

DRAFT

Articles of Organization Tyler Ditch Water Users Association

CHARTER

Be it known to all that on this date, _____ 2002, the parishioners of the Tyler Ditch, a lateral ditch, serviced from the Harrison Canal (South Branch), hereby unite and form a water users association pursuant to §42-1301 IC. The governing entity of such lateral shall be known as "Tyler Ditch Water Users Association"; a not for profit organization dedicated to the fair and equitable distribution of the waters allocated to the Tyler Ditch lateral water users. Ratified by the general membership of two-thirds majority.

ARTICLE 1 ORGANIZATION

1. Organization of Tyler Ditch Water Users Association shall comply and be directed by provisions of Title 42, Chapters 9 and 13 Idaho Code, (and others as applicable).
2. Tyler Ditch Water Users Association shall hereinafter be referred to as Association.
3. The Association shall hold an annual meeting on the first Saturday of March of each and every year at 7:00 pm at a predesignated place.
4. The Association shall organize by the election of officers to post positions as Chairman, Vice-chairman, and Secretary-Treasure. Such elected officers shall also constitute the Board of Directors. Herein referred to as Directors. Term of service to such offices shall be (1) year, without term limits, as elected by a majority vote of the members attending annual meetings.
5. Each property represented by attendance at annual meetings shall be recognized entitlement to one (1) vote per share or portion thereof, in person, for appurtenant lands represented by ownership. Joint ownership, such as; man and wife, or partnerships of whatever kind, shall represent a vote on the share basis.
6. The elected Chairman may also act as the Lateral Manager, when approved by membership majority vote, whose primary duty is to cause equitable distribution of the waters of the Tyler Ditch according to ownership shares, pro rated to time.

7. Association membership shall address compensation of officers and lateral managers at annual meetings.

ARTICLE II LATERAL MANAGER

1. Pursuant to §42-1302 IC, a Lateral Manager may be appointed by the Directors of the Association provided an election of said Lateral Manager did not occur at the annual meeting.
2. Compensation of said Lateral Manager shall be set by vote of attending membership at annual meetings. Failing to set compensation of a lateral manager during annual meetings, the Directors may affix any such compensation.
3. The Lateral Manager shall be solely responsible to the Association membership for the fair and equitable distribution of waters during any irrigation season. And, shall resolve with finality any disputes over water use between membership in accordance with appropriate state laws.
4. The Lateral Manager shall be responsible to make certain that the proper quantity of water is made available for distribution to Association members.
5. Pursuant to §42-910, the Lateral Manager shall have such powers granted to same by §42-907, [in text] ...“shall have power to require of each user of such lateral such user’s proportion of the amount of labor, material or money reasonably necessary for the proper repair and maintenance of such lateral, and to require [measuring weirs], headgates, and checks to be installed for distributing the water among the users, and each user shall furnish a proportional share of such labor, material, or money upon three days notice” of designated work day(s).
6. The Lateral Manger shall cause the distribution of said waters of the Association to be distributed based on a two (2) week period of time rotation pro rated by the number of shares and/or portions thereof.

ARTICLE III LATERAL DITCH

1. Pursuant to §42-1303 IC, this article shall address any repairs, improvements, maintenance and assessments to membership.
2. Immediately preceding annual meetings the Directors and the Lateral Manager shall inspect the lateral for the purpose of assessing areas needing repairs and/or

improvements prior to the irrigation season. And, shall set a date for the membership at-large to facilitate such maintenance, repairs, or improvements. Any findings shall be addressed to the general attending membership.

3. The lateral ditch shall at all times be kept in suitable repair and free of debris. Ditch banks shall be kept burned or sprayed so as to discourage rodent populations from inhabitation. This shall be an action of the membership at-large during any designated work day(s) as set by the Directors during the annual maintenance inspection or as otherwise directed

ARTICLE IV ASSESSMENTS and COSTS

1. The membership shall at each annual meeting assess, to each water user, a base annual assessment based on total shares or portions thereof owned. These fees are to be collected and deposited into an interest bearing Association bank account by the Secretary-Treasure for the purpose of payment for maintenance, repairs, improvements, business costs and any compensation to officers or Lateral Manager.
2. The improvement, repair, maintenance and business costs of such lateral ditch shall be under the direction of the Directors of the Association.

ARTICLE V ASSESSMENTS-NOTICE-PENALTIES for DELIQUENCY

1. Pursuant to §42-1304 IC, [in text] “ On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against [them] for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not paid on or before the fifteenth day of June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from the said fifteenth day of June of such year until paid”. (ref.[end text])
2. Pursuant to §42-1305 IC, [in text] “ No water user shall be entitled to demand or receive water from said lateral whenever any such assessment is due and unpaid, and the Lateral Manager shall not distribute any water to such water user while delinquent in such payment except upon order of the board of directors of the association who shall have authority to cause such water to be delivered: provided, the water user shall give such security for the payment of such assessment against [them] as shall be required by the board of directors”. (ref.[end text])

3. §42-1309 IC, provides for the collection of past due assessments through suit to collect same.

ARTICLE VI AMENDMENTS

1. The provisions of the articles herein provided may be considered for amended by action of the general attending membership of annual meetings. Any such amendments shall be taken under consideration of the Directors who shall make a final decision.
2. Other guidelines to the articles herein provided may be considered before the general membership attending annual meetings.

ARTICLE VII ADOPTION OF POLICY

1. Adoption of the foregoing articles requires a two-thirds majority ratification of the general membership of shareholders of the Tyler Ditch Water Users Association. Acknowledgement by dated signature of shareholders.

a. Shareholders	Signature	Date
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10.		