

# **BYLAWS, RULES AND REGULATIONS**

**REVISED September 12, 2022**

## **ARTICLE I**

**PREAMBLE** – These by-laws are adopted pursuant to RCW Title 87, for the purpose of carrying on and furthering, in an orderly manner, the business of Okanogan Irrigation District. The same may be changed from time to time by majority vote of the directors of the district without notice. A copy of the by-laws and amendments thereto in force shall be on file in the office of the district and at all times available to the public during office hours.

## **ARTICLE II**

**OFFICE LOCATION AND HOURS** – The office and principal place of business of the district is located at 37A Douglas Road near Okanogan, Okanogan County, and State of Washington. The office shall be open from 7:00 a.m. to 4:00 p.m., Monday through Friday of each week, excluding holidays or if closed by action of the board. Note: Office hours typically change to 6:00 a.m. to 5:00 p.m., Monday through Thursday of each week during the non-irrigation season, excluding holidays or if closed by action of the board.

## **ARTICLE III**

**OFFICERS AND EMPLOYEES** – Until otherwise ordered, as provided by law, the district board of directors shall consist of five (5) directors. The directors shall elect from their number a President and Vice President, and shall appoint a manager and such other officers as they may deem necessary and appropriate. The board of directors shall, by resolution duly made and entered in the minutes of any regular or special meeting, fix the

salaries and wages of all employees and establish any other benefits such as vacation, sick leave, working hours, etc.

#### ARTICLE IV

**DIRECTOR POSITIONS** – There shall be director districts divided as follows:

Division #1 – One (1) director:

Division #2 – One (1) director:

Division #3 – One (1) director:

Division #4 – One (1) director:

Division #5 – One (1) director:

The Director representing a division need not reside in such division, but shall be the owner of lands within said division, except wherever a director owns property in more than one division and resides in one of those divisions he/she can only represent the division in which he/she resides.

#### ARTICLE V

**POWERS AND DUTIES** – The president of the Board of Directors shall preside at all meetings unless he/she shall designate someone to preside in his/her stead. The president shall sign all deeds and minutes of meetings. The Vice President shall in the absence of the president, exercise the duties and powers of that office. The administrative assistant, under direction of the manager, shall keep the minutes of all meetings of the Board of directors, shall issue calls for meetings, make up the agenda for the meetings, issue call

for elections and supervise the same. He/she shall prepare the roll or assessment roll and deliver it to the Board, give notice of the board of Equalization and complete the assessment roll and deliver it to the respective County Treasurer for collection. He/she shall collect monies due the District except tolls and assessments, remitting them at least weekly to the County Treasurer. He/she shall keep the books and records of the District, process payments owned by the District and keep the Board of director's informed of financial conditions of all accounts. The manager shall perform such other duties as may be required by law or requested by the Board of Directors. The Treasurer of the Okanogan irrigation District is the County Treasurer in accordance with RCW 87.03.440. The manager shall supervise the distribution of water and shall be responsible to the Board of Directors for proper maintenance of the district including procurement of supplies, maintenance of equipment and location, design and construction of revised laterals. The manager shall carry out the policy and instruction of the Board of Directors and shall be responsible for the hiring, supervision and dismissal of employees assigned to him. The manager is encouraged to assist in the work of the Washington State Water Resources Association.

## ARTICLE VI

**COMPENSATION OF DIRECTORS** – The Board shall, subject to applicable law, from time to time, by resolution fix the per diem compensation to be paid the directors and officers of the District for attending meetings and for each day spent on District business together with actual expenses in connection therewith. Actual mileage traveled shall be compensated at the same rate established by the Board of County Commissioners of Okanogan County when a director uses his private automobile for necessary travel on District business.

## ARTICLE VII

**MEETING, PUBLIC, QUORUM, RECORDS OPEN** – All meeting of the District Board shall be open to the public. A majority of the Directors shall constitute a quorum for the transaction of District business, but in all matters requiring action by the Board there shall be a concurrence of at least a majority of all members of the Board. All records of the board shall be open to inspection by any landowner of the district during established office hours.

## ARTICLE VIII

**REGULAR AND SPECIAL MEETINGS** – The regular meeting of the Board of directors shall be held at its office at 9:30 am on the second Monday of each month, provided always, that if said Monday shall be a holiday, said monthly meeting shall be held at the appropriate time on the next following day. The board may adjourn such meeting from time to time upon notice duly given in accordance with RCW 42.30.090.

Special meetings may be called at any time by order of a majority of the Directors in accordance with RCW 42.30.080. The order calling such special meetings must be entered of record and the Secretary shall give each director not joining in the order no less than five (5) days notice of such special meeting. The order and notice must specify the business to be transacted, provided however, that whenever all members of the Board are present at such special meeting, by whatever means called, the meeting shall be deemed a legal meeting and any lawful business may be transacted.

Written notice of all special meetings shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting, as specified in the notice, to each local newspaper of general circulation, each radio station, or television station which has on file with the District board a written request for notification of such special meeting or of all meetings.

## ARTICLE IX

**CONFLICTS, BIDS AND LIMITATIONS** – No member of the board or employee of the District shall benefit from the purchase or sale of property by the district. The board of directors shall call for bids for all construction work not done by district personnel, with the exception of small works construction in accordance with RCW 87.03.436 and for all major equipment and supplies purchased new, unless an emergency is declared by the board, in accordance with Washington State Irrigation Law, Title 87. The manager may make purchases of supplies or equipment up to \$1000.00.

## ARTICLE X

**FISCAL YEAR** – The fiscal year of the district shall be the period from January 1 through December 31 of each year.

#### ARTICLE XI

**ASSESSMENTS AND TOLLS** – The Board of Directors shall, from time to time as authorized by statute, levy assessments and fix tolls and charges as required by law and any contract any contract or contracts with the State of Washington or the United States of America.

#### ARTICLE XII

**RULES AND REGULATIONS** – The Board shall from time to time make, and, if necessary, alter or amend such rules and regulations for the distribution and use of water among the owners of the land within the District, as may be necessary and proper to secure the just and proper distribution of the same within the District, and concerning such other functions as may be properly exercised by the Board.

#### ARTICLE XIII

**ADDRESS OF WATER USERS** – Each water user or owner of land within the District shall provide the District with his or her mailing address to which all communications may be sent, and in case of change of address, shall promptly notify the District of such change and provide such changed address.

#### ARTICLE XIV

**INSPECTION BY DISTRICT AGENTS** – In order to assure fair water delivery to all water users and that one water user does not detrimentally impact other water users, the District and its representatives shall have free access to any and all parts of the premises

supplied with water from the District, for the purpose of making records, readings and observing the manner in which water is used. In the event of a violation of this article, the District may, after twenty-four (24) hours written notice to the water user of the violation, cease delivery of water until the situation is remedied to the satisfaction of the Board, or its designated manager.

## ARTICLE XVI

**PIPELINE EASEMENTS – REMOVAL OF ENCROACHMENTS** – No water user shall plant, construct, erect, or cause to be planted, constructed or erected, any tree, shrub, or other vegetation, any dwelling, outbuilding or other structure on or over any pipeline of the District or on any Rights of Way or easements owned by the District.

Any persons violating this Article shall be, upon need for maintenance or repair access to such pipeline, required to remove such tree, dwelling, or other structure to enable the district to perform necessary maintenance and/or repair. If, upon reasonable notice to the owner, such obstruction is not removed, the District shall make such maintenance and repair as is necessary and shall incur no liability to the owner for any damages sustained by such encroaching vegetation or structures of whatever type.

## ARTICLE XVII

**DISTRIBUTION OF IRRIGATION WATER** – Irrigation water will be distributed equitable to all users on the basis of the number of irrigable acres, for which each user is assessed operating maintenance and other charges, as shown on the assessment rolls of the District, PROVIDED HOWEVER, that no delivery of irrigation water shall be made when the user fails to make beneficial use of the water delivered. Said delivery may be discontinued until said user gives such proof to the Board, or its delegated agent, that such water will be beneficially used. The District will furnish irrigation water during the irrigation season, at the rate of 7.2 gallons per minute per acre, PROVIDED, ALWAYS, that in case of a shortage of water for any cause of inability of the District to furnish the full amount for any reason, the supply shall be apportioned pro rata among all users entitled to water.

The District shall be under no duty, and shall not be held liable for failure to deliver water during the irrigation season when such failure occurs from a deficiency of water or from any other cause beyond the control of the Directors. Irrigation water is not purified and should not be used for domestic/household purposes or for human consumption.

## ARTICLE XVIII

**CONNECTING NEW PREMISES, TRANSFERS OF OWNERSHIP** – Any owner desiring irrigation water from the District for premises formerly served as a part of a larger tract, as a condition precedent to receiving water, shall present to the manager of the district the following information:

1. The legal description of the premises desired to be served.
2. The mailing address of the owner seeking new service.
3. The name of the prior owner from whom the premises were secured.
4. The total number of acres in the new tract and an approximation of the irrigable acres included.

Upon board approval a new turnout may be installed on tracts upon the deposit with the district by the owner of the tract to be served, of such funds as shall be required to defray the cost of installation of the turnout with the accessory fittings and equipment.

Any person acquiring land from an existing user already served by a turnout will be responsible for making such water diversion arrangement with existing users on such turnout as will provide the appropriate service. If such diversion of water from an existing turnout results in two (2) or more service lines, each owner being served shall install on the owner's line, at the cost of the owner, as close to the turnout as reasonable practical, a gate valve capable of being locked by District personnel if necessary for any reason. The water user shall be required to keep this valve in good working order at all times. If no such valve exists in a service line, no water will be available through the primary turnout until water charges for all owners served by such turnout have been paid in advance.

No new mainline service connections will be allowed unless specifically approved by the board. All new service connections shall be made from an existing mainline service connection or turnout. The Board of Directors reserves the right to evaluate all new

service connections on a case by case basis. Service connections will not be allowed to compromise the hydraulic design of the system and will be evaluated based on what is best for the integrity of the districts system.

An owner of a tract desiring to separate service of such tract from a common turnout may make application to the district. Installation of a separate turnout shall be accomplished on the owner depositing with the District such funds as shall be required to defray the cost of installation of the turnout with accessory fittings and equipment.

An owner desiring the installation of a turnout separating a tract of less than two (2) acres of irrigable land from a common turnout shall:

1. Make application therefor to the Board of Directors for such service.
2. Deposit funds for defraying of costs as set out herein above.
3. Agree with the district to pay in lieu of the charges assessed generally upon all lands within the district, a minimum charge annually in such sum as the board may from time to time determine, to cover additional cost incidental to servicing of such additional turnouts.

## ARTICLE XIX

**PENALTIES FOR MISUSE OR NON-BENEFICAL USE OF WATER** – Water shall not be used on lands outside the boundaries of the district unless prior approval has been obtained from the Secretary of the Interior of the United States of America. Whenever a water user is in default under any obligation imposed upon him by the Constitution or laws of the State of Washington, or any contract between this district and the United States of America, or has failed to comply with any by-law, rule or regulation of this district, whether heretofore existing or hereafter adopted, the district shall have the right after 48 hours prior written notice to the water user to terminate water delivery until such time as he/she shall fully comply with such law, contract, by-laws, rules and regulations. No further notice shall be required to be given to any owner, lessee or occupant of any premises, or to any person interested therein before the water shall be turned off at any such premises, but the provisions of the by-laws, rules and regulations of this district shall be sufficient notice that the water, under such circumstances, will be shut off.

## ATRICLE XX



**CONSENT OF WATER USERS** – By the acceptance of irrigation water from this district, all water users consent to be fully bound by all laws relating to the district and by the duties, obligations and penalties prescribed in all pertinent by-laws, rules and regulations of the district now in force or as hereafter amended or adopted, and by all obligations arising under any contract with the State of Washington or the United States of America.

## **OKANOGAN IRRIGATION DISTRICT**

### **RULES AND REGULATIONS**

**ADOPTED MARCH 10, 1987**

**REVISED MARCH 12, 2018**

- **IRRIGATION SEASON:**

The Board of directors shall set the date that water will be turned into the canal; the date water will first be available for spray water, the date water will be first available to the water users for the start of the season, and the date that the water will be turned off for the season.

- **ADVANCE PAYMENT AND TRANSFER OF WATER:**

The Okanogan Irrigation District operates of a toll system of collection through the Okanogan County Treasurers office. The full assessment for each year shall be due and payable on or before April 30<sup>th</sup> of each and every year. Provided however, that if the first half of said assessment is paid on or before April 30<sup>th</sup>, then the remainder of the assessment will be payable on or before October 31<sup>st</sup> of each and every year.

It is further resolved that if the first-half assessment is not paid on, or before May 1<sup>st</sup> of each and every year, the district can discontinue water delivery to such turnout. In addition, in the event that water delivery service is discontinued, water delivery service will not be recommenced until the full-year's assessment is paid. After April 30th if the

first half of assessment payment is not paid, assessment will accrue interest, although the first half of the assessment payment and interest still may be paid. Water remains off until assessment is fully paid.

And it is further resolved that commencing water delivery service in any given year shall not be construed as an obligation or liability of the District to continue water delivery service in the event the assessments are not paid as described above, such that water delivery may be discontinued at such time as the District is notified that either the full-year or first-half water assessment has not been paid on or before April 30<sup>th</sup> of any given year.

The transfer of water rights will be considered if it is deemed to be beneficial and within the best interests of the District.

- **DELIVERY AMOUNT AND WATER RATIONING:**

Water will be delivered on demand up to the capacity of the system and availability of the water and any water rationing will be computed on irrigable acreage water rights. Where a sub-division or several small tracts of land receives water from a district turnout the water delivery amount shall be computed as follows; the total yearly minimum delivery amount shall be divided by the number of days in the irrigation season.

- **NOTICE OF CHANGE IN DELIVERY AMOUNT:**

Any property of three acres or more shall notify the district prior to any turnout that is turned on or off so the district will be able to adjust the volumes of water in the ditch that will be available to users. Orders for changes must be received before 4:00 p.m. on the day previous to the day the change in the delivery amount is requested. Orders will be accepted from 8:00 a.m. to 4:00 p.m. Monday through Friday. Changes will be allowed on Saturday, Sunday, and Holidays providing the change is ordered on the last regular work day preceding the weekend or holiday.

- **ADDITIONAL WATER RIGHTS:**

The present District area slightly exceeds the district water rights and therefore no additional water rights are available.

- **UNAUTHORIZED WATER TURN-ON AND TAMPERING, UNPAID ASSESSMENTS:**

1. A toll charge will be assessed against any property of two acres or more for any turnout that is turned on without a prior request having been made to the District for the turn-on of water.
2. In addition, this toll charge will be assessed in the event that the turnout piping, valving or orifice plate is tampered with or altered without written approval of the Manager of the District.
3. In addition, any manipulation or attempted manipulation of the water user's delivery system by use of pumps, or by whatever other means, to increase the amount of water otherwise intended to be delivered to a particular water user's turnout is prohibited. Any prohibited act as described herein shall entitle the District to turn the water off and subject the water user to a toll charge as herein provided.
4. The initial toll charge shall be established as \$200.00 per each occasion that the District is required to turn the water off. The water shall not be turned back on until such time as this special assessment toll charge has been paid in full.
5. In the event of the imposition of this toll charge, the district shall notify the water user by means of certified mail, return receipt requested, of the special assessment toll charge. The imposition of this toll charge shall be added to the regular O&M delinquencies. The amount of the toll charge may be increased or changed from time to time by action of the Board in order to keep it commensurate with the costs to the District considering the detrimental effects unauthorized turn-on of water.
6. In the event that an assessment is not paid by the due date and the district has to lock-out a turn out, an additional charge of \$50.00 to lock out the turn-out and \$50.00 to un-lock a turn-out for a total of \$100.00. This fee must be paid in full before the water will be turned back on.

- **FENCES:**

No fences will be built across canals, laterals or drains unless with Board approval, cattle guards are built across ditch rider access roads. No fences will be built which interfere with weed spraying or canal cleaning operations. Birds and animals which interfere with proper distribution of water or which unduly muddy the water will not be permitted on canal or lateral right of way.

- **BUILDINGS:**

No buildings or structures will be permitted on District right of way or easements.

- **BRIDGES:**

Bridges and pipe crossings may be built under and over canals and laterals if they do not interfere with operation and maintenance, but only with the written approval of the Board. Bridges are not maintained by District personnel and are the sole responsibility of the land owner.

- **SMALL TRACT WATER SYSTEM:**

Subdivisions and small tracts must provide their own water system. See also By-Laws articles.

- **CHANGES IN DISTRICT BOUNDARY:**

Inclusions and exclusions will be considered by the Board of Directors in accordance with State Law, Title 87; however, additional water rights are not now available.