

SHOSHONE IRRIGATION DISTRICT

Pursuant to W.S. §41-7-303, the following provisions repeal, amend, supplement, supersede and re-codify the Board Policies and Rules and Regulations of the Shoshone Irrigation District, as originally adopted on November 28, 1925, and subsequently amended and recorded:

SHOSHONE IRRIGATION DISTRICT

BOARD POLICIES

(Amended March 15, 2022)

1. FARM TURNOUTS

- A. The number of turnouts to a farm unit will be that number which existed at the time the farm unit was opened up to homesteading under the public notice for that farm unit. This is normally one farm turnout.
- B. On purchased lands (public land sold by the United States) turnouts will be those provided at the time of the sale of land or approved by the Board of Commissioners.
- C. On sub-divisions of farm units, (sub-division defined as a farm divided more than once) no additional turnouts will be allowed. The Board of Commissioners may at their discretion give consideration to a farm turnout request where a public notice farm unit is divided in parcels of not less than 50 acres. If approval is given for an additional turnout, the landowner requesting the turnout must pay all costs for a control structure, turnout and measuring device. The District thereafter will maintain the structure.
- D. The necessary right-of-ways for conveyance of water to all subdivisions of a farm are the responsibility of the landowner (seller and purchaser) and are not part of District's responsibility.

2. WEIR POOLS

- A. The District will normally accept the responsibility of keeping weir pools clean provided that the landowner does not allow livestock or other destructive farm operations to occur at the weir pool, which will accelerate the need or frequency of cleaning. The Board may assess charges to the landowner where the operations of the landowner has contributed to the problem.

3. MEASURING DEVICES

- A. All measuring devices, which are approved by the Board of Commissioners acting through the management will be maintained by the District. All Cipolletti weirs must have weir blades and gages unless, by special determination, the management recommends that the blade should be removed.

- B. Cipolletti, rectangular and parshall flumes are the standard measuring devices acceptable to the District. Unless conditions otherwise determine, the above measuring devices shall be used to avoid supply and administrative problems.
- C. Where abnormal or unusual conditions exist (normally on a temporary basis) the rate of charge of delivery of water (amount) shall be that determined by the ditch rider. Abnormal conditions may include pump unit, pipe installations, etc.

4. WASTE DITCH

- A. A waste ditch shall be defined as a shallow surface drain whose primary purpose is to remove surface water from a farm or farms. The landowner shall have the responsibility for maintenance of a waste ditch from his/her farm unit until the point where it enters a main drain. This responsibility is the same whether it is a single or multiple farm waste ditch. On a multiple farm waste ditch, it is the responsibility of all landowners to maintain the entire length of the waste ditch to the point where it enters a main drain maintained by the District.

If the District cleans a multiple user farm waste ditch, each landowner shall be responsible for paying his/her proportionate share, based upon assessed acres, which drain into that ditch. The District will bill each landowner their proportionate share.

- B. Structures must be maintained by landowner or owners where surface wastewater is directed into a drain maintained by the District.
- C. Failure of landowners to maintain the waste ditch or structures shall be basis for the Board of Commissioners to withhold delivery of water until the waste ditch is properly maintained.

5. OPEN DRAINS (CONSTRUCTED BY USBR OR DISTRICT)

- A. All wastewater must have pipe inlets provided by landowners installed and maintained to District specifications.
- B. No raw sewage connections will be permitted nor drainage from corrals.
- C. Watering of livestock from drains must be applied for by written request from landowner and must conform to District requirements for maintenance of drains.
- D. The District will maintain all drains unless by special arrangements agreed upon by the Board of Commissioners and landowners.
- E. The right-of-way shall not be encroached upon by the landowner. The District shall have authority to maintain the right-of-way.
- F. No fences shall be permitted on the right-of-way. If the landowner insists on placing a fence on the right-of-way, it shall be his/her responsibility to remove the fence at his/her expense when maintenance of the drain becomes necessary.

- G. District shall have the responsibility for maintaining the drain.
 - H. Weed control shall normally be the responsibility of the District. Weed control may also be performed by the landowner and any claim for expenses involved by the landowner must have prior Board approval.
6. OPEN DRAINS (PRIVATE CONSTRUCTION)
- A. No maintenance of private drains will be performed by the District. The Board may agree to assist on a mutual program on O&M on an annual basis only by prior request of the landowner to the Board.
7. CLOSED DRAINS (CONSTRUCTED BY USBR OR DISTRICT)
- A. Maintenance will be performed by the District.
 - B. Manholes must be maintained as installed, in particular those located on an angle point or junction of two drains. Manholes in fields may be lowered upon approval only of the District and then only after the fourth irrigation season.
 - C. No sewage or effluent connections may be made into tile drains.
 - D. The right-of-way to maintain drains is a permanent right-of-way and maintenance of drains will be conducted to cause the least amount of interference or damage to the landowner, which is economically practical.
 - E. Where the water flow in closed drains is affected by root growth from trees, shrubs or other plants, it shall be the policy for the District to remove the root growth the first time. A letter will then be sent to the owner having trees or shrubs over the drains, stating that the District will assist the owners in removing these growths. Otherwise, if a return trip is required to again remove the roots, the cost will be allocated to the landowner.
8. CLOSED DRAINS (PRIVATE CONSTRUCTION)
- A. No maintenance of closed drains will be performed by the District. The Board may agree to assist on a mutual program on an annual basis only by prior request of the landowner to the Board.
9. NATURAL DRAINS
- A. The District is not responsible for weed control along the natural drains. The landowners must take care of their own weeds along these drains.
10. CATTLE GUARDS AND FENCE REGULATIONS
- A. Canal No fences will be permitted on rights-of-way nor gates during irrigation season on O&M roads. The District

- B. Lateral shall not be liable for fences nor gates located on rights-of-way. By special request and approval,
- C. Distributaries temporary gates may be permitted on District rights-of-way by the Board by issuance of a permit.
- D. Drains No other gate or fence installation has any permitted right.
- E. ‘Johnson’ or other drive thru gates will not be used in place of a cattle guard. All cattle guards will be placed on concrete footing and shall be heavy enough to permit a minimum load of 15 tons to pass. The minimum width shall be 12 feet. A gate shall be provided by each cattle guard to permit heavy truck, equipment or other heavy loads to by-pass the cattle guard. Where possible, the gate should be adjacent to the canal. The District will provide free installation with the landowner providing the cattle guard and materials, per District policy.

11. O&M ROADS

- A. Maintenance of roads is the responsibility of the District.
- B. O&M roads are not public roads and any unauthorized persons using the roads are traveling at their own risk.
- C. Each canal, lateral and open drain shall have a right-of-way sufficient to maintain an O&M road. Where convenient and practical, county roads will be used as O&M roads.

12. WATER RECORDS

- A. It shall be the duty of the ditch rider to maintain standardized records and record accurate daily records of all water diversions. This will include canals, laterals, farm delivery, water rentals, end spills on laterals and wasteway spills.
- B. The District office shall maintain daily records on the items listed in 12-A.

13. WATER SERVICE CONTRACTS

- A. The rates for water service contracts shall be the current O&M charge per acre plus \$2.25 per acre with a minimum of \$50.00. Any class six land being irrigated must have a water service contract.
- B. “Commercial” water service contracts shall cost \$100.00 plus \$4.00 per acre foot of water used.
- C. (1) Lands with water rights
Those lands having a water right but are still in public land or state ownership shall be assessed according to the area farmed. Any special structures required shall be at the expense of the landowner. Lands carrying water right shall be entitled to their proportionate share of water.

(2) Lands without water rights

Lands shall be entitled to surplus water only and surplus water shall be dependent upon availability of water within District water right allotment. All structures required shall be at the expense of the landowner.

- D. The determination of availability of surplus water shall be at the discretion of the Board, management and ditchrider. The Board of Commissioners shall maintain control of all water and its use, distribution priority and allied functions.
- E. When water is pumped from the lateral or canal for commercial use (such as oil wells, etc.), the charge shall be \$500.00 per oil well and, for other purposes, the charge shall be \$1.00 per 1,000 gallons.

14. PUMP PERMITS

- A. All return flow (i.e. waste water, sub-surface closed drains and open drains) is claimed for use by the United States until it leaves the project boundary. The District, by virtue of its repayment contract, has assumed this same right and, therefore, must provide rules and regulations regarding its use.
- B. All water, other than that delivered by District employees which is taken from a canal, lateral or drain (open or closed), by pumping or any other method of diversion, shall have a permit issued annually by the District. The charge for the permit shall be set by the Board.
- C. A permit provides the District a record of pump installations being used each year and the District can review the installation for safety; otherwise, installations improperly constructed could interfere with normal District operation.
- D. Where there is an existing water right on pumps for yards, there is no charge for water, providing the pump does not have a suction line greater than 1 ½" inside diameter.

15. CROSSINGS (BRIDGES, CMP, FLUMES)

- A. All bridges, pipe crossings, etc. into farmsteads shall be the responsibility of the landowner to maintain after initial construction or R&B programs have been completed.
- B. Access crossings, when permitted by the Board of Commissioners, shall be constructed and maintained by the landowner according to specifications approved by the District. Approval of the District must be obtained before any crossings over the irrigation and drainage system shall be constructed. The District will limit the number of crossings permitted.
- C. On approved drains, drain crossings which initially were constructed by the District where the drain did not exist on the original unit and now bisect a farm. Thereafter, the crossing shall be maintained by the landowner.

- D. Flumes for individual farm use used to convey water over ditches or drains which bisect the farm shall be maintained by the landowner. (Water delivered to farm is considered to be farm irrigation water.)
- E. Any crossing within a farm unit that is used daily by the District in performance of O&M work will jointly be maintained with the landowner. Occasional use shall not be considered as a joint responsibility.
- F. County Roads – All crossings after initial construction will be maintained by the County insofar as District irrigation and drainage systems are involved.

16. PAYMENT OF ASSESSMENTS

- A. All assessments levied by the District for operation, maintenance and repayment of capital construction costs shall follow state statutes set forth governing collection of county taxes. The District shall be reimbursed by the landowner for any legal fees required in the collection of the assessments.
- B. No water shall be delivered to any landowner, renter or operator of any land when payments are delinquent.

17. PAYMENT OF ACCOUNTS RECEIVABLE

- A. Work done for water users shall be billed on the 25th of each month. On past due bills, the account shall be turned over to the District's attorney for collection after it is 90 days past due. The 90-day-past-due notice shall state that the water user has ten (10) days in which to pay the account before legal action is taken. Collection fees shall be added onto the delinquent bill. No water shall be delivered to any landowner, renter or operator of any land when payments are delinquent.

18. UTILITIES ON DISTRICT RIGHT-OF-WAY

- A. District distributaries within the county road dedication have prior right-of-way. Any utility constructed in District rights-of-way without written consent approved by the Board of Commissioners must assume any and all costs involved when the District performs operation, maintenance or rehabilitation within the District right-of-way.
- B. All utilities crossings of District rights-of-way must have written consent approved by the Board of Commissioners.
- C. For outside contractors, who cross District rights-of-way will have to purchase a \$100.00 permit and a performance bond will be required. These fees will be waived if the work is done by the District, the County, or the City.

19. SUBDIVISIONS

- A. The term “subdivision” as used in this section means the sale or transfer of less than all of a farm unit so that divided portions of a farm unit are owned by more than one person. The term “farm unit” means those farm units as described in Public Notice for Reclamation Homestead Entry as issued by the Bureau of Reclamation of the United States.
- B. Subdivider shall be required to complete the Water Plan Approval Form for Subdivisions, which may be obtained at the District Office. Subdivider shall select one of three options presented on the Shoshone Irrigation District’s Water Plan Approval Form for Subdivisions pursuant to WS §18-5-306(xi) and the Park County Planning and Zoning Rules and Regulations. Depending on the option selected, the Subdivider must follow more specific requirements outlined on the District’s Water Plan Approval Form. This form shall be completed by the subdivider and approved by the District Manager prior to the submittal of the application for subdivision permit with Park County Planning and Zoning Office.
- C. Subdivided Land Fee Schedule and Requirements- As of April 2021, all subdivisions are required to provide a water distribution plan and approved with a signature by the General Manager. All subdivided lands with 5 or less acres will need to have a Sprinkler system installed at the time of construction before any property is sold. A variance will need to be approved by the Board of Commissioners for anyone requesting a variance due to an inability to install a sprinkler system. The variance will need the signature and approval of the Board before moving forward without a sprinkler. The fee schedule for subdivided land is as follows:
- Boundary Line Adjustments: \$250
Family Exemptions: \$1,250
Simple Subdivisions: \$2,500
Minor Subdivisions: \$5,000+\$750 per lot
Major Subdivisions: \$5,000 +\$750 per lot
- D. Minimum annual assessment - The minimum annual assessment for current expense of the District for landowners holding less than 30 irrigable acres shall be their regular O&M assessment, together with an additional \$25.00. Payment of such minimum charge shall entitle the landowner to base allotment of water set by the Board of Commissioners.

WATER ASSOCIATIONS:

- A. Water associations are comprised of three or more landowners using the same turnout. Water associations will be required to have by-laws and a elected representative (“Water Master”). All by-laws will be notarized and filed with the County Clerks office as well as the Districts office. By-laws and elections are to be created and voted on within the Water Association.

- B. For all farm units, the total irrigable acreage of the farm unit must be apportioned among the lots and parcels thereof, including the irrigable area portions dedicated to streets and roads. Such lot or parcel shall be assessed upon the basis of the number of irrigable acres as so determined. The total irrigable area of each farm unit assessed by the District shall not be reduced by reason of any portion thereof having been dedicated for use as a street, road or other non-agricultural area.
- C.. The District shall show upon its assessment roll, the name of the owner of each lot, tract and farm unit as appears on record in the office of the County Clerk. In the event of the sale, conveyance or transfer of any such lot, tract or parcel, the parties thereto, or one of them, is requested to provide to the District a certified copy or photocopy of the instrument of transfer, or to provide to the District by writing, signed by all parties involved, the names of the transferor, the name and address of the transferee and a description of the property involved. Unless such information is provided to the District, the District cannot be responsible for a proper mailing of notices of assessment, meetings, excess water usage and other matters relating to the operation of the District.
- D. Distribution of water to individual lots, tracts or parcels within the water associations, beyond the original farm unit turnout, shall be implemented and controlled by the water users' association. This association (its representatives as authorized in its by-laws) shall be the sole entity authorized to conduct business with the Irrigation District. All fees, charges and assessments owed to the District by members of the water association shall be paid by each individual. Collection for the pro-rata share from individual landowners shall be the responsibility of each landowner. No water will be denied to the water association however it will be the responsibility of the water association to deny water to the landowner who has an outstanding debt until all said debt has been paid in full. The District shall not become involved in the internal affairs of the association.

20. RIGHTS-OF-WAY

- A. All rights-of-way for maintenance of canals, laterals, distributaries, and drains of all types shall be operative under conditions solely defined by the Board of Commissioners and by written permission only. Encroachment shall not be permitted and, if unauthorized encroachment occurs, the Board shall re-establish the right-of-way at the expense of the landowner.
- B. The rights-of-way and/or easements appurtenant to the District's irrigation facilities shall be clearly defined on the subdivision plat. Recorded and unrecorded easements, as defined by the District, to run with all lands shall protect such rights-of-way and/or easements from encroachment by any permanent structures, in perpetuity. Planting of larger shrubs and trees shall be considered as permanent structures and shall not be permitted within said easements or rights-of-way. Roads and other structures constructed and maintained by the District for the express purpose of operating and maintaining its facilities shall not be used by any individuals except those specifically granted such right by the District.

- C. The District shall not be held liable for any damages done to structures or other property as the result of encroachment on the District's right-of-way by landowners when such damage is the result of work required for the reasonable and prudent operation and maintenance of the District's facilities.
- D. The District will provide whatever assistance it can for such purposes as describing rights-of-way for underground drains, laterals and canals and estimating costs to be levied by the District for the operation, maintenance, excess water, etc.

21. STOCK WATER

- A. Use of canals, laterals, distributaries or drains as a source of stock water after the water is turned out of the system shall be permitted only until the system is de-watered for the season. This policy does not affect the normal running water in open drains but is set forth to prohibit diverting water into a system which would not normally run water during the off irrigation season. All stock watering during the irrigation season from the District irrigation and drainage system will be delivered at a minimum of ½ cfs and will be charged to the water user.

22. DIVERSION OF WATER ON IRRIGABLE LANDS

- A. Each farm unit or parcel of land shall share on a pro-rata basis in delivery of water. The rate of delivery shall be computed on the following factors:
 - 1. District canal capacity ownership
 - 2. Appropriated water rights
 - 3. Storage rights
 - 4. Distribution losses
 - 5. Relationship of total irrigable area owned by landowner as it bears to the total irrigable acreage of the system.
 - 6. Safe operating practices
- B. Grouping of irrigation heads will be permitted under the following conditions:
 - 1. Lands must be under same ownership unless a rotation is mutually agreed upon by the District and landowners.
 - 2. That the rate of delivery for grouping of heads does not exceed the amount the individual farms or parcels would be entitled to under individual operation.
- C. Landowners who do not practice rotation of water but draw continuous head can demand only 80% of water delivered under normal rotation practices.
- D. Beneficial Use shall be the basis, the measure and limit of the right to use water at all times and the Board of Commissioners shall maintain control of all

appropriated and permit water, return flows, its use, distribution, priority and allied functions.

23. COST SHARING WITH LANDOWNERS

A. In cases where the landowner proposes to share in the cost of rehabilitating or relocating a lateral, drain, canal or other facility serving the District, the Board of Commissioners shall review each proposal on a case-by-case basis. The approval of the Board shall consider the benefits to the District and Landowner. If the proposal is approved by the Board of Commissioners, the Board shall set the minimum contribution by the landowner, based on the portioning of benefits to the landowner and the District. If District funds are available, then the District portion or share of the costs shall be charged to either operation and maintenance or rehabilitation and betterment programs. There shall be a written agreement executed by both parties before construction begin.

24. COMMUNITY WEED SCREENS ON DISTRICT FACILITIES:

- A. If one or more landowners choose to install a common structure for a weed screen on any District pipeline or ditch, they must comply with the following rules:
1. The design of the structure and screen shall be done by a licensed engineer and approved by the District.
 2. All costs associated with the engineering and construction of the weed screen shall be the responsibility of the landowners.
 3. Upkeep and maintenance of the weed screen and structure shall be the responsibility of the landowners involved.
 4. If the District determines that the weed screen is not being properly cleaned and maintained in a timely manner or is causing problems with water deliveries or flooding, the District retains the right to remove the screen at the landowners' expense.

Approved and adopted this 14th day of December, 2016.

SHOSHONE IRRIGATION DISTRICT

By: Bill Cox
Bill Cox, President

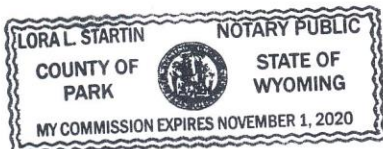
ATTEST:

Lora L. Startin
Lora L. Startin, Secretary/Treasurer

STATE OF WYOMING)
) SS
COUNTY OF PARK)

On this 14th day of December, 2016 before me personally appeared Bill Cox, to me personally known, who, being by me duly sworn, did say that he is the President of the Shoshone Irrigation District, a Public Corporation organized and existing under and by virtue of the laws of the State of Wyoming, and having its principal place of business in the County of Park, and that the seal affixed to the above and foregoing Board Policies, Rules and Regulations of said Irrigation District is the corporate seal of said public corporation, and that said Board Policies, Rules and Regulations were signed and sealed on behalf of said public corporation by authority of its Board of Commissioners and said Bill Cox acknowledged that such Board Policies, Rules and Regulations of the Shoshone Irrigation District are the free act and deed of said public corporation.

Given under my hand and notary seal this 14th day of December, 2016.



Lora L. Startin
Notary Public

My Commission Expires
11/1/2020