of any property in the name of the wrong person shall in no way invalidate the assessment thereof.

The assessor shall also determine and list the amount payable by each tract obligated to the United States by contract, if any, for the payment of water charges.

§ 17. EQUALIZATION.] On or before the fifteenth day of May in each year the assessor must complete his assessment roll and deliver it to the secretary of the Board, who must immediately give notice thereof, and of the time the Board of Directors acting as a Board of Equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be

less than ten, nor more than twenty days from the first publication of the notice; and in the meantime the assessment roll must remain in the office of the Secretary for the inspection of all persons interested.

§ 18. SAME. DUTIES OF BOARD.] Upon the day specified in the notice required by the preceding section for the meeting of the Board of Directors which is hereby constituted a Board of Equalization for that purpose, it shall meet and continue in session from day to day, so long as may be necessary, not to exceed ten days exclusive of Sundays, to hear and determine such objections to the apportionment of benefits and assessment as may come before them; and the Board may change the apportionment of benefits and assessment as may be just. The Secretary of the Board shall be present during its session, and note the changes made in the valuation and assessment of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values and assessment as finally equalized by the Board, extended into columns and added.

§ 19. LEVY. BOND FUND. COLLECTION.] The Board shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and all payment due, or to become due the ensuing year to the United States under any contract between the district and the United States, which when collected, shall be called the "Bond and United States Contract fund of..... Irrigation District," and at the expiration of ten years after the issuing of the bonds the Board must increase said assessment for the ensuing years in a percentage of the whole amount of bonds outstanding, as follows: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds. If the Board deem it necessary, it may at the time levy an assessment for the care and maintenance of irrigation works already constructed and for the payment of salaries of officers and general expenses, which assessment shall be called the "General Fund of..... Irrigation District." The Secretary of the Board must compute and enter in separate columns of the assessment books the respective sums of dollars and cents in each fund, together with the sum payable by each tract obligated to the United States by contract, if any, for the payment of water charges, to be paid on the property therein enumerated; and the said secretary shall certify to the auditor of the county in which the said land is located, the amount of such taxes in each fund levied upon each tract of land by said board, including sums due to the United States and said County Auditor shall enter the amount of each fund in separate columns of the tax list of his county; and all tax lists when

delivered to the county treasurer shall contain all taxes in each fund levied on each tract of land by the Board of such irrigation district, and General Fund tax mentioned above shall be collected by the county treasurer at the same time and in the same manner as all other taxes are collected in this state; provided, however, such county treasurer shall receive in payment of the general fund tax above mentioned for the year in which said tax is levied, warrants drawn against said general fund, the same as so much lawful money of the United States, if such warrants do not exceed the amount of the general fund tax which the person tendering the same owes; Provided, further, that such county treasurer shall accept and issue receipt therefor whenever same may be tendered, and shall receive in payment of the district bond fund tax above mentioned, for the year in which said taxes were levied, interest coupons past due issued by said irrigation district the same as so much lawful money of the United States, if such interest coupons do not exceed the amount of the district bond fund which the person tendering the same owes. All such taxes collected, or received, for the district bond and general funds, either in money, interest coupons or warrants on general fund, by the treasurer of any county other than the one in which the district was originally organized, shall be remitted by him to the treasurer of the county in which the district was originally organized; such remittance to be made on the fifth day of each and every month from and after the time this act shall take effect. All such taxes collected or received from the general fund of said district by the treasurer of the county in which the district was originally organized shall be paid to the treasurer of such irrigation district, upon an order signed by the president and secretary of such district and all warrants received in payment of general fund taxes may be turned over, as so much money, to the district treasurer on such orders. In case of the neglect or refusal of a Board of Directors of any irrigation district to cause an assessment and levy to be made for the payment of principal and interest of outstanding bonds, and for all payments due or to become due the ensuing year to the United States, under any contract between the district and the United States and for expenses incurred in organizing said district, as in this act provided, then the assessment of property made for the preceding year together with any sums due to the United States in accordance with the terms of existing contract shall be adopted and shall be the basis and assessment for the district and the county board of the county in which the district was originally organized shall cause an assessment roll of said district to be prepared, and shall make the levy for the payment of the principal and interest on bonds and to meet all payments due or to become due, the ensuing year to the United States under any contract between the district and the United States, and to meet the expenses for organizing said districts in the same manner and with like effect as if the same has been made by said Board of Directors; and the expense incident thereto shall be borne

by such district. All such taxes collected and paid to the county treasurer shall be received by such treasurer in his official capacity, and he shall be responsible for the safe keeping, disbursement, and payment thereof, the same as for other moneys collected by him as such treasurer.

§ 20. LIMIT OF WARRANTS BY DISTRICT.] No irrigation district shall in any year issue warrants in excess of ninety per cent of the levy for said year: Provided, in case of due and outstanding obligations against the district on account of operation and maintenance and current expense contracted prior to the year in which any levy is made, the district board shall have power to make additional levy, not to exceed one dollar per acre upon all irrigable lands within the district to create a special fund for the payment of past due obligations: Provided, further, whenever the claims or obligations against any fund for any year are fully paid, the Board shall have the power to transfer any unused balance to any fund for any preceding or succeeding year.

§ 21. LIEN OR ASSESSMENTS.] All assessments on real property and assessments on leasehold estates on land owned by the state and to the extent provided by said Act of August 11, 1916, on entered or unentered public lands are a lien against the property assessed, from and after the first of October in the year in which it is assessed, and shall draw interest at the rate of one per cent per month from the first day of May of the year following such assessment; and such lien is not removed until the assessments are paid or the property sold for the payment thereon, and it shall be the duty of the county treasurer to collect such assessment in the same manner as other taxes against real estate are collected, and the revenue laws of the state for the collection and sale of land for such taxes are hereby made applicable to the collection of assessments under this Act, and taxes so collected shall constitute a sinking fund to be used for the payment of the bonds and interest thereon. The leasehold estate of any leases of land owned by the State may be sold for taxes assessed as herein provided in the same manner and form as provided by the revenue law of the State for the collection and sale of lands for taxes, provided, the lien for the bonds of any series shall be a preferred lien to that of any subsequent series, and the lien for the payments due to the United States under any contract between the district and the United States, accompanying which bonds have not been deposited with the United States shall be a preferred lien to that of any issue of bonds or any series of any issue subsequent to the date of such contract, and all funds arising from assessment and levy, if any, shall be devoted to the obligations of the district payable from said funds and as to all obligations from the bond and United States contract fund shall be so devoted in the order of priority of the creation of the obligation.

§ 22. PAYMENT UNDER PROTEST.] When any person against whose property said assessments have been made shall pay such

assessments under protest as provided by the general revenue law of this State, the Board of Directors of any irrigation district organized under the provisions of this Act may pass upon and make orders disposing of moneys paid under protest to the county treasurer in the county or counties in which said lands are situated in the same form and manner as provided by law, and such proceedings shall be had as in such section provided in so far as the same applies; Provided, however, no taxes or assessments shall be ordered refunded unless the person complaining shall file in the office of the Secretary of such district a copy of his tax receipt, showing the same paid under protest, together with a sworn affidavit in writing showing one of the following reasons why such tax or assessments should be refunded.

First; That the land upon which such tax or assessment was levied is not within the boundaries of the district for which the lands were taxed or assessed;

Second: That the said lands are exempt by law, setting forth the reason therefor;

Third: That by reason of sub-irrigation the lands could not now be benefited by irrigation, or that the lands are not susceptible of irrigation from the canal of the district.

§ 23. PAYMENT OF BONDS. INVESTMENT OF BOND FUND.] Upon the presentation of the coupons and bonds due at the office of the treasurer of the county in which the district was originally organized, it shall be his duty to pay the same from the bond funds. Whenever, after ten years from the issuance of the bonds, the sinking fund shall amount to the sum of ten thousand dollars, the Board of Directors may direct the county treasurer in which the district was originally organized to pay such an amount of the bonds not due as the money of the fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any newspaper which the Board may deem advisable, for sealed proposals for the redemption of the bonds. Such proposals shall be opened by the Board in open meeting, at the time named in the notice, and the lowest bid for the bonds must be accepted: Provided, no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of the bonds desire to have the same redeemed, as herein provided, the money shall be invested by the treasurer of the county in which the district was originally organized, under the direction of the Board of Directors of the district, in United States bonds, or the bonds or warrants of the state which shall be kept in the "Bond fund," and may be used to redeem the district bonds whenever the holders thereof may desire.

§ 24. CONSTRUCTION OF WORKS. NOTICE. BOND OF CONTRACTOR.] After adopting a plan of said canal or canals, storage reservoirs and works, the Board of Directors shall give notice, by

publication thereof not less than twenty days in one newspaper published in each of the counties in which the district is situated, provided, a newspaper is published therein, and in such other newspaper as they deem advisable, calling for bids for the construction of the work or any portion thereof; if less than the whole work is advertised, then the portion so advertised, must be particularly described in such notice. The notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening the proposals, which at the time and place shall be opened in public and as soon as convenient thereafter the Board shall let such work, either in part or as a whole to the lowest responsible bidder, or they may reject any or all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence with the labor of the residents of the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person, or persons, to whom a contract may be awarded shall enter into a bond with good and sufficient sureties, to be approved by the Board, payable to such district for its use, to an amount equal to twenty-five per cent of the contract price for the faithful performance of the contract; provided, however, in case twenty-five per cent of the contract price shall exceed the sum of fifty thousand dollars, then such bond shall be in the sum of fifty thousand dollars. The work shall be done under the direction and to the satisfaction of the engineer and be approved by the Board. Provided, further, that the provisions of this section shall not apply in case of any contract between the district and the United States.

§ 25. PAYMENT OF CLAIMS BY DISTRICT. TREASURER'S REPORT.] No claim shall be paid by the treasurer until the same shall have been allowed by the Board, and only upon warrants signed by the President and counter-signed by the secretary; and if the district treasurer has not sufficient money on hand to pay such warrant when it is presented for payment, he shall endorse thereon, "Not paid for want of funds," and endorse thereon the date when so presented, over his signature, and from the time of such presentation until paid, such warrant shall draw interest at the rate of seven per cent per annum. The Board may draw from time to time from the construction fund and deposit it in the county treasury of the county where the office of the Board is situated, any sum in excess of the sum of twenty-five thousand dollars. The county treasurer is hereby authorized and required to receive and receipt for the same and place the same to the credit of the district, and he shall be responsible upon his official bond for the safekeeping and disbursement of the same as in this article provided. He shall pay out of the same, or any part thereof, to the treasurer of the district only upon the order of the Board, signed by the president, and attested by the secretary. The County Treasurer shall

report in writing on the second Monday in each month the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount of moneys paid out; the report shall be verified and filed with the secretary of the Board. The district treasurer shall also report to the Board in writing on the first Monday of each month the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount of items of expenditures, and the said report shall be verified and filed with the secretary of the Board. All claims against the district shall be verified the same as is required in the case of claims filed against the counties in this State; and the secretary of the district is hereby authorized and empowered to administer oaths to the parties verifying said claim, the same as the county clerk or notary public might do. The district treasurer shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in order of their presentation for payment to the district treasurer. All warrants shall be drawn and payable to the claimant or bearer, the same as county warrants.

§ 26. IRRIGATION PROPERTY. CONSTRUCTION. OPERATION. PAYMENT.] The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund, or in the bonds of said district at their par value, after having first been advertised for sale as in this article provided and having received no bids therefor at ninety-five per cent or upwards of their face value; provided, in case the said bonds, or the money raised by the sale is insufficient for the purposes for which said bonds were issued, additional bonds may be issued, after submission of the question at a general or special election to the qualified voters of said district; and in case of the issuance of additional bonds, the lien for taxes for the payment of the interest and principal of said issue shall be a subsequent lien to any prior bond issue. Provided, bonds need not be issued where the cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for are covered by a contract between the district and the United States. In lieu of the issuance of additional bonds the Board of Directors may provide for the completion of the irrigation system of the district by the levy of an assessment for the other purposes provided in this article. For the purpose of defraying the expenses of the organization of the district, and the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, the Board may either fix rates of tolls and charges, and collect the same from all persons using said works for irrigation or other purposes, or may provide for the payment of said

expenditures by a levy of assessments therefor, or by both said tolls and assessments, if by assessment, such levy shall be made upon the completion and equalization of the assessment roll; and the Board shall have the same powers and functions for the purposes of said levy as are now possessed by county commissioners in this state, and said assessment shall be collected as in Section 19 of this Act provided: Provided, further, if after the annual assessment for the current year, the funds provided are for some unusual or unforeseen cause insufficient for the proper maintenance and operation of said district, the Board of Directors shall have the power to borrow additional funds needed, to an amount not to exceed fifty cents per acre for the land embraced in said district, pledging the credit of the district for payment of the same, and shall include in the estimate for the levy for the ensuing year for the general fund the amount so borrowed, and provide for the payment of the same.

§ 27. CONSTRUCTION ACROSS STREAMS, HIGHWAYS, RAILROADS AND DITCHES.] The Board of Directors shall have the power to construct such works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross in such manner as to afford security for life and property; but the Board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by such works shall unite with the Board in forming such intersections and crossings, and grant the privilege aforesaid, and if such railroad company and such Board, or the owners and controllers of the property, thing or franchise so to be crossed, cannot agree upon the amount paid therefor, or the points or the manner of the crossings, the same shall be ascertained and determined in all respects as is provided in respect to the taking of land. The right-of-way is hereby given, dedicated and set apart, to locate, construct and maintain such works over and through any of the lands which are now, or may be the property of the State; and also there is given, dedicated and set apart, for the use and purposes aforesaid, all water and water-rights owned by this State within the district.

§ 28. SALARIES OF OFFICERS AND DIRECTORS.] The Board of Directors shall each receive three dollars per day and mileage at the rate of five cents per mile in attending meetings, and actual and necessary expenses while engaged in official business under the order of the Board. The Board shall fix the compensation to be paid to the other officers named in this article, to be paid out of the treasury of the district. Provided, however, in any district containing less than one hundred thousand acres the salary of the secretary shall not exceed eight hundred dollars per annum, and the compensation of the assessor shall not exceed three dollars per day for each day employed in his official duty, and the salary of the treasurer shall not exceed eight hundred dollars per annum.

§ 29. OFFICERS NOT INTERESTED IN CONTRACT. PENALTY.] No director or any officer named in this article shall be interested, in any manner, directly or indirectly in any contract awarded, or to be awarded by the Board, or in the profits to be derived therefrom, nor shall he receive any bonds, gratuity, or bribe, and for any violation of this provision, such officer shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years, nor less than one year.

§ 30. SPECIAL ELECTIONS.] The Board of Directors may at any time, when in their judgment advisable, call a special election and submit to the qualified electors of the district the question whether, or not, a special assessment shall be levied for the purpose of raising money to be applied for any of the purposes provided for in this Act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of this Act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be raised, at such election; the ballots shall contain the words, "Assessment—Yes," and "Assessment—No." If a majority of the votes are "Assessment—Yes," the Board shall at the time of the annual levy thereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by adding to the amount estimated as needed fifteen per cent for anticipated delinquencies to the assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum to be raised by the amount of such aggregate assessed value. The assessment so levied and computed shall be entered upon the assessment roll and upon the tax list by the county auditor and collected at the same time and in the same manner as other assessments, and all revenue laws of this State for the collection and sale of land for taxes are hereby made applicable to the assessment herein provided for; and when collected said assessment shall be paid over by the county treasurer to the district treasurer for the purpose specified in the notice in such special election.

§ 31. UNAUTHORIZED DEBTS.] The Board of Directors, or other officers of the district, shall have no power to incur any debt, or liability whatever, either by issuing bonds or otherwise in excess, of the express provisions of this Act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, provided, any irrigation district organized under the provisions of this article shall have the power to and it shall be its duty to provide for the proper drainage of any and all lands embraced within its limits which are, or have been sub-irrigated by reason of the lawful use of water from its canal by the owner or lessee of the lands sub-irrigated or from any cause not the fault, or by the

consent of such owner or lessee, and for such purpose such district shall have all the authority herein granted for levying special assessments or otherwise providing funds necessary to properly drain such lands; entering upon lands for the purpose of making surveys; exercising the right of eminent domain; contract for the construction of necessary ditches; and further shall have the right to extend such drainage ditches outside of the limits of such districts for the purpose of conducting the drainage water to other lands upon which the same may be lawfully used or to return the same to some natural water course. The powers herein granted shall include the power to enter into a contract with the United States to carry out and effectuate all proper drainage of the district, or any part thereof, and any such contract shall be treated for all intents and purposes, as if made under Section 10 of this Act.

§ 32. APPORTIONMENT OF WATER, WATER COMMISSIONERS.] In case the water supply shall not be sufficient to supply continuously the lands susceptible of irrigation therefrom, then it shall be the duty of the Board of Directors constituted as hereinafter provided, to apportion in a just and equitable proportion, a certain amount of said water upon certain or alternate days to different localities as they may, in their judgment think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all.

§ 33. HIGH WATERS. DUTY OF BOARD.] It shall be the duty of the Board of Directors to keep the waters flowing through the ditches and canals under their control to the full capacity of such ditches and canals in times of high water and when the same can be beneficially applied to the lands thereunder and does not interfere with the rights of other appropriators. It is further provided, that upon the filing of a petition in the office of the Board of Directors of any irrigation district, signed by a majority of the land owners who are electors therein requesting that rules and regulations be adopted by the Board permitting and providing for any of the following specific orders or changes in the method of operating its canal, it shall become the duty of such board to immediately provide for the adoption and enforcement of same, viz:

First: That an automatic measuring device be placed in or near the headgate of any main diverting gate of the main canal, in order that a continuous record shall be kept by such district of the amount of water received into the canal for the use of the lands in such district.

Second: That automatic measuring devices be placed in the headgates of all main laterals and distributing laterals within the district from and by which water is diverted to tracts or units of twenty acres, or more, for the purpose of determining at all times the amount of water going to or being received upon any and all such tracts of land, and making it the duty of the superintendent of the canal to keep a separate and correct record of the amount of water delivered through each of such headgates at all times, and

file the same in the office of the Board of Directors for public inspection.

Third: That a system be provided for the interchange of water from one tract of land to another at the option of the owner or lessee of any lands within such district at any time, and further provide that rules made by the Board of Directors for delivering water in alternate sections of a canal or ditch shall not interfere with this right.

§ 34. PRIOR ACTS NOT REPEALED.] None of the provisions of this Act shall be construed as repealing or in any wise modifying the provisions of any other Act relating to the subject of irrigation or drainage. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal or ditch from its channel, whereby the vested rights of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters thereof are invaded or interfered with unless previous compensation be ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use.

§ 35. CHANGE OF DISTRICT BOUNDARIES. EFFECT.] The Boundaries of any irrigation district now or hereafter organized under the provisions of this Act may be changed, and tracts of land included within the boundaries of such district, at or after its organization under the provisions of this Act may be excluded therefrom in the manner herein prescribed; but neither such change of the boundaries of the district, nor such exclusion of lands from the district shall impair or effect its organization, or the rights in or to property, or any of its rights or privileges, of whatever kind or nature; nor shall it effect or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, or had not any land been excluded from the district.

§ 36. ADDITIONAL LAND WHEN INCLUDED. PETITION.] The holder or holders of title, or evidence of title, and the Secretary of the Interior for unentered or public land, representing one half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous, and which, taken together, constitute one tract of land, may file with the Board of Directors of said district a petition in writing, praying that the boundaries of such district may be so changed as to include their lands. The petition shall describe the boundaries of the parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively of district parcels; but such description need not be more particular than may be required to be when such lands are entered by the county or precinct assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion in said district of the parcels or tracts of land described in the petition, and of which the petition alleges that they are respectively the

owners; and it must be acknowledged in the same manner that conveyance of lands are required to be acknowledged.

§ 37. SAME. COST OF PROCEEDING.] The Secretary of the Board of Directors shall cause notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issuance of bonds are required by said article to be published. The notice shall state the filing of such petition and the name of the petitioner, a description of the lands mentioned in the petition, and the prayers of the petition; and it shall notify all persons interested, or that may be affected by such change of the boundaries of the district, to appear at the office of the Board at a time named in the notice, and show cause, in writing, if any they have, why the change in the boundaries of the district as proposed in the petition should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the Board next after the expiration of the time for the publication of the notice. The petitioner shall advance to the secretary sufficient money to pay the estimated cost of all proceedings under this article.

§ 38. SAME. HEARING. ASSENT OF PARTIES.] The Board of Directors at the time and place mentioned in the notice, or at such other time or times to which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person, showing cause as aforesaid, why the proposed change of the boundaries of the district should not be made. The failure of any person interested in the district or in the matter of the proposed change of its boundaries to show cause in writing, as aforesaid, shall be deemed and taken as an assent on his part, to the change of the boundaries of the district, as prayed for in the petition, or to such a change thereof as will include a part of the lands. The filing of such petition with the board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of the boundaries that they may include the whole or any portion of the lands described in the petition.

§ 39. PAYMENT OF SHARE OF ORIGINAL COST BY PETITIONERS.] The Board of Directors, to whom such a petition is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated, (the several amounts to be determined by the board) as said petitioners or their grantors would have been required to pay to such district as assessments had such lands been included in such district at the time the same was originally formed.

§ 40. ORDER OF BOARD. SURVEY.] The Board of Directors, if they deem it not for the best interest of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition shall order that the petition be rejected. But if they deem it for the interest of the district that the boun-

daries of the district be changed and if no person interested in the proposed change of its boundaries show cause in writing why the proposed change should not be made, or if having shown cause, withdraws the same, the Board may order that the boundaries of the district be so changed so as to include therein the lands mentioned in the petition, or some part thereof. The order shall describe the boundaries as changed, and shall so describe the entire boundaries of the district as they will be after the change thereof, as aforesaid, be made; and for that purpose the Board may cause a survey to be made of such portions of such boundaries as is deemed necessary.

§ 41. OBJECTIONS TO PROPOSED CHANGE. ACTION OF BOARD.] If any person interested in the district, or the proposed change of its boundaries, shall show cause, as aforesaid, why such boundaries should not be changed, and shall not withdrawn the same, and if the Board of Directors deem it for the best interest of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the Board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the Board are of the opinion should be included within the boundaries of the district when changed.

§ 42. VOTE ON PROPOSED CHANGE. NOTICE.] Upon the adoption of the resolution mentioned in the last preceding section, the Board shall order that an election be held within the district to determine whether the boundaries of the district shall be changed as mentioned in the resolution, and shall fix the time at which such election shall be held, and cause notice thereof to be given and posted and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this Act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at the election shall have the words, "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the boundaries in such manner and terms that the boundary can be readily traced. Provided, that in case contract has been made between the district and the United States as in Section 10 or 31 of this Act provided, no change shall be made in the boundaries of the district and the board shall make no order changing the boundaries of the district until the Secretary of the Interior shall assent thereto in writing and such assent be filed with the Board of Directors,

§ 43. RESULT OF VOTE. DUTY OF BOARD.] If at such election a majority of all the votes cast at said election shall be against such change of boundaries of the district, the Board shall order that the petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor

of such change of the boundaries of the district, the Board shall thereupon order the boundaries of the district to be changed in accordance with the resolutions adopted by the Board. The order shall describe the entire boundaries of the district, and for that purpose the Board may cause a survey of such portions thereof to be made as the Board may deem necessary.

§ 44. ORDER OF CHANGE. FILING. COPY. EFFECT.] Upon a change of the boundaries of a district being made, a copy of the order of the Board of Directors ordering such change, certified by the president and secretary of the Board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

§ 45. RECORD. EVIDENCE.] Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the Board the petition aforesaid; and in the minutes of a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

§ 46. AUTHORITY OF GUARDIANS, EXECUTORS AND ADMINISTRATORS.] A guardian, executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this article mentioned, and may show cause, as in this article mentioned, why the boundaries of the district should not be changed.

§ 47. RE-DIVISION OF DISTRICT. DIRECTORS. ELECTION PRECINCTS.] In case of the inclusion of any land within any district by proceedings under this article the Board of Directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three, five or seven divisions, as nearly equal in size as may be practicable, which shall be numbered and one director shall thereafter be elected by each division. For the purposes of elections the Board of Directors may establish a convenient number of election precincts in the districts, and define the boundaries thereof, which precincts may be changed from time to time as the Board may deem necessary.

§ 48. EXCLUDING LANDS FROM DISTRICT. PETITION.] The owner or owners in fee of one or more tracts of land, entrymen of unpatented lands and the Secretary of the Interior for unentered public lands, which constitute a portion of an irrigation district, may file with the Board of Directors of the district a petition praying that such tracts and any other tracts contiguous thereto

be excluded and taken from the district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district and also the lands of each of such petitioners which are included within such boundaries; but the description of such lands need not be more particular nor certain than is required when the lands are entered in the assessment book by the county or precinct assessor; such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

§ 49. NOTICE. HOW GIVEN. CONTENTS.] The Secretary of the Board of Directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the Board of Directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in the district, and in case of the posting of notices, one of such notices must be posted on the lands proposed to be excluded. The notice shall state the filing of such petition; the names of the petitioners; description of the lands mentioned in such petition, and the prayer of the petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to appear at the office of the Board at a time named in the notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be at the regular meeting of the Board next after the expiration of the time for the publication of the notice.

§ 50. HEARING. ASSENT OF PARTIES INTERESTED. NON-IRRIGABLE LANDS.] The Board of Directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of such petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by the persons showing cause as aforesaid, why the prayer of such petition should not be granted. The failure of any person interested in the district to show cause in writing why the tract or tracts of land mentioned in the petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land; or any part thereof, from said district; and the filing of such petition with such Board as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof; provided, in no case shall any land be held by a district or taxed for irrigation on purposes which cannot from any natural cause be irrigated thereby.

§ 51. WHEN BOARD EXCLUDE LAND FROM DISTRICT.] The Board of Directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district, shall order that the petition be denied; but if they deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, or if having shown cause withdraws the same, and also, if there are no outstanding bonds of the district and no contract between the district and the United States, then the Board may order that the lands mentioned in the petition or some defined portion thereof be excluded from the district.

§ 52. WHEN BONDS OUTSTANDING. ASSENT OF BONDHOLDERS.] If there be outstanding bonds of the district or if the district shall have entered into a contract with the United States as provided in Section 10 or 31 of this act then the Board may adopt a resolution to the effect that the Board deem it to be for the best interest of the district that the lands mentioned in the petition, or some portion thereof should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can be readily traced. The holder of such outstanding bonds may give their consent in writing to the effect that they severally consent that the Board may make an order by which the lands mentioned in the resolution may be excluded from the district and in case contract has been made with the United States as aforesaid the Secretary of the Interior may assent to such change. The assent may be acknowledged by the several holders of such bonds in the same manner and form as is required in case of conveyance of land, and the acknowledgment shall have the same force and effect as evidence as an acknowledgment of such conveyance, except the assent of the Secretary of the Interior need not be acknowledged. The assent must be filed with the Board and must be recorded in the minutes of the Board; and such minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the assent; but if such assent of the bond holders and in case of contract with the United States such assent of the Secretary of the Interior be not filed, the Board shall deny and dismiss the petition.

§ 53. OBJECTIONS TO PROPOSED EXCLUSION. VOTE. NOTICE.] If the assent aforesaid of the holders of the bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid which have not been withdrawn, then the Board may order an election to be held in the district to determine whether an order shall be made excluding said lands from the district as mentioned in the resolution. The notice of such election shall describe the boundaries of all the lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election in a newspaper published within the county where the office of the Board of Directors is situated;

and if any portion of such territory to be excluded lies within another county or counties, then such notice shall be so published in a newspaper published in each of such counties. Such notice shall require the electors to cast ballots which shall contain the words "For Exclusion," "Against Exclusion," or words equivalent thereto. Such election shall be conducted in accordance with the general election laws of the State: Provided, no particular form of ballot shall be required.

§ 54. RESULT OF VOTE. ORDER OF BOARD.] If at such election a majority of all the votes cast shall be against the exclusion of the lands from the district, the Board shall deny and dismiss said petition and proceed no further in the matter; but if a majority of such votes be in favor of the exclusion of the lands from the district the Board shall thereupon order that the lands mentioned in the resolutions be excluded from the district, should the exclusion of the lands from the district, and for that purpose the board may cause a survey to be made of such portions of the boundaries as the Board may deem necessary.

§ 55. FILING OF COPY OF ORDER. EFFECT.] Upon the entry in the minutes of the Board of any of the orders hereinbefore mentioned, a copy thereof certified by the president and secretary of the Board shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; and thereupon the district shall be and remain an irrigation district as fully to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

§ 56. EFFECT OF CHANGE ON OFFICE OF DIRECTOR. VACANCY.] If the lands excluded from any district shall embrace the greater portion of any division or divisions of such district, then the officer or director for such division shall become and be vacant at the expiration of ten days from the final order of the Board excluding the lands, and such vacancies shall be filled by appointment by the Board of County Commissioners of the County where the office of such Board is situated from the district at large. A director appointed as above provided shall hold his office until the next regular election for the district, and until his successor is elected and qualified.

§ 57. RE-DIVISION OF DISTRICT. ELECTION DISTRICTS.] At least thirty days before the next general election of such district, the Board of Directors thereof shall make an order dividing said district into three, five and seven divisions as nearly equal in size as practicable, which shall be numbered and one director shall be elected by each division. For the purpose of election in such district the Board of Directors must establish a convenient number of election precincts, and define the boundaries thereof, which precinct may be changed from time to time, as the Board of Directors may deem necessary.

§ 58. REFUNDING ASSESSMENTS TO OWNERS OF LANDS EXCLUDED.] In case of the exclusion of any lands under the provisions of this act, there shall be refunded to any and all persons who have paid any assessment or assessments to such district, for any lands so excluded, any sum or sums so paid. Such payments shall be made in the same manner as other claims against such district, and from such fund or funds as the Board of Directors may designate; Provided, where such parties have realized benefits from the organization and operation of the district, the value of such benefits shall be deducted from the assessments paid in by said parties and the balance, if any, refunded.

§ 59. BONDS. CONFIRMATION OF PROCEEDINGS FOR.] The Board of Directors of any irrigation district organized under the provisions of this act, shall, before issuing and before selling any bonds of such irrigation district, and in their discretion before making any contract or levying any assessment or taking any special action, commence a special proceeding, in and by which the proceedings of such Board and of said district, providing for and authorizing the issue and sale of the bonds of said district, the making of any contracts or levying any assessment or taking any special action shall be judicially examined, approved and confirmed or dis-approved and disaffirmed.

§ 60. SAME. PETITION.] The Board of Directors of the irrigation district or such holder or holders of any bond or bonds of the district shall file in the district court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying in effect, that the proceedings aforesaid, may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of the bonds, the making of any contract, the levying of any assessment or taking of any special action, and shall state generally that the irrigation district was duly organized, and that the Board of Directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of the first Board of Directors.

§ 61. SAME. HEARING. JUDGMENT.] The court shall fix the time for the hearing of the petition, and shall order the clerk of the court to give and publish a notice of the filing of the petition. The notice shall be given and published in the same manner and for the same length of time that the notice of a special election provided for by law to determine whether the bonds of the district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition and prayer of the petition, and that any person interested in the organization of the district, or in the proceedings for the issue or sale of the bonds, may, on or before the day fixed for the hearing of the petition, demur to or answer the petition. The petition may be referred to and described in the notice as the petition of.....
..... (giving its name), praying that the proceed-

ings set forth therein may be examined, approved and confirmed by the court.

§ 62. SAME. DEFENSE BY PERSON INTERESTED.] Any person interested in the district, or in the issue or sale of the bonds, may demur to or answer the petition. The provisions of the code of civil procedure respecting the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to the petition. The person so demurring and answering the petition shall be the defendants to the special proceedings and the Board of Directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer must, for the purpose of said special proceeding be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the code of civil procedure which are not inconsistent with the provisions of this article are applicable to the special proceeding herein provided for.

§ 63. SAME. JURISDICTION OF COURT COSTS, ETC.] Upon the hearing of such special proceeding the court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm or disapprove and disaffirm each and all of the proceedings for the organization of said district under the provisions of this act, from and including the petition for the organization of the district, and all other matters which may effect the legality or validity of the proceedings and objects set forth in the petition. The court in inquiring into the regularity, legality, or correctness of said proceedings, must disregard any error, irregularity, or omission which does not effect the substantial rights of the parties to such special proceedings; and it may approve and confirm other and subsequent parts of the proceedings, and in so far as possible the court shall remedy and cure all defects in said proceedings. The court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner of this act prescribed. The costs of the special proceedings may be allowed and apportioned between the parties in the discretion of the court. If the court shall determine the proceedings for the organizations of the district legal and valid, and the proceedings for the voting and issuing of said bonds legal and valid, the Board of Directors shall then proceed to prepare a written statement beginning with the filing of the petition for the organization of the district, and including all subsequent proceedings for the organization of the district, the voting and issuing of said bonds and other objects of said petition, and ending with the decree of the court finding the proceedings for the organization of the district and subsequent proceedings, legal and valid, and when the proceedings are for the confirmation of a bond issue, shall present said written statement and the bonds to the state engineer and such written statement shall be certified under oath by the Board of Directors of the district,

and the State Engineer shall then examine said statement and the bonds so submitted to him and if he is satisfied that said bonds are in conformity with the law and are in all respects in due form, he shall record the statement and register the bonds in his office, and no such bonds shall be issued or be valid unless they shall be so registered and have endorsed thereon a certificate of said state engineer showing that such bonds are issued pursuant to law, the data filed in the office of said officer being the basis of such certificate; provided further, that the provisions of this section with reference to the registration of irrigation district bonds shall be optional as to bonds that have heretofore been issued or are now being issued.

§ 64. WATER SUPPLY FROM WITHOUT STATE. CONTRACTS. BONDS.] Provided, when any district contemplated in this article shall find it necessary to procure and acquire the supply of water necessary for any or all of the ditches outside of the boundaries of this state, and from some adjoining state, then in such event it shall be lawful for such district to contract or bargain with any person, company or corporation legally existing within such state, outside of the boundaries of this state for the required supply of such necessary water for the district within the state. The voting, issuance and sale of bonds in such district within the state for the payment of such rights and franchises of such persons, companies, or corporations of such foreign state, for the use and benefit of such district within this state, shall be deemed valid, and of full force and effect and have the same operation as though the same rights and franchise existed wholly within this state.

§ 65. WATER SUPPLY FROM WITHOUT DISTRICT.] That the Board of Directors of any irrigation district organized under the laws of this state may enter into contracts for a supply of water for the irrigation of the lands within said irrigation districts with any person, firm, association, corporation or the United States of America; the source of supply of said water may be either within or without the boundaries of the State of North Dakota, and said water supply may be either the entire supply for said district or to supplement an appropriation already made by the said district.

§ 66. CONTRACTS FOR STORAGE WATER.] If the contract hereinbefore mentioned provides for payment of the entire purchase price of said water supply within one year after the making of said contract the Board of Directors of such irrigation district shall at the time of entering into said contract, pass a resolution that a levy shall be made sufficient to raise such sum as is necessary to pay said purchase price and the Board of Directors shall thereafter and at the same time the levy of other taxes for said district is made, levy a tax against the taxable property of the district sufficient to raise and pay such sum.

§ 67. PAYMENT FOR STORED WATER.] If said contract provides for payment to be made extending for a period of more than one year from the date of making said contract, the Board of Direc-

tors of such irrigation district shall submit said contract to the legal voters of said district at any general election, or at a special election called therefore for the approval or disapproval of said contract. If a special election is called for such purpose the notice of election, conduct of said election and the canvass of the votes shall so far as practicable be the same as in election held for the purpose of voting upon the issuance of bonds. The ballots at said election shall have printed thereon "For Approval of Contract for Water Supply" and "Against Approval of Contract for Water Supply." Those voting for approval of said contract shall make their ballots after the clause beginning "Against approval." The notice of said election need not give the entire contract, but shall be sufficient if it shall state in a general way the substance of said proposed contract. If a majority of the voters that vote on said proposition vote for approval of said contract the Board of Directors shall enter into said contract and shall thereafter at the time the other taxes of the district are levied, levy a tax on the taxable property of the district sufficient to pay the amount due on said contract and to become due on said contract before the next annual levy in said district.

§ 68. FEDERAL CREDIT TO DISTRICT.] That any irrigation district, heretofore or hereafter, organized under the laws of the State of North Dakota, for irrigation or drainage purposes is hereby authorized and empowered to enter into contract with the United States of America whereby the bonds of the district are guaranteed by the United States or financial credit is extended by the United States, to the district and for the sale, purchase or use any canal, ditch, reservoir, right of way, irrigation or drainage system or other property owned or to be acquired for the use of such district.

§ 69. DISTRICTS TO COMPLY WITH FEDERAL LAWS.] Any irrigation district organized under the laws of North Dakota is hereby authorized to accept of the provisions of any act of congress of the United States applicable to such district and to obligate itself to comply with such laws, rules and regulations as may be promulgated by any department of the United States in pursuance of such Acts, and irrigation district contracting with the United States under the provisions of this act shall be governed in all matters by the laws of the state relating to irrigation or drainage districts as the case may be except in such things as may be otherwise provided for such district. This section shall not limit the rights which any irrigation district has under existing laws to purchase a water supply or otherwise contract and shall be cumulative thereto.

§ 70. DISSOLUTION OF DISTRICTS.] Whenever a majority of the assessment payers, representing a majority of the number of acres of irrigable land within any irrigation district, shall petition the Board of Directors to call a special election, for the purpose of submitting to the qualified electors of such irrigation district, a proposition to vote on the discontinuance of such irrigation dis-

trict, and a settlement of its bonded and other indebtedness, it shall be the duty of the Board of Directors to call an election, setting forth the object of the same, and to cause a notice of such election to be published in some newspaper in each of the counties in which the district is located, and in which a newspaper is published, for a period of thirty days prior to such election, setting forth the time and place for holding such election in each of the voting precincts in the district, and shall also cause a written or printed notice of such election to be posted in some conspicuous place in each of the voting precincts.

It shall also be the duty of the directors to provide ballots to be used at said election, on which shall be written or printed the words: "For dissolution, Yes." and "For dissolution, No," which ballots shall be placed in the hands of the proper election officers in the several voting precincts of such district prior to the opening of the polls on the day of such election; and the election shall be conducted in all respects in the same manner as provided by law for the election of officers of the district. The return of the election, together with the ballots cast thereat, shall be certified by the several election boards of such district to the Board of Directors within three days from and after said election, which Board shall, on or before the third day after said election, canvass such returns and declare the result of such election, which result shall be at once recorded in the records of the district board. If a majority of the votes shall be "For dissolution, No," there shall not be another election upon the question of a dissolution of the district during the year in which said election was held. If a majority of the votes are "For dissolution, Yes," then the Board shall immediately notify all persons having claims against the district of the result of such election, and may proceed to adjust, settle, and compromise any and all such claims, in whatever form the indebtedness of such district may be.

For the purpose of raising money to pay any and all indebtedness of the district, such Board may sell and dispose of the canal, franchises, and other property owned by the district at not less than a valuation to be fixed by a Board of three appraisers, one member of which shall be appointed by the Board of Directors of such district; one to be appointed by the Board of County Commissioners of the county in which the district was originally organized, which two appraisers shall elect a third; which Board of Appraisers shall be sworn by the clerk of the Board of County Commissioners of the county, to appraise the canal, franchises and other property of the district at its cash value; and as soon thereafter as practicable, such appraiser shall make an appraisement, and report in writing their appraisement of all the property owned by the district, to the Board of Directors; which Board shall advertise the property for sale at least four weeks in such manner as in the judgment of the Board shall be to the best interest of the district; and shall state in such advertisement a description of the prop-

erty, and the time and place when bids in writing for the same shall be opened and considered, and bids orally received and considered. At the time designated in such notice, or as soon thereafter as such Board can meet, it shall open and consider all bids received for the purchase of the property and it shall have the power to reject any and all bids for such property, which are not in the judgment of the Board a fair consideration for the property; and after the bids are thus rejected by the Board, it may by private negotiations with any person, persons or corporation sell and convey by deed executed by such Board, all of the property, for part cash and part in deferred payments, bearing the same interest as the bonded indebtedness of such district; and in case the district has no bonded indebtedness the interest upon such deferred payments shall be such as may be agreed upon by the Board and the purchaser, not exceeding the rate allowed by law. Such deferred payments shall be a lien upon all of the property thus sold by the Board which shall have the same force and effect as a mortgage against such property and may, when due, be foreclosed in the manner provided by law for the foreclosure of mortgages. In addition to such lien, the Board of Directors may require the purchasers of the property to furnish the district with such additional security upon all deferred payments as in its judgment shall make such payments secure; and all notes, bonds, mortgages and other securities shall be made out to and in the name of the irrigation district, and shall be, together with the money received from such sale, deposited with the county treasurer of the county in which the district was originally organized. All suits at law or equity brought for the purpose of collecting such indebtedness, shall be brought in the name of such district by counsel employed by the district board; and in case the board shall be disorganized, such employment shall be by the Board of County Commissioners.

After a sale of the property and franchise of the district, the Board of Directors shall, with the amount realized from such sale, together with such other funds as such district may have, make settlement, payment and redemption, if possible, of all outstanding bonded and other indebtedness of the district, but shall in no case pay more than the market value of such outstanding bonds with interest up to the time of payment; and in cases where bonds not yet due cannot be redeemed by reason of the refusal of the owner thereof to surrender them before due, the Board may invest the surplus money of the district, after paying all debts that can be paid, in state, county, or other safe bonds, bearing the same or greater rate of interest, if possible, than the district bonds thus outstanding, for the purpose of paying such outstanding bonds of the district when due. In case the amount realized from the sale of such district property together with other money of the district, shall be insufficient for the payment of all the indebtedness of said district, assessments shall continue to be made against the lands included in the district in the manner provided by law for assess-

ments to pay bonds and other indebtedness of irrigation districts, until a sufficient amount is raised to fully pay all obligations of such district. In all cases where bonds and other obligations of irrigation districts shall be issued after the passage of this act, such bonds and obligations shall become subject to redemption by the Board of Directors of any irrigation district, as soon as the property and franchise of such district shall be sold after such district has elected to dissolve as a district, as herein provided.

After all the property of the district shall be disposed of as above provided, and all of the obligations of such district shall have been paid the Board of Directors shall file in the office of the county clerk of each county in which said district is located, and in the office of the State Engineer, a report attested by the clerk and seal of the Board, stating that the district has disposed of its property and franchise, and become disorganized and dissolved, which report shall be recorded in the miscellaneous records of such counties; and if any person, persons or corporations, having any claim against such district not settled or disposed of at the time of the filing of such report, shall fail and neglect to bring suit upon such claim within five years from the time of the filing of such report, such claim or claims shall be forever barred as against such district as well as against all persons and property therein. Provided that in case a contract has been made with the United States no action shall be taken by the board of directors for the dissolution of any irrigation district as herein provided unless the assent of the secretary of the interior in writing has been filed with the secretary of the Board of Directors and a certified copy thereof filed in each county where such district lands are situate.

§ 71. IRRIGATION DISTRICT BONDS. REFUNDING.] The Board of Directors of any irrigation district in the State of North Dakota which has issued valid interest bearing bonds that are now outstanding and unpaid, may take up and pay off any such bonds whenever legally possible, by the issue and sale or the issue and exchange therefor of the bonds of such irrigation district; but bonds so to be issued shall not exceed the amount lawfully owing and unpaid upon the bond or bonds so sought to be taken up and paid. Bonds so issued shall not bear interest greater in rate or amount per annum than the bonds so sought to be taken up and paid.

§ 72. PROCEDURE IN REFUNDING BONDS.] Whenever it is desired to issue bonds under this article the Board of Directors shall, by resolution entered in the minutes of their proceedings, direct public notice to be given, stating the amount of the indebtedness sought to be taken up and paid, and the date it was voted, the rate of interest it bears, and that the same is sought to be taken up and paid off by the issuance and sale, or the issuance and exchange of bonds bearing interest at an equal or less rate and amount per annum, and stating the date on which, and the places where, any taxpayer of such irrigation district may file objections

to such proposed action. Such notice shall be signed by the president and secretary of said irrigation district, and shall be published for two weeks in some newspaper in general circulation in the district, or by posting the notice in three of the most public places in the district for at least fifteen days prior to such date. If after such publication and on the day for filing objections, no objection to such action by the Board of Directors is filed, then the Board of Directors may issue and sell, or exchange, as the case may be, the bonds authorized by this article, not exceeding the amount stated in such notice, nor exceeding the amount of actual bonded indebtedness of the district then outstanding and unpaid, nor bearing interest greater in rate or amount and thereby take up and pay off the bonds described in the notice.

§ 73. HEARING OF OBJECTION TO ISSUE.] If, on the day appointed in such notice, any written objections be filed, the objection or objections shall be heard and decided by the Board of Directors; and from their decision an appeal may be taken to the district court, in the manner of appeals from the county board.

§ 74. RECITALS OF REFUNDING BONDS.] The bonds so issued shall have recited therein the object of issue, the title of the article under which the issue was made, stating the issue to be made in pursuance thereof, and shall also state the number, date and amount of the bonds for which it was substituted; and such new bonds shall not be delivered until the surrender of the bond or bonds so designated, and they shall be paid and levy made and tax collected for their payment in accordance with laws now governing the bonds heretofore issued.

§ 75. LIABILITY FOR FAILURE TO DELIVER WATER.] Every irrigation district within the State of North Dakota shall be liable in damages for negligence in delivering or failure to deliver water to the users from its canal to the same extent as private persons and corporations; provided, however, such districts shall not be liable as herein provided, unless the party suffering such damage by reason of such negligence or failure shall, within thirty days after such districts shall fail to deliver water, serve a notice in writing on the chairman of the Board of Directors of such district, setting forth particularly the acts committed or the commissions of the duties to be performed on the party of the district, which it is claimed constitute such negligence or omission, and that he expects to hold such district liable for whatever damages may result; provided, further, such action shall be brought within one year from the time the cause has accrued.

Approved March 8, 1917.

CHAPTER 116.

[H. B. No. 274—Christianson.]

RIPARIAN OWNERS OF LAND LYING ADJACENT TO NON-NAVIGABLE STREAMS.

An Act to Provide that Riparian Owners of Land Lying Adjacent to Non-Navigable Streams and Rivers Shall Prevent the Falling of Trees, Logs and Brush into such Streams and Rivers, and Prescribing the Duties of County Commissioners in Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] It shall be the duty of every riparian owner of lands lying adjacent to a non-navigable stream or river to prevent trees, logs or brush growing and situated upon such land from falling into such stream or river, and from becoming lodged therein. Upon the complaint of any freeholder to the effect that any such riparian owner is permitting trees, logs and brush to fall into such stream or river, the board of county commissioners of the county in which such land is located shall investigate or cause an investigation to be made, and if it is found that such riparian owner is permitting trees, logs and brush to fall into, and to become lodged in such stream or river, the board of county commissioners shall notify the party to remove the same inside of thirty days or more at the discretion of the county commissioners, and if not performed in said time, the county commissioners can cause such trees, logs and brush to be removed from such stream, and from the land adjacent thereto, so as not to be in danger of falling into such stream. The expense of removing such trees, logs and brush shall be paid out of the county treasury and the amount thereof shall be assessed against the land of the riparian owner and added to the taxes assessed against such land, and shall be collected in the same manner as other taxes, and shall be used to reimburse the county treasury for moneys paid for the removal of trees, logs and brush from such stream or river.

§ 2. PURPOSE OF THIS ACT.] It is well known that when logs and trees become lodged in streams and rivers they form barriers to the passage of ice in the spring and cause gorges or jams, which is one of the most frequent causes of floods. The purpose of this Act is to prevent the flooding of streams and rivers in this state from this cause.

Approved March 10, 1917.