

L. E. Hewins

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THE NATIONAL IRRIGATION ACT

AND

ARTICLES of INCORPORATION

OF THE

Salt River Valley Water Users' Association.

ADOPTED BY THE SALT RIVER VALLEY WATER STORAGE CONFERENCE COMMITTEE, PHOENIX, ARIZONA, JANUARY 21, 1903.

COMMITTEE

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| J. C. ADAMS | C. G. JONES | C. S. STEWARD |
| F. T. ALKIRE | M. W. MESSINGER | I. V. STEWART |
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B. A. FOWLER, . . Chairman
F. H. PARKER, . . Secretary

The National Irrigation Act.

(Public No. 161.)

An Act Appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming, beginning with the fiscal year ending June thirtieth, nineteen hundred and one, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the five per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semi-arid lands in the said States and Territories, and for the payment of all other expenditures provided for in this Act: Provided, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the Act of August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of

the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the treasury not otherwise appropriated.

Sec. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

Sec. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section four of this Act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this Act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this Act; and the Secretary of the

Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: Provided, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and sixty acres, and shall be subject to the limitations, charges, terms and conditions herein provided: Provided, That the commutation provisions of the homestead laws shall not apply to entries made under this Act.

Sec. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of

the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: Provided, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

Sec. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section four. No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual instalments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this Act, as well as of any moneys already paid thereon. All

moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this Act.

Sec. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this Act: Provided, That when the payments required by this Act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: Provided, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

Sec. 7. That where in carrying out the provisions of this Act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

Sec. 8. That nothing in this Act shall be construed as affecting or intended to

affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof. Provided: That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Sec. 9. That it is hereby declared to be the duty of the Secretary of the Interior, in carrying out the provisions of this Act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semi-arid lands within the limits of such State or Territory: Provided, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semi-arid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this Act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Sec. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

Approved, June 17, 1902.

ARTICLES OF INCORPORATION.

KNOW ALL MEN BY THESE ARTICLES OF INCORPORATION:

That we, the undersigned, have associated ourselves together under the laws of the Territory of Arizona as a body corporate.

ARTICLE I.

The name of the corporation shall be and is Salt River Valley Water Users' Association.

ARTICLE II.

The names of the incorporators are: J. C. Adams, F. T. Alkire, N. M. Broadway, Fred Brummell, A. J. Chandler, Wm. Christy, W. W. Dobson, B. A. Fickas, B. A. Fowler, Frank Fowler, S. S. Green, D. B. Heard, James Johnson, C. G. Jones, Will Kay, W. J. Kingsbury, M. W. Messinger, John P. Orme, Lin B. Orme, F. H. Parker, T. W. Pemberton, Charles Peterson, Neils Petersen, J. T. Priest, L. J. Rice, H. Simkins, M. A. Stanford, C. S. Steward, I. V. Stewart, Jos. Stuart, Fred Tait, H. J. Underhill, H. G. Van Fossen, A. P. Walbridge, W. H. Wallace, Henry E. Ware, Sam F. Webb, E. W. Wilbur, Henry Wilkie, Wm. Wilson, J. W. Woolf; but others may become members of said Association by subscribing to these articles of incorporation, or by the transfer of stock to them in the regular course of the administration of the affairs of the Association.

ARTICLE III.

The principal place of transacting the business of the Association shall be at the City of Phoenix, in the County of Maricopa, in the Territory of Arizona.

ARTICLE IV.

Section 1. The objects for which the Association is organized and the general nature of the business to be transacted by it shall be and are:

To provide for and distribute and furnish to the lands of the holders of shares of said Association to which said shares and the rights and interests represented thereby are appurtenant, an adequate supply of water for the irrigation of said lands;

To divert water within the Territory of Arizona from the public sources of water supply, to impound water and develop sources of water, to pump water from underground sources, to carry and distribute water for the irrigation of the lands aforesaid, and to construct, purchase, lease, condemn or otherwise in any way whatsoever acquire and own, hold, have, use, control, maintain, preserve, manage, operate and conduct the means therefor and any and all rights, reservoirs, dams, canals, ditches, flumes, head-gates, pipes, machinery, pumps, pumping plants, power houses, transmission lines, and property both real and personal of every nature and kind whatsoever necessary or appropriate for the accomplishment of any of the objects or purposes aforesaid;

To divert, impound, develop, pump, distribute, deliver and use water for all beneficial uses and purposes from surface and subterranean sources by any means adapted to any of the purposes aforesaid, and

create, transmit and use power for the accomplishment of any of the purposes or objects of the Association as hereinbefore set forth ;

To have and exercise all the powers, and do all and everything necessary, suitable, convenient or proper for the accomplishment of any of the purposes, or the attainment of any one or more of the objects herein enumerated, or incidental to the powers herein named, or which shall at any time appear conducive or expedient for the protection or benefit of the Association or its members as shareholders therein.

Section 2. For the accomplishment, or to aid in and promote the accomplishment, of the aforesaid purposes or objects, or any of them, this Association shall have power to enter into any contract or other arrangement, or undertake in whatsoever manner and by whatsoever means may be deemed proper or convenient therefor, to secure action by or the aid of the United States Government in the construction, erection or acquisition of any dams, reservoirs, canals or other works or property, or appurtenances necessary thereunto, for the storage, development, diversion, distribution or delivery of water to the lands of the shareholders of this Association, or to aid therein, and to enter into any agreement with said Government which may be approved by the Secretary of the Interior or any duly authorized official or representative of the Interior Department with reference to the collection and payment to the Government of any and all moneys which may be due the Government under or by reason of rights issued by the Government to members of this Association for the use of water from any reservoir or irrigation works

acquired or constructed by said Government, or in the acquisition or construction of which it may have aided, and to comply with any conditions, rules or regulations prescribed by Congress or by any executive department or official of said Government lawfully authorized thereunto, concerning the storage, diversion, delivery, application, or use of any water so stored, developed or delivered to the shareholders of this Association from or by means of any works constructed or acquired by the Government or in the construction or acquisition of which the Government may have aided, or which it may hereafter construct or acquire or in the construction or acquisition of which it may hereafter aid.

Section 3. The territory within which are the lands to be irrigated as aforesaid shall be known as the Salt River Reservoir District; and shall include lands within the boundaries described as follows, that is to say: Commencing at a point on the right bank of Salt river at the mouth of the Verde river; thence in a southerly direction to the headgates of the Arizona canal; thence in a general westerly direction along the north line of the right of way of the Arizona canal to the end thereof, at or near the quarter corner between Sections 5 and 6, township 3 north, range 1 east; thence west to the left bank of the Agua Fria river; thence in a southerly direction along the left bank of the Agua Fria river to a point in Section 14, Township 1 north, Range 1 west, where the line of the St. John's canal intersects the Agua Fria river; thence in a southeasterly direction along the north line of the right of way of the St. John's canal to the north bank of

the Salt river; thence across the Salt river to a point in Section 35, Township 1 north, Range 1 east, where the east line of the Gila river Indian reservation interseects the south bank of the Salt river; thence in a southerly direction along the east line of the said Gila river Indian reservation to the township line between Townships 1 and 2 south; thence following the boundary of the said Gila river Indian reservation, east along the said township line to the range line between Ranges 4 and 5 east; thence south between Ranges 4 and 5 east; thence east, between Townships 2 and 3 south, to the east line of the right of way of the east branch of the Consolidated canal; thence north, following the east line of the right of way of the east branch of the Consolidated canal to the south line of Section 2, Township 2 south, Range 5 east; thence east to the section corner common to Sections 5, 6, 7 and 8, Township 2 south, Range 6 east; thence north between Sections 5 and 6 east, Township 2 south, Range 6 east, to the east bank of the Highland canal; thence in a general northerly direction along the east bank of said Highland canal to the left bank of Salt river; thence in a general northerly direction along the left bank of Salt river to a point opposite the mouth of the Verde river to the place of beginning; together with any public or other lands on which rights to the use of water from reservoir or irrigation works referred to in Section 2 of this Article shall be issued by the Secretary of the Interior.

ARTICLE V.

Section 1. The capital stock of the Association shall be \$3,750,000, and be divided into 250,000 shares of the par value of \$15.00 per share.

Section 2. Those and those only who are owners of lands, or occupants of public lands having initiated a right to acquire the same, within the territory described in Article IV of these Articles of Incorporation, or within such extensions thereof as may be hereafter made from time to time under the powers herein conferred for that purpose, shall be the holders or owners of shares of the capital stock of this Association. For each acre of such lands shareholders may become the owner of one share of stock of this Association and no more.

Section 3. As a condition of continued ownership of said shares of stock, and participation in any of the benefits thereof, each subscriber therefor, or transferee thereof in case of transfer, shall, as soon as the right or rights hereinafter referred to become subject to application and acquisition, under the rules and regulations prescribed or to be prescribed for the purpose by Congress or any executive department of the Government, apply for, and in good faith comply promptly with all such rules and regulations for the acquisition of, a right to the use of water from any source of supply provided by the Government, or in the provision of which the Government has aided, for the irrigation of the lands to which said shares and rights represented thereby are appurtenant. Upon the failure of the subscriber, or holder otherwise, of any of the shares of the capital stock of this Association to apply for such rights, or, having applied therefor, upon failure to promptly and in good faith comply with all rules and regulations prescribed, or that may be prescribed by Congress or by any executive department of the Government relative thereto, then

he shall forfeit to the Association such shares of stock and all and every right in anywise theretofore or then incident thereto, or that might in anywise arise or accrue from or exist by virtue of such subscription or ownership, or that could by any means arise or be claimed therefrom, and such person, his heirs and assigns, shall thereafter have no right whatsoever as a member of this Association by virtue thereof.

Section 4. Any shares of stock so forfeited shall at once be cancelled and shall not again, under any circumstances, be renewed, revived, or reissued. Other stock in lieu thereof up to the limit of the total number of shares authorized by these Articles may be subscribed for, and issued, subject to all the conditions of these Articles and to the approval of the Secretary of the Interior.

Section 5. The ownership of each share of stock of this Association shall carry, as incident thereto, a right to have delivered to the owner thereof water, by the Association, for the irrigation of the lands to which such share is appurtenant.

Section 6. The amount of water so to be delivered to such owner shall be that proportionate part of all stored and developed water, the storage or development of which is or may be effected by this Association, or by means of works under its control, management or direction, or which may become available for distribution by this Association from storage works built by the National Government, during any irrigating season, as the number of shares owned by him shall bear to the whole number of valid and subsisting shares of the Association issued

and then outstanding, to be delivered to and upon said lands at such times during such season as he may direct.

Section 7. And there shall also be incident to such ownership of such shares the right to have delivered to the owner thereof, for the irrigation of said lands, as the Association shall from time to time acquire means for that purpose, the water heretofore and before the shareholder or his transferee became a member of this Association, appropriated by him or by his predecessors in interest, for the irrigation of said lands: *provided*, however, that the whole amount of water actually delivered from all sources shall not exceed the amount necessary for the proper cultivation of said lands.

Section 8. The records of the Association and each and every certificate or other evidence of ownership of shares of stock in the Association, when issued, shall contain a description of the lands to be irrigated, and to which the aforesaid rights and shares shall be perpetually appurtenant, and thereafter all rights, whatever their source or whatever their manner of acquisition, to the use of water for the irrigation of said lands, shall forever be inseparably appurtenant to said lands, together with the said shares of stock, and all rights and interests represented thereby or existing or accruing by reason thereof, unless such rights shall become forfeited under the provisions of these Articles of Incorporation, or of by-laws adopted in pursuance thereof, or by operation of law, or by the voluntary abandonment thereof by deed, grant or other instrument, or by non-user for the term prescribed by law; but no such abandonment shall be for the benefit of

any person designated by such shareholder, directly or indirectly, or to his use, nor confer any right whatsoever upon the holder of any grant, release, waiver, or declaration of abandonment of whatever kind of such right; *provided*, however, that if for any reason it should at any time become impracticable to beneficially use water for the irrigation of the land to which the right to the use of the same is appurtenant on the said land, the said right may be severed from said land and simultaneously transferred and attached to other lands to which shares of stock in this Association are or are thereby made appurtenant, if a petition for leave to make such transfer and showing the necessity therefor shall have first been approved by a two-thirds vote of the Board of Governors at a regular meeting and by the Secretary of the Interior; and all the provisions and agreements hereinbefore in this section contained shall be set forth in the aforesaid certificate or other evidence of the ownership of shares of stock in the Association, and such certificate or other instrument shall be signed, executed and acknowledged by the President and Secretary of the Association, and by the person to whom it is issued in the manner required by law for the execution and acknowledgment of deeds for the conveyance of real estate, and the Council shall pass by-laws prescribing the form of such certificate or other instrument not inconsistent with these articles.

Section 9. Every transfer of the title to any lands to which the said rights and stock are so appurtenant, whether by grant or by operation of law (except where the land may be subjected by grant or involuntarily under any law to an easement, the **exercise**

of which does not interfere with the cultivation of the soil by the servient owner) shall operate, whether it be so expressed in the grant or other means of transfer or not, as a transfer of all rights to the use of water for the irrigation of said lands, and all rights arising from, or incident to, the ownership of such stock, and as well the stock itself, to the grantee or successor in title of said lands; and upon presentation to this Association of proof of any such transfer of land, to which such rights are appurtenant, the proper officer shall transfer such stock upon its books to the successor in title to said lands.

Section 10. Any transfer, or attempted transfer, of any of the shares of stock of this Association, made or suffered by the owner thereof, unless simultaneously a transfer of the land to which it is appurtenant is made or suffered, shall be of no force or effect whatsoever for any purpose, and shall confer no rights of any kind whatsoever on the person or persons to whom such transfer may have been attempted to be made.

Section 11. No payments for the capital stock of this Association shall be required except in the manner following :

Whenever it shall be announced or otherwise made known by the Government, or any of its proper agencies, to the subscribers to the shares of said capital stock that rights may be initiated to the use of water from any works acquired or constructed by it for the storage or development of water capable of being used on the lands of the subscribers for said shares of stock, or in the acquisition or construction of which works the Government shall have aided, then the said subscribers shall, under the rules

and regulations prescribed by the Government therefor, within a reasonable time, apply to the proper agency for such rights at the rate of one acre for each share of stock so subscribed for, and upon proper proof to this Association that such rights have been allotted to the subscriber and that he has complied with the Government rules and regulations up to that time, so as to entitle him to complete his ultimate acquisition thereof, then such subscriber shall be deemed to have paid on his subscription of said stock the amount that he shall have then paid to or for the use of the Government for such right, and when all subsequent payments required by the Government for such rights shall have been paid by him, or by anyone for him, then such stock shall be deemed and held to have been fully paid up.

Section 12. If it should be determined by the Government that the amount of water that may safely be estimated to be capable of being stored, or developed by works acquired or constructed or to be acquired or constructed by it, or by this Association, in addition to the amount of water now appropriated out of Salt river and Verde river, for the irrigation of lands in said reservoir district, shall together be insufficient to properly irrigate 250,000 acres of land, then the number of shares of the capital stock of this Association shall be reduced so that the number of such shares shall not exceed the number of acres estimated by the Government to be capable of irrigation from such combined sources of supply.

Section 13. If at the time of the determination by the Government of the number of acres capable of such irrigation, there shall have been subscribed

for a number of the shares equal to the number of acres so estimated to be capable of irrigation, then no subscription for more shares shall be taken. If the number so subscribed for, however, shall then exceed the estimated number of acres so capable of irrigation, then there shall be allotted to said subscribers that number of shares equal to the estimated number of acres capable of irrigation. In such allotment, cultivated lands shall have the preference; and any excess in the number of shares subscribed for over the number so allotted, shall be cancelled, and thereafter shall not be issued.

Section 14. In exercising the right of preference to allotment of shares, provided for in the foregoing section, the by-laws may prescribe reasonable times within which such preference shall be declared and the manner thereof.

ARTICLE VI.

Section 1. The exercise of the corporate powers of this Association and the management of its affairs shall be vested in

1. A Council,
2. A Board of Governors,
3. One or more local boards of Water Commissioners, and
4. A President, Vice-President, Treasurer, Secretary, and such other officers and agents as shall or may be, from time to time, created and established by the Council.

Sec. 2. The Council shall consist of thirty members, who shall hold their offices for three years. In the event of a vacancy occurring from death, resignation, ceasing to be a shareholder of this Asso-

ciation, removal from the Reservoir District, or other cause, the unexpired term shall be filled at the annual election next after the vacancy shall have occurred. Shareholders of this Association only shall be eligible to the office of member of the Council.

Sec. 3. The annual election of the members of the Council, and of the other officers for whose election these Articles provide, shall be held on the first Tuesday of April in each year.

Sec. 4. For the purpose of electing members of the Council the territory described in Article IV of these Articles, shall be divided by the Council into ten (10) districts, which districts shall severally consist of contiguous territory, and be as nearly uniform in shape, and contain as nearly an equal number of acres to which shares of stock of this Association are appurtenant, as may be practicable.

Sec. 5. At each annual election, after 1904, there shall be elected one member of the Council from each of said several districts by the electors thereof. Such member shall at the time of his election be the owner of lands situated within the district for which he is elected to which shares of stock of this Association are appurtenant, and shall also be a resident of the Reservoir District, and if he should, during his term of office, cease to be such owner, or a resident of such Reservoir District, his office shall thereupon, and by reason thereof, become vacant.

Sec. 6. At the annual election, to be held on the first Tuesday of April, 1904, there shall be elected three members of the Council from each of said districts, one of whom shall be elected to serve for one, one for two, and the other for three years.

Sec. 7. The term of office of members of the Council shall begin on the first Monday in May following their election.

Sec. 8. Until the election of members of the Council at the annual election in 1904, and until their qualification, the Council shall consist of the following named persons, that is to say:

J. C. Adams, N. M. Broadway, Fred Brummell, W. W. Dobson, B. A. Fickas, Frank Fowler, S. S. Green, James Johnson, C. G. Jones, Will Kay, W. J. Kingsbury, M. W. Messinger, John P. Orme, T. W. Pemberton, Charles Peterson, Neils Petersen, J. T. Priest, L. J. Rice, M. A. Stanford, C. S. Steward, I. V. Stewart, Jos. Stuart, Fred Tait, H. J. Underhill, H. G. Van Fossen, A. P. Walbridge, Henry E. Ware, Sam F. Webb, Henry Wilkie, Wm. Wilson.

Sec. 9. The Council shall meet at least once in each year at the City of Phoenix, in Maricopa County, Arizona. This regular annual meeting of the Council shall begin on the first Monday in May in each year and continue in session at its pleasure.

Sec. 10. Special meetings may be called and held in such manner and at such times and under such provisions as may be prescribed by the by-laws. The general object and nature of business to be transacted at any special meeting shall be made known by reasonable public notice, such notice to be that prescribed by the by-laws therefor.

Sec. 11. The members of the Council shall serve as such without compensation, but may receive mileage one way at the rate of 10 cents per mile for each day of actual attendance.

Sec. 12. No member of the Council shall be

eligible to any office of this Association to which there is attached any emolument or compensation, nor shall he be so eligible until at least two years shall have elapsed after his term of office as Councilman shall have expired; *provided*, that this inhibition shall not apply to any person by reason of his membership of the first Council.

Sec. 13. The Council shall have power to enact and adopt, and provide for the enforcement thereof, by-laws for the government of the members of this Association, and the management of its business, and the conduct of its affairs, and to repeal, modify and amend the same from time to time. But the Council shall not have power to adopt or to enforce any by-laws that in anywise conflict with any rule or regulation established by the Secretary of the Interior or other agency of the Government for the administration of water from any reservoir, or other works acquired or constructed by the National Government, or in the acquisition or construction of which it shall have aided, and which may be used for supplying water to the lands of the shareholders of this Association.

Sec. 14. No by-laws shall be passed or enforced which shall interfere with or affect any present existing vested right of any member of this Association to the use of water for irrigation.

Sec. 15. All by-laws shall be of general application so far as general laws can be made to apply.

ARTICLE VII.

Section 1. At all elections the electors shall possess the following qualifications:

(1) Shall be at the time of the election the owner of at least one share of the capital stock of this Association, and shall have been the owner thereof, as shown by the books of the Association, for at least twenty days before such election.

(2) Shall be of the age of twenty-one years or more and of sound mind.

Sec. 2. At all elections each shareholder shall be entitled to one vote for each share of stock owned by him, not however to exceed in the aggregate one hundred and sixty votes, and no more.

Sec. 3. The votes shall be by written or printed ballot, and be voted only by the electors at the polls in person.

Sec. 4. The Council may make reasonable by-laws for the registration of voters and the method of holding elections.

Sec. 5. At all elections the person receiving the highest number of votes for any office shall be deemed elected to such office.

ARTICLE VIII.

Section 1. The Board of Governors shall consist of the President, by virtue of his office, and ten other members. Each of said ten members shall be the owner of lands situated within the district for which he is elected, to which shares of stock of this Association are appurtenant, and shall also be a resident of the Reservoir District; and if he should, during his term of office, cease to be such owner or a resident of such Reservoir District, his office shall thereupon, and by reason thereof, become vacant.

Sec. 2. One member of said Board shall be elected at the annual election to be held on the first

Tuesday of April, 1904, and at each annual election thereafter from and by the electors of each of the districts into which the territory described in Article IV of these Articles is or may be divided for the purpose of the election of members of the Council.

Sec. 3. Until the election of members of the Board of Governors at the annual election in 1904, and until their qualification, the Board of Governors shall consist of the following named persons, that is to say:

F. T. Alkire, A. J. Chandler, Wm. Christy, B. A. Fowler, D. B. Heard, Lin B. Orme, F. H. Parker, H. Simkins, W. H. Wallace, E. W. Wilbur, J. W. Woolf.

Sec. 4. If a member of the Board of Governors, at any time during his term of office, should cease to have any of the qualifications prescribed for that office, such office shall thereupon become vacant, and in the event of a vacancy from that cause, or by reason of the death, removal from the Reservoir District, or resignation of any member of said Board of Governors, the vacancy shall be filled by the Council if it occurs more than sixty days prior to a regular election.

Sec. 5. The Board of Governors shall meet in regular session, at the office of the Association, on the first Monday of each month, unless it be a legal holiday, in which case the Board shall meet on the following day.

Sec. 6. Special meetings of the Board of Governors may be called by the President, or by any six of the members of the Board. Such call shall be in writing and signed by either the President, or any six of the members, and shall state the time of such

proposed meeting, and the nature of the business to be transacted thereat. Such written call shall be filed with the Secretary, who shall thereupon immediately, and at least five days before the time fixed for such meeting, mail, post-paid, to the President, and each member of the Board, a copy of such call, and shall publish the same in some newspaper published, and of general circulation, in the territory described in Article IV, of these Articles, on three consecutive days before, and exclusive of, the day fixed for such special meeting. If the Secretary fail or refuse to publish such call or to mail copies thereof, as above provided, then either the President, if he issued the call, or any one of the members who issued the same, may make publication and mail copies of the call, with like effect as if done by the Secretary. Special meetings of the Board of Governors shall be held at the office of the Association.

Sec. 7. The members of the Board of Governors shall receive such compensation as shall be prescribed by the Council, by by-laws.

Sec. 8. The Board of Governors shall have the administration of the corporate affairs and business of the Association and shall manage and conduct the same subject to all the provisions of these Articles and of the by-laws.

Sec. 9. It shall have the power to appoint, subject to removal by it at any time, a General Superintendent, and prescribe his duties and powers, subject to all rules and regulations prescribed by the by-laws, and to employ an engineer, or engineers, and such other employees as may be proper and necessary to effect the purposes of this Association, subject to such rules and regulations as may be prescribed by the by-laws.

Sec. 10. It shall have the power to prosecute, defend, and compromise all law suits; to make all contracts, in the name of the Association, necessary and proper for the conduct of the affairs and the carrying on of the business of the Association, subject to all limitations and regulations prescribed by these Articles or the by-laws.

Sec. 11. It shall have the power to estimate, make and levy all assessments against the shareholders of this Association, to the extent and in the manner authorized by these Articles and regulated and prescribed by the by-laws.

Sec. 12. It shall have power to make, publish, and enforce rules and regulations concerning the distribution, use and application, of water for irrigation, subject at all times to, and not inconsistent with, these Articles, or with the by-laws, or with any rules, or regulations established by the Secretary of the Interior, or other agency of the National Government.

Sec. 13. It shall keep, or cause to be kept, a record of its transactions, which shall at all times remain in the office of the Association and shall, during office hours, be open to the inspection of the shareholders, or their properly authorized agents.

Sec. 14. It shall hear and determine complaints of shareholders of non-service, or of improper service or distribution of water, or of improper performance of duty by any employee of the Association relative to the distribution of water.

ARTICLE IX.

Section 1. The lands under each separate distributing canal system within the territory described in Article IV of these Articles, shall on the petition

of the owners of two-thirds of the shares of the capital stock of this Association appurtenant to the lands in such proposed Canal Division, be formed into a Canal Division, and the boundaries of such division be fixed by the Council. On the petition of the holders of a majority of the shares in this Association owning the lands affected thereby, or without such petition, whenever in the judgment of the Council it will be beneficial, the Council may change, or modify, the boundaries of any Canal Division.

Sec. 2. A Board of Water Commissioners to consist of three members shall be appointed annually by the Board of Governors for each Canal Division. Such appointment shall be made in the month of May in each year and no one shall be eligible for such office, unless he be a resident within the Canal Division for which he may be appointed, and a qualified elector as provided in these Articles. The term of office of the members of the Boards of Water Commissioners shall be from the time of their appointment until the first day of May in the following year, and until their successors shall have been appointed and have qualified, and they may be removed for cause by the Board of Governors, who may fill any vacancy in any Board of Water Commissioners for the unexpired term.

Sec. 3. If a petition signed by shareholders in this Association, constituting a majority of qualified electors, residing in any Canal Division, shall be presented to the Board of Governors at their first meeting, in May, naming three persons eligible for appointment as Water Commissioners, in said Canal Division, and asking for their appointment to such office, such persons shall be appointed as such Water Commissioners.

Sec. 4. In each Canal Division the Board of Water Commissioners thereof shall have the control and management of the local affairs of the canal system therein, and of the distribution of water therefrom, subject to the provisions of these Articles, and to the by-laws, and to the rules and regulations established by the Council, or by the Secretary of the Interior, or any agency of the National Government.

Sec. 5. The Board of Water Commissioners in each Canal Division, may appoint a Secretary of the Board and employ a Division Superintendent, removable at their pleasure.

Sec. 6. The Board of Water Commissioners may call a meeting at any time of all the land owners in their Canal Division who are shareholders in this Association, to consider and determine whether an assessment or assessments for their special benefit should be levied on the shareholders in said Division. At least ten days' notice of such meeting shall be given by the Secretary of said Board, by posting a notice thereof in three public places in said Canal Division, and mailing a copy of such notice, with postage prepaid, to each shareholder residing in said Canal Division.

Sec. 7. If a majority of such shareholders who are the holders of a majority of the shares of this Association appurtenant to lands in said Canal Division shall at said meeting approve the levy of such special assessment or assessments and sign a petition to the Board of Governors that the same be levied on the shareholders in this Association, owning lands in said Division, and specifying the amount of said proposed assessment and the purpose for which it should be levied, and said Board of Water Commis-

sioners should recommend it in writing, endorsed on said petition, it shall be the duty of the Board of Governors to levy said special assessment on all the shareholders in this Association owning lands in said Canal Division.

Sec. 8. When so levied the said assessment may when collected be disbursed by the Board of Water Commissioners of said Canal Division for the purpose specified in its levy, and shall be paid out by the Treasurer on warrants drawn on him by the said Board of Water Commissioners; *provided*, however that nothing in this article shall limit or abridge the right of the Association to make, levy and collect assessments, as elsewhere in these articles provided.

ARTICLE X.

Section 1. A President and a Vice-President of the Association shall be elected at the annual election to be held on the first Tuesday of April, 1904, and every two years thereafter, and shall serve for two years from and after the first Monday of May following their election and until their successors are elected and qualified. Until the election of a President and Vice-President, as above provided, B. A. Fowler shall be the President, and E. W. Wilbur shall be the Vice-President of this Association.

Sec. 2. A Treasurer and a Secretary of the Association shall be appointed by the Board of Governors at its first regular meeting in each year, and shall serve for one year thereafter, and until their successors have been appointed and have qualified.

Sec. 3. The Treasurer and Secretary shall give such bond as may be prescribed by the by-laws; *provided*, that no members of the Board of Governors, or the Secretary, shall be accepted as a surety

on the bond of the Treasurer.

Sec. 4. The President, Vice-President, Treasurer and Secretary shall perform such duties as are prescribed by these Articles and by the by-laws, wherein such by-laws shall not be inconsistent with law or with these Articles, and shall receive such compensation as may be fixed by the by-laws, which compensation shall be neither increased nor diminished during their respective terms of office.

Sec. 5. In case of the absence, illness, or inability of the President to act from any cause, or in case of a vacancy in that office, the Vice-President shall act in the place and stead of the President. In the event of a vacancy in the offices of both the President and Vice-President, the Council shall call a special election to fill the unexpired terms for both offices: *provided*, however, that such vacancies, if occurring within sixty days before the next annual election, shall be filled by appointment by the Council.

Sec. 6. The President shall be the chief executive officer of the Association, and shall have general supervision over all other officers of the Association in the performance of their duties as such, and of the conduct of the business and affairs of the Association. He shall preside at all meetings of the Board of Governors and shall be ex-officio a member of that Board; and perform such other duties as may be devolved upon him by the by-laws.

Sec. 7. All certificates or other evidences of the ownership of shares of stock in the Association issued by the Association shall be signed by the President and Secretary of the Association and shall have the seal of the Association affixed thereto.

Sec. 8. All contracts and instruments in writ-

ing executed for, or in behalf of the Association, shall be so executed in the name of the Association by the President and Secretary and shall have the seal of the Association affixed thereto.

Sec. 9. The Treasurer shall receive and be the custodian of all the moneys and other funds of the Association. No moneys shall be paid out by the Treasurer unless upon warrants drawn on him by the President and Secretary except as provided in Article IX, Section 8 of these Articles. No warrants shall be drawn on the Treasurer by the President and Secretary except upon the order of the Board of Governors, recorded in the minutes of the Board, and in a warrant record to be kept by the Secretary.

Sec. 10. The Treasurer shall keep a full, complete and accurate account of all moneys of the Association received and disbursed by him, in books belonging to the Association, and shall present a report and account thereof for the last preceding month to the Board of Governors at every regular monthly meeting of said Board, and shall, at the expiration of each quarter, prepare and publish, in such manner as the by-laws may prescribe, a quarterly statement to shareholders showing all such receipts and disbursements during the last preceding quarter; and the Treasurer shall perform such other duties as may be devolved upon him by the by-laws.

Sec. 11. The Secretary shall act as the Clerk of the Board of Governors, and keep a record of all their proceedings. He shall be the custodian of the seal of the Association, and of all its books, papers and records. He shall immediately upon their adoption and certification to him by the Council, record in a Book of By-Laws to be kept by him in his office,

all by-laws adopted by the Council, and shall keep such book open to the inspection of any member of the Association at all times during business hours. And the Secretary shall perform such other duties as may be devolved upon him by the by-laws.

ARTICLE XI.

The Council may create such other offices as may be necessary for the carrying on of the business and affairs of this Association, and prescribe the manner of appointment, powers, duties, terms of office, eligibility and compensation thereof by by-laws not inconsistent with these Articles.

ARTICLE XII.

Upon proper complaint thereof, by the Board of Governors, duly sustained, the Council may remove from office, the President, Vice-President, Treasurer, Secretary, or the incumbent of any office created by the Council, for incompetence, neglect of duty, misappropriation of funds of the Association, or for violation of any of the provisions of these Articles or of any by-law. The Council shall prescribe by by-laws the procedure for such removal.

ARTICLE XIII.

Section 1. Revenues necessary for the accomplishment of the purposes of this Association shall be raised by an assessment thereof from time to time as required upon and against the shareholders.

Sec. 2. The Council shall have power to make and enforce necessary by-laws for the making, levying, collecting and enforcing of such assessments.

Sec. 3. Assessments for the ordinary cost of operation, maintenance and repair of the works of the Association, or of those, the maintenance and control of which are, or may be hereafter lodged in

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the Association shall be equally assessed against all the shareholders in proportion to the number of shares held by them respectively.

Sec. 4. Assessments for the purpose of constructing or acquiring, or for the betterment, improvement, renewal, replacement, or preservation of any works, property, or rights of the Association, or for the purpose of preserving, or increasing, or more efficiently, or economically distributing the water supplies available for distribution by the Association, or for the fulfillment of any obligation undertaken by the Association, in any contract, agreement or other arrangement with the United States Government, or necessary for the accomplishment or carrying out of any of the purposes of the Association, may be equally assessed against all the shareholders in proportion to the number of shares owned by them respectively.

Sec. 5. Assessments for expenditures for purposes that are of benefit to a part only of the shareholders, may be specially assessed in proportion to such benefits against such shareholders, but no expenditure to be provided for, or covered by, such special assessment shall be made, or obligation to expend the same incurred, except upon the petition of the holders of two-thirds of the shares to be so specially benefited thereby.

Sec. 6. Assessments shall become, from time to time as they are made and levied, and, until they are paid or otherwise discharged, shall be and remain, a lien on the lands of the shareholder against which they are levied, and upon the share of stock appurtenant to said lands, and all rights and interests represented by such share. The manner of fixing the lien and enforcing the same shall be prescribed in the by-laws.

Sec. 7. Except for the ordinary operation, maintenance and repair, no work shall be undertaken, purchase made or indebtedness incurred or be authorized during any one year whereof the cost or amount thereof shall exceed fifty thousand dollars (\$50,000.00) until it shall have first been ratified by at least two-thirds of the votes cast at an election to be called for that purpose. Special elections may be called and held for such purpose under such by-laws as the Council may prescribe, not inconsistent with these Articles.

ARTICLE XIV.

Nothing in these Articles of Incorporation, or in the fact of becoming a member of this Association, shall be construed as affecting, or intended to affect, or in any way interfere with the present vested rights of any person to the prior use, or delivery, of the natural appropriated flow of the waters of the Salt and Verde rivers.

ARTICLE XV.

The individual property of the shareholders shall be exempt from liability for incorporate indebtedness of this Association.

ARTICLE XVI.

The incorporate indebtedness shall not exceed two-thirds of the amount of the capital stock.

ARTICLE XVII.

This corporation shall endure for the term of twenty-five (25) years.

ARTICLE XVIII.

These Articles of Incorporation can only be amended by the shareholders at a regular annual election or at a special election called for that purpose. No proposed amendment shall be sub-

mitted to the shareholders until it shall have first received the approval of two-thirds of the members of the Council at a regular or duly called session thereof, nor shall any such proposed amendment be so submitted until it shall have been published in full at least once in each week for four consecutive weeks in at least three newspapers published and of general circulation within the territory described in Article IV, of these Articles, the last of which such publications shall be not less than 10 nor more than 20 days before any such election.

ARTICLE XIX.

This Association may accept and avail itself of, or subject itself to, the provisions of any law or laws enacted, or that may be enacted by Congress, or the Legislative Assembly of the Territory, or State when it becomes a State, of Arizona, relative to corporations, which may be applicable to corporations organized for like purposes as this Association. Such acceptance or subjection shall be valid when ratified by at least two-thirds of the votes cast at any annual election, or at any special election called for the ratification thereof.

ARTICLE XX.

The seal of this Association shall be a figure of two concentric circles, the outer being 2 inches and the inner $1\frac{1}{2}$ inches in diameter. In the space between the two shall be the words, "Salt River Valley Water Users' Association," and bearing within the center space an unrolled scroll with the words and figures thereon: "Incorporated, 1903, Arizona."

Witness our hands hereto, this _____ day of January, A. D., 1903.