

ceived by the commission from sale of the partially completed works under the provisions of this section shall first be applied to the expenses incurred by the state in their forfeiture and disposal, and the surplus, if any exists, shall be paid to the original contractors with the state.

**555.110 State's liability.** Nothing in ORS 555.010 to 555.160 shall be construed as authorizing the Water Resources Commission to obligate the state to pay for any work constructed under any contract, or to hold the state in any way responsible to settlers for the failure of contractors to complete the work according to the terms of their contracts with the state.

**555.120 Conditions precedent to entry onto land and sale of water rights; form of applications for purchase or for release of lien; "date of reclamation."** No land shall be open to entry and no water rights shall be sold by the parties under contract with the Water Resources Commission until the construction of the works is sufficiently advanced to insure a water supply, and the entry of an order by the commission opening the land or any portion thereof to entry and sale. All applications to purchase lands, or for release of lien for construction of the reclamation works, shall be upon the forms provided by the commission. The "date of reclamation," for the purposes of ORS 555.010 to 555.160, shall be the date shown by the proof furnished the Secretary of the Interior by the commission at which water was furnished available for the reclamation of each tract in the list of lands.

**555.130 Application to enter; contract for purchase of water rights and release of lien; payment for land.** Any citizen of the United States, or any person having declared an intention to become such, over the age of 21 years, may make application, under oath, to the Water Resources Commission, upon forms prescribed by the commission, to enter any of the lands reclaimed under the provisions of ORS 555.010 to 555.160, in an amount not to exceed 160 acres for any one person. Each application shall be accompanied by a contract, made and entered into by the applicant with the person who has undertaken the reclamation of the tract in question, which contract shall show that the applicant has made proper arrangement for purchase of the necessary water rights and the release of the construction lien. Each application to the commission shall in addition be accompanied by a payment of not less than \$1 per acre for each acre included in the application, which payment shall be made by the contractor out of the first payment by the applicant, and shall be deposited

by the commission with the State Treasurer, who shall credit it to the Oregon Irrigation Fund. If the application is not approved, the \$1 payment shall be returned to the contractor.

**555.140 Deeds to land; execution; form; title conveyed; record; preservation of copies; copies as evidence.** Upon filing with the Water Resources Commission a satisfactory release of the construction lien apportioned by the commission against the land in any application, accompanied by satisfactory proof of reclamation, cultivation and settlement, as required by the rules of the commission, it shall be the duty of the commission to deed to the applicant, or the assignee of the applicant, the land described in the application. The deeds shall be in form of a quitclaim and shall operate to convey only such title as the state may have in the land conveyed. The deeds, without acknowledgment, or copies thereof duly certified and attested under seal by the commission, certified from the official copy in the keeping of the commission, shall be admitted to record. The commission shall preserve, in a suitable book, a true copy of the deeds, with an alphabetical index of the names of the grantees, and such copies or certified copies thereof certified and attested as aforesaid shall be primary evidence of such conveyances.

**555.150 Rules.** The Water Resources Commission shall provide suitable rules for the filing of applications for constructing irrigation works, prescribing the nature of final surveys, and the gathering of engineering data upon which the contract with the state is to be based, the manner in which the plans and specifications shall be submitted, and for the entry of and payment for the land and water rights by settlers and for the settlement or forfeiting of entry by settlers, and such other rules and regulations as are necessary to carry out the provisions of ORS 555.010 to 555.160.

**555.160 Report of work, expenditures and condition of funds; recommendations for legislation.** The Water Resources Commission shall issue, on or before September 30 of each even-numbered year, a full report of the work of the commission under the provisions of ORS 555.010 to 555.160, including a statement of expenditures and condition of all funds, and such recommendations for legislation as are deemed advisable. [Amended by 2011 c.545 §62]

**555.170 Oregon Irrigation Fund.** The Oregon Irrigation Fund is hereby created. Payments to and disbursements from the fund shall be made as provided by law.