

# **BYLAWS, RULES & REGULATIONS**

## **Greater Wenatchee Irrigation District**

Adopted by the Board on 1/5/2023

### **ARTICLE I**

#### **PREAMBLE**

The Greater Wenatchee Irrigation District (“District”) operates as authorized by the laws of the state of Washington. The Board of Directors (“Board”) of the District, as authorized by RCW 87.03.115, has established and adopted these equitable bylaws, rules and regulations for the governance and management of the District and for the equitable distribution of water to lands served by the District. A copy of the current bylaws, rules and regulations of the District are available for review during the District’s regular office hours.

### **ARTICLE II**

#### **OFFICE LOCATION**

The office and principal place of business of the District is located at 3300 8<sup>th</sup> Street SE, East Wenatchee, WA 98802.

### **ARTICLE III**

#### **OFFICERS & EMPLOYEES**

The District’s Board consists of five (5) directors. The directors in compliance with RCW 87.03.115 shall elect from their number a President and shall appoint a Secretary and such other officers as they deem necessary and appropriate.

In compliance with RCW 87.03.460(1), the Board shall fix the salaries and wages of all employees and establish any other benefits such as vacation, sick leave, etc.

### **ARTICLE IV**

#### **MANAGER, POWERS & DUTIES**

The Board will appoint a Manager who as chief administrative officer shall be responsible to the Board for the efficient administration of the operations of the District.

The Manager will do all things necessary to carry out and execute the policies and directives of the Board; keep the Board fully advised as to the financial condition and needs of the District; properly supervise all employees under his direction; supervise the distribution of irrigation water in compliance with by-laws, rules and regulations that the Board establishes; and perform the other duties that the Board directs.

The Manager will hire employees necessary to conduct the operations of the District and have authority to discharge employees. Subject to the requirements of RCW 87.03, the Manager may enter into routine supply and equipment contracts subject to ratification by the Board.

## **ARTICLE V**

### **DIRECTOR POSITIONS**

There are director districts divided as follows:

EAST UNIT – three (3) directors  
BRAYS LANDING UNIT – one (1) director  
HOWARD FLAT UNIT – one (1) director

Directors will be elected/appointed in compliance with the laws of the State of Washington. The term of a director is three (3) years.

## **ARTICLE VI**

### **COMPENSATION OF DIRECTOR**

The Board will, in compliance with RCW 87.03.460 and other Washington state laws, set the compensation to be paid the directors of the District for attending Board meetings and for each day spent on Board approved District business and reimburse actual, approved expenses in connection therewith. Actual mileage traveled shall be compensated at the rate established by the State of Washington pursuant to RCW 43.03.060 when a director uses his personal vehicle for necessary travel on District business.

## **ARTICLE VII**

### **MEETING, PUBLIC, QUORUM, RECORDS OPEN**

Meetings of the Board will, in compliance with RCW 87.03.115 and other Washington state laws, generally be open to the public. Meeting minutes of the Board, in compliance with RCW 87.03.115 and other Washington state law, shall be open to the public for inspection during regular business hours.

The regular meeting of the Board will take place on the first Tuesday of each month at the District office at 2:30 PM, unless otherwise changed by the Board. A majority of the Directors will constitute a quorum for the transaction of District business, and in all matters requiring action by the Board there shall be a concurrence of at least a majority, three, of all members of the Board.

Special meetings may be called at any time by the presiding President of the Board or a majority of the Board in compliance with the laws of the State of Washington.

The Board will meet annually as a Board of equalization in compliance with RCW 83.03.255. Objections to the yearly assessment must be made at the yearly equalization meeting held by the Board in accordance with RCW 87.03.255 in which the Board sits as a board of equalization to hear and determine any objections to the assessment role. The time and place of this meeting is advertised in the local newspaper. The meeting takes place on or before the 15<sup>th</sup> day of December each year. Once an assessment is made there is no retroactive waiver of that assessment.

## **ARTICLE VIII**

### FISCAL YEAR

The fiscal year of the District will be January 1 through December 31 of each year.

## **ARTICLE IX**

### ASSESSMENTS & TOLLS

The Board shall, from time to time as authorized by statute, levy assessments and fix rates, tolls and charges as required by law and any contract or contracts with the State of Washington or the United States of America. The treasurer of Douglas County shall, in compliance with RCW 87.03.440, act as the treasurer of the District.

## **ARTICLE X**

### RULES AND REGULATIONS

The Board shall from time to time make and/or amend the District's bylaws, rules and regulations and policies.

## **ARTICLE XI**

### IRRIGATION SEASON

The Board will annually determine the date on which water will be made available to landowners and will likewise determine the shut-off date.

## **ARTICLE XII**

### CONSENT OF WATER USERS

By the acceptance of the right to receive irrigation water from this District, all water users consent to be fully bound by all laws relating to the District and by the duties, rules, and obligations prescribed in all bylaws, rules and regulations, and policies of the District, now in force or as later amended or adopted.

## **ARTICLE XIII**

### METER READING

Agents of the District may read irrigation meters at such times and with such frequency as the District directs.

## **ARTICLE XIV**

## INSPECTION, REPAIRS AND MAINTENANCE BY DISTRICT EMPLOYEES/REPRESENTATIVES

No District water user shall refuse, neglect or fail to permit any duly authorized employee/representative of the District free access at all reasonable hours to any and all parts of the premises supplied with water by the District, for the purpose of making records, readings, observing the manner in which water is used or to make needed repairs or conduct needed maintenance on District infrastructure or equipment. In the event of a violation of this article, or the abuse or attempted intimidation of any employee/representative of the District, the District shall, after twenty-four hours written notice to the water user, or in the event of exigent circumstances rendering a lesser time appropriate, have the right, but not the obligation, to cease delivery of irrigation water until the situation is remedied to the satisfaction of the Board or the District manager.

## **ARTICLE XV**

### ENCROACHMENT, AGREEMENTS, REMOVAL OF ENCROACHMENTS

Without the prior written consent of the District, no water user or land owner will plant, or cause to be planted any tree, shrub, or other vegetation, construct or cause to be constructed, or erect or cause to be erected any structure or object of any type (1) on or over any District pipeline; (2) under any District power line; or (3) on or in any District easement or right-of-way. No water user or land owner shall dig or permit digging or perform or allow performance of any activity or work over or in the vicinity of any District pipeline or other facility, without the prior written approval of the District and the signing by the water user and/or land owner of the District's agreement or license authorizing such. Any agreement or license shall be on such terms and conditions as the District generally utilizes for all water users and/or land owners or others seeking to conduct such activity.

Any person or entity violating any part of this article shall be solely responsible for all costs that the District incurs to remove that which interferes with or impinges upon any District facility, easement, or right-of-way. If, upon reasonable notice the water user or land owner does not remove or eliminate that which interferes with or impinges upon any District facility, easement, or right-of-way, to the District's satisfaction, the District may conduct such removal and/or elimination as it deems necessary and shall bear no liability for so doing. All costs to remove and/or eliminate any such interference or impingement and all costs resulting from the violation of this article shall be the sole and exclusive responsibility of the water user and/or property owner.

Any entity placing or constructing a crossing over or through District lands, right of ways or easements must, before doing so, enter into and sign the District's crossing agreement, and must reimburse the District for all costs of preparation, review, and recording of that agreement. If a crossing agreement is not in place, any encroachment found on easements and/or rights of way shall be removed and/or eliminated unless a written crossing agreement, acceptable to the District is signed and recorded.

The District's property/easement/right-of-way must remain unobstructed to allow quick and ready District access to its facilities.

Trimming of foliage, trees, etc. which impinge upon the District's property/easement/right-of-way is the responsibility of the water user/land owner. Failure of the water user/land owner to do such trimming will result in the District's performing the trimming if it determines that such is necessary in order to efficiently utilize its property/right of way. The District will provide the water user/land owner notice of the need for maintenance of foliage. In the event the water user/land owner fails to perform the maintenance in a reasonable time after notice, the water user/land owner shall be responsible for all District costs of performing any needed work.

## ARTICLE XVI

### DISTRIBUTION OF IRRIGATION WATER

Subject to availability, water will be delivered by the District at its meter at a rate of 7.48 gallons per minute per irrigable acre. Irrigation water will be distributed equitably to all users on the basis of the number of irrigable acres, as classified on the land classification records of the District, for which each user is assessed operation and maintenance, construction repayment, and other charges, as shown on the assessment rolls of the District. Water user's payment of all assessments, rates, tolls or charges from the District and water users otherwise being in full compliance with all bylaws, rules and regulations of the District shall constitute a condition precedent to the right to receive delivery of irrigation water. No delivery of irrigation water shall be made to any person or entity that fails to make beneficial use of water delivered. Delivery of irrigation water may be discontinued until the person or entity to whom irrigation water is to be delivered establishes, to the satisfaction of the District, that irrigation water delivered will be put to beneficial use. During the irrigation season, subject to availability, the District will deliver irrigation water in the aggregate at the rate three and one half (3 ½) acre feet per irrigable acre. Subject to availability, the District will allow a water user to utilize excess water. All allotments are exclusively for the purpose of the irrigation calendar year.

In case of a shortage of water for any cause or inability of the District to furnish the full amount for any reason, available water will be distributed to District customers equitably, as determined solely by the District. When rationing or limiting water deliveries due to a shortage or inability to deliver for any reason, consideration will be given to the underlying purpose and mission of the District, as well as to the relative impacts on District customers.

The following guidelines will generally apply to delivery of District water:

1. Water is used and distributed in the manner most beneficial to the lands served by the District subject to the bylaws, rules and regulations as from time to time adopted and/or amended by the Board.
2. All water users must at all times conduct their activities in strict compliance with the requirements (as from time to time amended) of the District, and in strict compliance with all applicable statutes, orders, rules and regulations of any public authority having jurisdiction.
3. Delivery of water is made at the District's meter which is the property of the District. The water user is required to convey water from that point of delivery at its own cost and expense. The meter is located at the point which the District deems most convenient for it for the conveyance of water to the land.
4. Water users shall use water delivered by the District to irrigate land. Water users shall not permit the water to be used on any land except the land of the water user to which the water is appurtenant. The water shall not be allowed to run off or in any way be wasted as determined by the District.
5. Property owners are allowed to utilize only that amount of water to which they are entitled. Taking of water to which a party is not entitled constitutes a violation of Washington law:
  - i. The unauthorized use of water to which another person is entitled or the willful or negligent waster of water to the detriment of another shall be a misdemeanor. Possession of or use of water without legal right shall be

prima facie evidence of the guilt of the person using it. It shall be a misdemeanor to use, store or divert any water until the issuance of permit to appropriate such water. (RCW 90.03.400.)

6. The District will use best efforts to protect its irrigation system and to keep it in proper operation and repair.
7. In addition to shutting off water each fall at the close of the irrigation season, the District may also shut off water for the purpose of special repairs, and at other times when reasonable necessity requires it. During the irrigation season, the District will restore the water delivery as readily as the nature of the case will permit.
8. Land capable of being irrigated is assessed, whether it is receiving water or not.
9. For transfers of water, an applicant must file a request with the Board to transfer a specified quantity water presently appurtenant to one parcel of property to another parcel of property. A water right may be transferred only once in a calendar year. In computing the amount of land irrigated, no deduction is made for roads, buildings and/or other improvements. The Board will request the manager to investigate the appropriateness of the transfer of water to a new parcel. The Board, after consultation with the manager, may or may not authorize the transfer. The Board may require the transferor and the transferee and any other parties holding interest in either parcel of property to join in the written instrument conveying the water from one parcel to another and obligating the transferee's real property to existing or future charges and assessments/rates, tolls and charges by the District. If fees are incurred to ensure water delivery is available from a different parcel, the applicant must pay all fees incurred.
10. Prior to the transfer of any water from one parcel of land to another, all amounts due by way of back assessments/rates, tolls and charges or otherwise must be paid to the District.
11. RCW 58.17.310 prohibits any city, town or county from approving a short plat or final plat for property in the District unless the entity has provided an irrigation water right of way for each parcel of land. Rights of way must be evidenced on the plat submitted for final approval to the appropriate legislative authority. RCW 58.17.310 makes compliance with these requirements a prerequisite to any sale, lease, or development of land.
12. Any division of land requires that the property owner notify the District. (See Articles XVIII and XIX.)
13. No person shall interfere with or destroy any meter or other structure utilized by the District for carrying, storing, apportioning or measuring of water. Any such conduct constitutes a violation of District policy and constitutes a violation of state law, subjecting a person to criminal liability. (RCW 90.03.410.)

## **ARTICLE XVII**

### **SEGREGATION OF PROPERTY – CONNECTING NEW PREMISES – BOUNDARY ADJUSTMENTS**

When a parcel is divided into two or more parcels, the property owner requesting the segregation must, at its sole expense, install a separate valve(s) for each parcel within two (2) feet of the meter that the District utilizes to deliver irrigation water, and also must install distribution lines to the segregated properties, all of which must be in compliance with the District's standards. In the case of a short plat or subdivision, a main valve must be installed adjacent to the District's meter and separate valve(s) at a location suitable to the District at the edge of each lot coming off the main line. In all cases each parcel's irrigation service must be able to be shut off without interfering with the delivery of water to all other parties served by the mainline.

The main valve, the one next to the District's delivery, **MUST** be a gate or gear operated valve. **NO** quick closing (ball or butterfly type) valves are allowed as the owner's main valve unless that valve has a gear operator.

For any division of any property into two or more lots, the person or entity proposing the division must deliver to the District a copy of the legal description and address of the original lot and a copy of the address and legal description of each lot into which the original property is to be divided and must further deliver to the District the county supplied plat map for any proposed segregation or subdivision.

An owner of a tract of more than five irrigable acres of land, desiring to separate service of such tract from a common meter, must make application for such separation to the District. Installation of a separate meter will be allowed only upon the approval of the Board and only after the applicant has delivered to the District both plans for the separation that are satisfactory to the District and payment sufficient to pay all District costs involved in the separation and installation of a separate meter.

For any adjustment of the boundary between existing parcels, each person or entity whose property description is changed by the adjustment of the boundary must notify the District in writing of the adjustment and deliver to the District the property description of each parcel changed by the adjustment. Failure to deliver such written notice to the District shall result in the parcel continuing to be assessed as if no adjustment has occurred.

Any person/entity applying for a subdivision or boundary line adjustment must pay the District all costs that the subdivision or boundary line adjustment causes the District to incur, including but not limited to any upgrade of District equipment that the District deems necessary because of the subdivision or boundary line adjustment, including all costs of any upgrades/modifications and/or installation of any meters or pipelines that may be necessary or appropriate, as determined by the District. The District charges a nonrefundable base fee for review of any proposed boundary line adjustment or subdivision. Additional costs incurred above the base fee must be paid by the applicant for the subdivision or boundary line adjustment.

## **ARTICLE XVIII**

### **EXCESS WATER, MISUSE OF WATER**

All water used by any user in excess of three and one half (3 ½) acre feet per irrigable acre per calendar year is "excess" water. The charge for excess water shall be at the rate set by the Board as set from time to time by resolution.

The District may restrict or discontinue delivery of water to any person or entity that utilizes irrigation water in an amount or by a method that precludes any other water user(s) from receiving delivery of that irrigation water to which the other water user(s) is/are entitled. Such restriction or discontinuance may continue until, in the opinion of the District, such misuse or over usage has ceased and will not reoccur.

Water shall not be used on non-irrigable lands or lands outside the boundaries of the District. Persons or entities found to have irrigated non-irrigable land or lands not assessed by GWID shall pay to the District for

the use of all such water the current M&I rate, together with any penalties, fines, interest, attorney fees or other charges and in addition, shall be required to cease all such use immediately. Any person or entity who seeks to have land reclassified shall have sole and exclusive responsibility to obtain and receive such reclassification and deliver notice of the same to the District.

Whenever a water user has not complied with any obligation imposed on it by the Constitution or laws of the State of Washington, or any contract between the District and the United States of America, or has failed to comply with any bylaw 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 cease delivery of water to such water user until such time as the water user has fully complied with such laws, contract, bylaws, rules and regulations, to the satisfaction of the District. 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 water delivery is terminated. The District shall bear no responsibility for any damage to any property as a result of such cessation of delivery of water, which cessation takes place for any of the reasons listed in this paragraph.

## **ARTICLE XIX**

### **CHEMICALS AND DISTRICT FACILITIES**

Storage, mixing, handling or other placement or utilization of chemicals shall not take place within ten feet of any District irrigation water delivery vault, meter, or other water delivery facility. Each water user bears full responsibility to take all action necessary to ensure that no such activity does take place. Each water user must have a proper and District approved back flow preventer in place and properly functioning before any injection of any chemicals into water user's irrigation water delivery lines. If any owner or water user in any way does not fully comply with all requirements of this paragraph, the District shall have the right to discontinue delivery of water to water user's land until the violation is, to the satisfaction of the District, corrected. Water user shall, upon written notice from the District, hire a licensed and bonded contractor, properly certified to perform such clean up and/or remediation, to fully clean up and remediate any contamination and/or area contaminated with chemicals, all to the satisfaction of the District. If water user does not have the clean-up and remediation properly and timely performed, the District shall be entitled to hire a contractor to perform such clean-up and remediation and water user shall bear responsibility for and pay to the District all costs that it incurs for all clean-up and remediation.

## **ARTICLE XX**

### **NEW WATER USE REQUESTS**

The District will evaluate any requests for new uses of District delivered water based on the following priorities:

1. Use
  - a. Agriculture
  - b. M&I
  - c. Residential
2. Factors considered include:
  - a. Water right

- b. Availability
  - c. Infrastructure
  - d. Record of payments to District
  - e. Date of request
  - f. Prior abuse by individual or entity that makes application
  - g. Water rights and/or infrastructure transferred to the District by the applicant
3. Municipal and Industrial (M&I) Water
- a. To qualify for delivery of M&I water, the land to which the water is to be delivered must be situated within the District's boundary.
  - b. It is understood and agreed by water user that any M&I water is furnished only on an as-available basis. The District, at its sole discretion, may require water user to cease using M&I water at any time during which the District believes that it is in the best interests of the District and its water users to interrupt or cease delivery of M&I water. Water user proceeds solely at its own risk in entering into any agreement for use of M&I water and recognizes that in the event of interruption of M&I water or cessation of delivery of M&I water, water user must serve its water needs in some manner other than through the District.