



ORDINANCE NO. 8

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A WATERMASTER FOR THE CITY CANAL AND DEFINING HIS DUTIES; AND PROVIDING FOR THE APPOINTMENT OF A SECRETARY OF THE CITY CANAL, AND DEFINING HIS DUTIES; AND PROHIBITING ANY PERSON USING WATER WITHOUT THE CONSENT OF THE WATERMASTER AND PROVIDING A PENALTY FOR THE VIOLATION OF THE SAME.

BE IT ORDINATED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF REXBURG, IDAHO:

SECTION I: The board of trustees shall annually appoint a watermaster on or before the first Monday in May, whose duty shall be to superintend the distribution of water used for irrigation purposes to those who have a common right to the use of the water of the City Canal of the Village of Rexburg.

SECTION II: The watermaster must execute to the board of trustees a bond in the sum of \$500.00 with two sufficient sureties, conditional for the faithful and impartial discharge of his duties as watermaster of the City Canal of the Village of Rexburg. Any person injured by his wanton or illegal act, or omission may have an action on such bond for actual damage sustained. Said watermaster may employ deputies, and he is liable for their wanton or illegal acts upon his official bond.

SECTION III: The watermaster or his deputies must regulate the distribution of water among the several inhabitants who are untitled and accustomed to the use thereof, according to their respective rights and necessities, and when the quantity of water is not sufficient to afford a full supply to those entitled, or accustomed to the use of the same, according to the rights of the owners, the watermaster or his deputies must regulate the quantity used by each person, and the time at, and during which each person may use the same.

SECTION IV: The watermaster must see that there are provided the necessary and proper headgates and dams, and that the water is turned, and runs into the laterals in the proper season of the year, and he may require all persons receiving water to construct proper gates at the points at which they take water from any ditch or dam; and he has such control of the location of ditches and gates as may be necessary to secure the most equitable distribution of the water among all entitled to its use; he shall allow no person or persons to use water from the City Canal or its laterals, who are not stock owners or subscribers of stock of the City Canal; nor to any owner or subscriber of stock who is delinquent in the payment of the annual assessments, as shown in the certified lists furnished him as provided for in Section VII of this ordinance.

SECTION V: The watermaster shall receive as compensation for his services rendered as described in Sections I, II, III and IV of this ordinance, the sum of \$50.00 annually.

SECTION VI: The clerk of the Village of Rexburg is hereby made ex officio secretary of City Canal.

SECTION VII: The secretary of the City canal shall keep a record of all water stock, and issue all certificates of same and shall record and make all necessary transfers; shall keep a correct account of all moneys received and expended; he shall furnish the watermaster annually with a certified copy of the names of all subscribers or stockowners and the number of shares they are entitled to the use of; also the names of all stockowners or subscribers who are diligent in their annual assessments.

SECTION VIII: The secretary shall receive as compensation the sum of \$50.00 annually

such fees as is allowed in this ordinance.

SECTION IX: All transfers, or sales, or rental of water stocks shall be duly recorded in the stock book provided therefor and certified to and the secretary shall charge 25 cents for each transfer of stock, or for each certificate issued.

SECTION X: The board of trustees shall levy an assessment annually, not later than the 15th day of May, on the capital stock of the City Canal an amount sufficient to cover the expense of maintaining and keeping in repair said canal, its main laterals running from east to west and defraying such other expenses incidental thereto, said assessment to become delinquent 30 days thereafter. All stock owners or subscribers who are delinquent in their assessments shall forfeit their right to the use of the water from the City Canal for irrigating purposes until said delinquent assessment are paid in full.

SECTION XI: All assessments shall be paid to the secretary of the City Canal.

SECTION XII: Any person or persons who, without the consent of the watermaster, diverts any water from the ditch or channel where it was placed, or caused, or left to run by the watermaster or his deputies, or who shuts or opens any ditch, gate or dam with the intent so to direct any such water, and thereby deprives any person of the use of the same during any part of the time he is entitled to such use, or who without the consent of the watermaster cuts any ditch or the banks thereof, or breaks or destroys any headgate of flume, or who shall willfully allow any water to run to waste, or who shall cause or allow any water to overflow or run on the sidewalks, or streets of the Village of Rexburg shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed \$90.00 and costs of conviction and, in default of payment of said fine and costs shall be imprisoned in the Village jail, and be compelled to work on the streets of the Village of Rexburg at the rate of two dollars per day until said fine and costs are paid, and is further liable in a civil action to any person injured thereby in the actual damage sustained in consequence of any such wrongful act, or acts.

SECTION XIII: This ordinance shall be in full force and effect thirty days after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND APPROVED BY THE CHAIRMAN this 5th day of June, 1899.

John L. Jacobs, Chairman

(SEAL)

ATTEST:

A. L. Blackburn, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, A. L. Blackburn, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A WATERMASTER FOR THE CITY CANAL AND DEFINING HIS DUTIES; AND PROVIDING FOR THE APPOINTMENT OF A SECRETARY OF THE CITY CANAL, AND DEFINING HIS DUTIES; AND PROHIBITING ANY PERSON USING WATER WITHOUT THE CONSENT OF THE

**WATERMASTER AND PROVIDING A PENALTY FOR THE VIOLATION OF
THE SAME.**

PASSED BY THE BOARD OF TRUSTEES AND APPROVED BY THE CHAIRMAN this 5th
day of June, 1899.

A. L. Blackburn, City Clerk

(SEAL)