

Water Users Association, Recording of Contracts and Agreements Of.

Unless the laws of the United States, or the rules and regulations of the United States governing water users associations require the contracts and agreements to be recorded in separate books, they may be recorded in the same volume.

July 2, 1912.

Hon. Board of County Commissioners,
Blaine County, Chinook, Mont.
Gentlemen:

I acknowledge receipt of a letter from the county clerk of your county, dated June 25th, 1912, submitting the question as to whether it is the duty of the clerk to provide two or more books for the recording of "subscriptions and contract" and "contract and agreement" relating to the Upper Milk River Water User's Association, or whether all these contracts and agreements may be recorded in one volume.

The question relating to the incorporation of this company was once considered by this office as to the form of incorporation papers,

in an opinion rendered to Hon. A. N. Yoder, then Secretary of State, under date of July 11th, 1908, reported in Opinions of Attorney General, 1906-08, at page 309. The Articles of Incorporation, I am informed, were afterwards modified in accordance with the views expressed in the above opinion.

This company was, evidently, incorporated under the provisions of Sec. 167, Revised Codes of 1907, and refers to and appears to make a part thereof the Reclamation Act of Congress of June 17th, 1902; hence, in the organization and general conduct of the company, that Act of Congress and the rules and regulations of the Interior Department would be a proper guide for the company.

Under the provisions of Chap. 68, Laws of 1905, it was made the duty of the water users association to furnish blank books for the recording of the instruments relating thereto, but this act was so amended by the provisions of Chap. 68, Laws of 1909, as to require these books to be furnished by the county. This latter act does not name any number of books, nor does it provide that the separate contracts and agreements or stock subscriptions, by whatever name they may be called, shall be recorded in separate books, but it does refer to associations "organized in conformity with the laws of the United States;" hence, unless these laws of the United States, or the rules and regulations governing such associations require these contracts, etc., to be recorded in separate books, there is no duty resting upon the county to furnish separate books therefor, but they may all be recorded in the same volume.

I do not have here a copy of the rules, regulations or requirements promulgated by the Interior Department relating to this matter, but the association undoubtedly has them.

This office, in an opinion delivered to the board of county commissioners of Dawson county, under date of June 27, 1905, had under consideration the question as to the difference, if any, in the term "stock certificates" and the phrase "subscriptions for stock," reported in Opinions of Attorney General, 1905-06, at page 143.

Yours very truly,

ALBERT J. GALEN,
Attorney General.