

Breeding 18014
Water Conservation
(1637)

FILED FOR RECORD

File 25 1915

AT 2:10 O'CLOCK P.M. A.D.

RECORDED IN VOLUME 12

PAGE 282

John Williams
SECRETARY OF STATE

By Charles ...

Jan 20 1915



D009637



011044

OFFICE OF
COUNTY CLERK AND RECORDER,
 YELLOWSTONE COUNTY, MONTANA

[Handwritten mark]

STATE OF MONTANA, }
 County of Yellowstone, } ss.

CERTIFICATE

I, F. E. Williams, County Clerk and Ex-Officio Recorder, in and for said County of Yellowstone, in the State of Montana, do hereby certify that the attached instrument is a full, true, and complete transcript of the Articles of Incorporation of "Billings Bench Water Association"

which was filed in this office on the 27th day of Sept. A. D. 1915 at
^{2.24}
~~2.30~~ o'clock P M. and admitted to record.

IN TESTIMONY WHEREOF, I have hereunto set
 my hand and affixed my seal of office the

27th day of Sept. A. D. 1915.

[Signature: F. E. Williams]
 Clerk and Recorder.

By *[Signature: J. Redfern]*
 Deputy.

3

ARTICLES OF INCORPORATION OF
BILLINGS BENCH WATER ASSOCIATION.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, voluntarily associate ourselves together for the purpose of organizing a corporation under and pursuant to the laws of the State of Montana, and to that end we do hereby certify and declare as follows:

I.

The name by which this corporation is known, and under which its business is transacted, is "BILLINGS BENCH WATER ASSOCIATION".

II.

The purposes for which this corporation is formed are:

To acquire title to the irrigation system water appropriation and rights of the Billings Land and Irrigation Company, and to operate and maintain the same; to acquire, by purchase or otherwise, a title to water rights, and to furnish, provide for, and distribute to the lands of the various parties holding water deeds from the said Billings Land and Irrigation Company, and to such other persons as may have the right thereto as stockholders of this association or otherwise, water for the irrigation of their said lands to which they may have respective titles; to appropriate, divert, store, develop, pump, carry and transfer water for irrigation and all other beneficial purposes, deriving the same from all available sources of supply;

To construct, purchase, lease, condemn, or acquire in any manner whatsoever, and to own, use, sell, transfer, convey, control, maintain and operate, water rights and irrigation works, structures, telephone systems, electric light and power plants, and such real and personal property as may be necessary or appropriate for the accomplishment of any of the purposes of this organization;

To act as trustee, agent or attorney for the sale, disposal and transfer of lands; to incur indebtedness, floating or bonded, and to secure the same by mortgage, deed of trust, or otherwise; to acquire, hold and dispose of stock in other corporations, domestic, or foreign; and to purchase and own its own capital stock;

To have and exercise all the powers, and to perform any and all acts necessary to, or appropriate for, the accomplishment of any one or more of the said purposes, or anything incident thereto, or which shall at any time appear conducive or expedient for the protection or benefit of the association or its share-holders, and to that end to enter into any contract, agreement or other arrangement with any individuals, association of individuals, or corporation, for the accomplishment of any of the aforesaid purposes by means of the construction, acquisition or control of appropriate works or structures, or in any other manner whatsoever.

In addition to the foregoing, this corporation shall have and exercise all the powers and authority conferred upon water users' associations, as such, by the laws of the State of Montana.

III.

The place where the principal business of the corporation is to be transacted, and where its principal office is to be located, is Billings, Yellowstone County, Montana. It may, however, have other and additional offices.

IV.

The term for which this corporation is to exist is forty (40) years from and after the date of corporation.

V.

The number of its directors or trustees shall be seven, until changed by the By-Laws of the association. It shall not, however, at any time be less than three nor more than thirteen. There shall be two trustees at large, until changed by the By-Laws of the association.

The territory to be principally served by this corporation is what is known as the "Billings Bench", consisting of approximately twenty-seven thousand (27,000) acres of land Northeast of the City of Billings. Within said territory there shall be five trustee districts

Each district trustee shall be a resident of the district from which he is elected.

VI.

The amount of the capital stock of this corporation shall be Six Hundred Thousand (\$600,000.00) Dollars, divided into thirty thousand (30,000) shares, of the par value of Twenty (\$20.00) Dollars each. All stock of the corporation shall be of the same class, and shall be assessable.

Every member or share-holder in this association shall be entitled to one share of stock for each acre of land owned by him, and for which he is entitled to water for the irrigation thereof from the irrigation system of said Billings Land and Irrigation Company. All present owners of land, or subsequent purchasers of land, which may be irrigated from the irrigation system of the Billings Land and Irrigation Company, are entitled to become members and share-holders in this association, and shall be entitled to the same amount of stock as above indicated.

The funds required by the association for carrying out its purposes shall be provided by assessments made from time to time of the capital stock issued, and representing the acreage entitled to water for irrigation owned by the members. Each assessment shall be levied and collected in the manner provided by the By-Laws of the association.

Each certificate of stock shall recite the amount of water represented thereby, a legal description of the land to which the same is appurtenant, and the provisions regarding transfers and assessments. Such shares shall be non-transferable, except upon the sale of the land to which the water right represented by such share is appurtenant, and shall then be transferred only to the person holding the legal title to said land, or a contract therefor.

The money required to operate, maintain, and keep in repair said irrigation system, and any assessments which shall be made by said corporation for the purposes herein mentioned, shall be and constitute a charge pro rata upon each share of stock issued, and shall be a lien upon each tract of land owned or held by contract under said irrigation

system to which the water right represented by such share of stock is appurtenant.

VI-B.

The association shall have a lien upon the capital stock of any member for any and all indebtedness which may be due it from said member.

VII.

The amount of said capital stock which has been actually subscribed is Sixty-eight Thousand Dollars (^{Dollars} \$68,000.00) and the following are the names of the persons by whom the same has been subscribed, to-wit:

| <u>Name</u> | <u>Number of Shares</u> | <u>Amount.</u> |
|-----------------------------------------|-------------------------|----------------|
| Roy J. Covert, Billings | 160 | \$ 3200.00 |
| W. W. Clarke, " | 292 | 5840.00 |
| John J. Larimer " | 160 | 3200.00 |
| John H. Wilcox " | 103 | 2060.00 |
| B. C. Lillis " | 80 | 1600.00 |
| H. C. Drange, Shepherd | 100 | 2000.00 |
| H. Hendrickson Billings, <i>Montana</i> | 133 $\frac{1}{3}$ | 2666.66 |
| J. Van Henkelon <i>Shepherd</i> " | 80 | 1600.00 |
| D. F. Lemaster Billings " | 100 | 2000.00 |
| S. E. Dove Huntley " | 250 | 5000.00 |
| A. L. Truax, Shepherd " | 55 $\frac{1}{2}$ | 1110.00 |
| Sarah Marsh Billings " | 25 | 500.00 |
| I. O. Sampson " | 80 | 1600.00 |
| M. I. Chapin, Huntley " | 40 | 800.00 |
| E. E. Tiffany, Billings " | 120 | 2400.00 |
| L. D. Throop, Billings " | 50 | 1000.00 |
| Leo Carper Billings " | 71 | 1420.00 |
| Martin Ness Shepherd " | 48 | 960.00 |
| E. S. Stern <i>Shepherd</i> " | 88 | 1760.00 |
| S. A Dove Billings " | 80 | 1600.00 |
| M. I. Page <i>Billings</i> " | 20 | 400.00 |
| Jacob Oostema----- | 110 | 2200.00 |

| Name | No. of Shares | Amount. |
|-------------------------------------------------|---------------|------------|
| H. L. Osness----- | 96 | \$ 1920.00 |
| J. E. Rehard----- | 80 | 1600.00 |
| Sam T. Connelly----- | 80 | 1600.00 |
| H. R. Schulze ----- | 10 | 200.00 |
| W. H. Kechely ----- | 80 | 1600.00 |
| Andrew Florin----- | 120 | 2400.00 |
| A. A. Shaffer----- | 60 | 1200.00 |
| J. P. Maas----- | 80 | 1600.00 |
| R. F. Crandall----- | 27 | 540.00 |
| Klass Anderson----- | 182 | 3640.00 |
| N. J. Fuller----- | 25 | 500.00 |
| J. H. Vestal----- | 50 | 1000.00 |
| A. C. Magruder----- | 20 | 400.00 |
| Homer Davis----- | 105 | 2100.00 |
| H. P. ^{Hallin} Walbin ----- | 60 | 1200.00 |
| C. V. Helsing----- | 158 | 3160.00 |

10

State of Montana, :
County of Yellowstone: SS

On this 24 day of ~~September~~, 1915, before me, Elroy H. Westbrook, personally appeared all the persons whose names are attached to the foregoing articles of Incorporation, each of whom is known to me to be the person whose name is subscribed to the within instrument and each of whom acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal the date and year last above written.

(Seal)

ELROY H. WESTBROOK
Notary Public for the State of
Montana.
Residing at Billings, Montana

My Commission Expires March 31, 1918.

IN WITNESS WHEREOF, We have hereunto set our hands and seals

this 24~~th~~ day of September, 1915.

| Name | Address | Shares |
|-----------------|---------------------------------------------|------------------|
| Roy J. Covert | Billings, Mont <i>ana</i> | 160 |
| W. W. Clarke | Billings, Mont <i>ana</i> | 292 |
| John J. Larimer | Billings, Mont <i>ana</i> | 160 |
| John H. Willcox | Billings, Mont <i>ana</i> | 103 |
| B. C. Lillis | Billings, Mont. | 80 |
| H. C. Drange | Shepherd, Mont. | 100 |
| H. Hendricksen | Billings, Mont. | 133 1/3 |
| J. Van Heukelom | Shepherd, Mont. <i>Schepperd</i> | 80 |
| D. F. Lemaster | Billings, Mont. | 100 |
| S. E. Dove | Huntley, Mont. | 250 |
| A. L. Truax | Shepherd, Mont. | 55 1/2 |
| Sarah Marsh | Billings, Mont. | 25 |
| I. O. Sampson | Billings, Mont. | 25 80 |
| M. I. Chapin | Huntley, Mont. | 40 |
| E. E. Tiffany | Billings, Mont. | 120 |
| L. D. Throop | Billings, Mont. | 50 |
| Leo Carper | Billings, Mont. | 71 |
| Martin Ness | Shepherd, Mont. | 48 |
| E. J. Stern | Shepherd, Mont. <i>shepard</i> | 88 |
| S. S. Dove | Billings, Mont. | 80 |
| M. I. Page | Billings, Mont. | 20 |

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8

| | |
|-----------------|-----|
| Jacob Oostema | 110 |
| H. L. Osness | 96 |
| J. E. Rehard | 80 |
| Sam T. Connelly | 80 |
| H. R. Schulze | 10 |
| W. H. Kechely | 80 |
| Andrew Florin | 120 |
| A. A. Shaffer | 60 |
| J. P. Maas | 80 |
| R. F. Crandall | 27 |
| Klaas Andriesen | 182 |
| N. J. Fuller | 25 |
| J. H. Vestal | 50 |
| A. C. Magruder | 20 |
| Homer Davis | 105 |
| H. P. Wallin | 60 |
| C. V. Helsing | 153 |