

Rec'd  
Feb 1989

BY-LAWS

BIG LOST RIVER IRRIGATION DISTRICT

Butte and Custer Counties, Idaho

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BY-LAWS  
of

BIG LOST RIVER IRRIGATION DISTRICT  
Butte and Custer Counties, Idaho

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ARTICLE 1.

NAME, BOUNDARIES, AND DIVISIONS

Sec. 1. The name of this District is BIG LOST RIVER IRRIGATION DISTRICT.

Sec. 2. The boundaries of this District are as shown in the official map thereof and as described in the order of the Board of County Commissioners of Butte County, Idaho, of date July 3, 1920, both of which are on file in the County records of said County, and also in the files and records of said District, reference to which is hereby made for a more complete description thereof, together with all additions, changes, and revisions made pursuant to order of the Board and filed in the recorder's office of the appropriate county. Reference Idaho Code 43-101 to 43-118.

Sec. 3. The District is divided into five divisions, the boundaries of which have been fixed as provided by law, and are as follows:

Division No. 1.

All that part of the District south and east of the Arco Diversion within the District boundaries.

Division No. 2.

All that part of the District west of the Lost River and James Creek channels to the Arco Diversion.

Division No. 3.

East and south from the Moore Diversion and east of the Lost River and James Creek channels to the Arco Diversion.

Division No. 4.

All that part of the District east and south of the Pass Creek Road between sec. 3 & 4, Twp 6 N. R. 25 EBM, across the valley on section lines between sec. 5 & 8, 4 & 9, 3 & 10, Twp. 5 N. R. 26 to District boundaries.

Division No. 5.

All that part of the District from the Mackay Dam and Upper Cedar Creek to the County road running north and south between Sec. 3 & 4, Twp 6, N. R 25 EBM (commonly known as the Pass Creek Road,) crossing the railroad from the Leslie Store south and following the County road south to the Butte, north and west around the Butte to the Darlington Ditch and District Boundary.

ARTICLE II

DISTRICT OFFICE

Sec. 1. The office of the Board shall be located at Mackay, Custer County, Idaho.

ARTICLE III

BOARD OF DIRECTORS

Sec. 1. The Board of Directors shall consist of five members, and elected from each division of the District, and they shall have the qualifications and exercise the powers conferred upon them by law. Reference Idaho Code 43-201 to 43-213.

Sec. 2. The Board of Directors shall meet on the first Tuesday of January following their election and organize as a Board, Elect a, President from their number and appoint a Secretary and Treasurer and such other officers and employees as they may deem necessary, who shall be imposed upon them by law. The office of Secretary and Treasurer and that of any other officer may be combined in one person at the discretion of the Board.

Sec. 3. The Board of Directors shall have power to appoint such agents, or officers, or employees as may be required and prescribe their duties and fix their salaries. The Board of Directors shall have such powers as are enumerated in Section 43-304 of the Idaho Code Annotated, and any acts amendatory thereof, and any and all powers which the Statutes of Idaho provide for an Irrigation District.

Sec. 4. The Board of Directors shall hold a regular monthly meeting in their office on the first Tuesday of every month and such special meetings as may be required for the proper transaction of business.

Sec. 5. All special meetings of the Board of Directors shall be ordered by the President or a majority of the Board. The order must be entered of record, and the Secretary must give each member not joining the order five days notice of such special meeting. The order must specify the business to be transacted at the special meeting and none other than that specified shall be transacted; PROVIDED that all members of the Board are present at a meeting, the same shall be deemed a regular meeting and any lawful business may be transacted. All meeting of the Board must be public and a majority shall constitute a quorum for the transaction of business. On questions requiring a vote, there should be a quorum of at least a majority of all members of the Board.

Sec. 6. The members of the Board of Directors shall each receive a minimum sum (ref: 43-319) per day for each day spent attending the meetings of the Board, or while engaged in official business under order of the Board, and actual and necessary expenses. Such actual and necessary expenses shall include all traveling and hotel expenses necessary to be incurred by any Director when absent from his residence in the performance of the duties of his office.

ARTICLE IV  
ELECTIONS

Sec.1. Elections shall be held in the District as provided by existing law of the State of Idaho and amendments thereto. The person receiving the highest number of votes for any office to be filled at such election shall be declared elected thereto, and shall hold said office for the time prescribed by the laws of the State of Idaho, and until his successor is elected and qualified.

Sec.2. Within ten days after receiving certificates of election as provided by law, the officer so elected shall take and subscribe an official oath and file the same in the office of the Board of Directors and execute an official bond in the form prescribed by law in the sum of not less than \$1000.00 nor more than \$5000.00, for the faithful performance of his duties as such officer, the amount of such bond to be determined and approved by the Judge of the Probate (when required), such Bond to be on file in the office of the Board of Directors at Mackay, Idaho.

Sec. 3. Any other officers and employees of the District shall furnish bonds at the discretion of the Board and if required by it and in such amount as the Board may determine.

ARTICLE V.  
OFFICERS, THEIR DUTIES AND COMPENSATION

Sec. 1. The officers of the District shall consist of a Chairman, Secretary-treasurer. The Chairman shall be chosen by the Directors from among themselves as well as the Secretary-treasurer. The Assistant Secretary-treasurer shall be appointed by the Board of Directors and shall serve during the pleasure of the Board of Directors.

Sec. 2. The Chairman of the Board of Directors shall preside at all meetings of the Board of Directors and shall sign, as Chairman, all instruments in writing, which have first been approved by the said Board of Directors. He shall call meetings of the Board of Directors whenever he deems it necessary, or when requested to do so by any member of the Board.

Sec. 3. It shall be the duty of the Assistant Secretary\_treasurer that has been appointed by the Board to keep accurate true records of the business transacted by the Board of Directors at their meeting. The Secretary-Treasurer shall sign all the warrants and checks drawn upon the treasury of the District, and with the assistance of the Assistant Secretary shall keep proper books of account and discharge such other duties as pertain to the office and shall be prescribed by the Board of Directors and laws of the State of Idaho.

Sec. 4. It shall be the further duty of the Secretary to give notice at the time prescribed by law of all elections held within the District, and of all meetings of the Board of Directors which are held to correct assessments, and shall give all other notices that may be required by the statutes of Idaho.

Sec. 5. The Treasurer shall on his appointment execute and file with the Assistant Secretary an official bond in a lawfully qualified Surety Company in such amount as may be fixed by the Board of Directors of the District, which shall not be less than the \$5000.00 and the Treasurer shall thereafter from time to time execute and file such further bonds as may be required by said board in amounts fixed by it which amounts shall be of at least fifty per cent of the maximum amount of money in the Treasurer's hand at any one time.

Sec. 6. It shall be the duty of the Assistant Secretary-treasurer to safely keep all moneys belonging to the District, making a deposit thereof in such Bank or Banks as may from time to time be directed by the Board of Directors. The Treasurer shall disburse all moneys belonging to the District under direct authority of the Board of Directors.

Sec 7. Representing the Secretary-treasurer the Assistant Secretary-treasurer is hereby required to be in attendance at the time and place specified by the Board of Directors and as provided by law, to receive assessments and tolls, which must be paid in lawful money of the United States or by labor or services if so authorized by said Board. Representing the Treasurer the Assistant Secretary-treasurer must mark the date of payment of any assessments in the assessment book at the proper place, giving a receipt to the person paying, specifying the amount of assessment received, and if delinquent, the amount of costs and penalties thereon.

#### ARTICLE VI

#### GENERAL MANAGER

Sec. 1. The Board of Directors at their discretion may appoint a general manager of the District. Such manager may not be a person from out of the district and will not have the power to sign warrants, checks or be authorized to incur debts unless authorized by the Board. Said General manager would have the power to be in general charge of the distribution of water furnished by the District to consumers, and also general charge of the canals and laterals belonging to the District, and the care and maintenance of same.

ARTICLE VII.

CONTROL OF DISTRICT'S IRRIGATION SYSTEM  
AND DISTRIBUTION OF WATER TO CONSUMERS

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Sec. 1. The Mackay Dam and Reservoir, and the control of the diversion gates at said Mackay Dam and Reservoir, and all main canals and laterals and all diversion and distribution works owned by the District for the distribution of water, and all storage and natural flow rights owned by the Big Lost River Irrigation District, shall be under the direction and supervision of the Board of Directors, whose duty it shall be to distribute water to the consumers thereof according to their rights under these by-laws and the laws of the State of Idaho, and under such special rules as may be from time to time made by the Board of Directors in any emergency.

Sec. 2. It shall be the duty of all consumers of water supplied by the District to build and maintain laterals and measuring headgates whereby water is drawn from main canals or laterals of the District.

Sec. 3. All the headgates or measuring devices shall be built and placed in position under the direction of the Board of Directors, and shall be removed and replaced from time to time if considered necessary by the Board of Directors. The expense of removing and replacing headgates or measuring devices in main Canals owned or operated by the District shall be borne by the District. The Board of Directors shall have such authority, in the event that any headgate or measuring device on any lateral of any consumer of water shall not be in proper condition to have water diverted therefrom, either to construct a new headgate or measuring device and the cost thereof shall be charged to the said water consumer, or to refuse to deliver water to said consumer, first serving five days written notice thereof upon said water consumer.



Sec. 4. All measuring devices shall be constructed in accordance with the rules of the Department of Water Resources and Irrigation practice. Any person desiring to use water upon land owned or controlled by him, must make a written application therefor at least forty eight hours before such water is to be turned on or turned off.

Sec. 5. any water consumer who has a water right under the Assessment and Apportionment of Benefits under the Districts bond issue voted May 18, 1935, and approved and confirmed by the District court of the Sixth Judicial District of the State of Idaho in and for the County of Custer, on January 6, 1936, and thereafter approved by the Reconstruction Finance Corporation, shall have the right to store any water belonging to him by such storage right or direct flow under said Assessment and Apportionment of Benefits, in the Districts reservoir.

Sec. 6. No water consumer shall be entitled to hold over storage water from year to year in the Districts reservoir whereby he may claim water for irrigation purposes.

Sec. 7. The Board of Directors shall have power to reduce the quantity of storage water demanded by any consumer in case of a shortage in the Mackay reservoir, or by reason of breakage in the banks of canals, headgates, or dams, whereupon it shall be the duty of the Board of Directors to apportion the water available pro rata among all consumers.

Sec. 8. All users of decreed water storing the same in the Mackay reservoir, shall be charged with their proportion of evaporation losses in such reservoir.

Sec. 9. No obstructions shall be placed in any of the Canals or diversion works of the District without the consent of the Board of Directors in writing. No water wheels for generation of power or elevation of water shall be placed in any of the canals of the District except upon the written consent of the Board of Directors, and the payment of an annual fee therefor, such fee to be in such amount as the Board of Directors shall deem fit and proper.

Sec. 10. Consumers of water must not interfere with gates or measuring devices after the same have been set by the watermaster or ditchrider.

Sec. 11. The number of headgates necessary for the irrigation of any tract of land may be determined by the Board of Directors, and no unnecessary headgates shall be maintained or operated.

Sec. 12. The banks of canals or laterals must not be cut or trampled by livestock. Fences across the banks of canals or laterals must be constructed with proper gate-ways on the banks to be traveled by the Watermaster and ditchrider. Fences across canals shall be so constructed as to be above water and so that drift will not collect against them.

Sec. 13. Wasting of water will not be permitted.

#### ARTICLE VIII

##### FISCAL YEAR

Sec. 1. The fiscal year shall begin January 1st and shall end December 31st of each year.

#### ARTICLE IX

##### BUDGET ESTIMATES

Sec. 1. It shall be the duty of the Board of Directors at its regular meeting in February of each year to ascertain and determine the amount of money necessary for the transaction and conduct of the Districts business and the payment of the outstanding maturing obligations and for such other purposes as may have been specially and lawfully authorized, all as may be required for the twelve months period commencing on the first day of May each year.

#### ARTICLE X

##### TOLLS, ASSESSMENTS AND MAINTENANCE CHARGES

Sec. 1. The toll system has been definitely adopted by the District. For the purpose of defraying the expenses of the care, maintenance, operation, management and repair of the canals, dams, reservoirs, diversion works and other property of the District, and for the payment of the salaries of the officers and employees of the District, the Board of Directors shall have the right to levy and collect a toll charge for the payment of such expenses, either in whole or in part. The Board shall meet on its regular meeting date on or before the first

Tuesday of February of each year,beginning with the year 1937,levy and fix such toll charges,which toll charges will be the total amount required for such expenses.

Sec.2.The Board of Directors ,in its order fixing or levying such tolls each year shall fix the date of May 1st as the date on which the levy must be paid and shall require the same payable in advance of the delivery of any water during the year for which the same are fixed,and may make provision for the collection thereof and the keeping of a toll book by the District Treasurer.

Sec.3.no owner or user of decreed water will be permitted to store water in the District reservoir until such time as all assessments of every kind and character due said district against said decreed water and against the land to which said decreed water and against the land to which said decreed water is appurtenant,have been paid.

Sec.4.The District has the right to refuse delivery of any water until all current as well as past due assessments have been paid.

#### ARTICLE XI

##### SEAL

Sec.1.The corporate seal of this district shall have engrave thereon the full name of the District and the name of the State.

Sec.2.The corporate seal of this District shall always remain in the custody of the Secretary at the office located in Mackay.

#### ARTICLE XII

##### ALTERATION OF BY- LAWS

Sec.1.These by-laws may be altered,amended,or repealed at any regular meeting of the Board of Directors,however,no change in the by-laws of this district shall take effect until such has been ratified and approved by at least 66.7% of the qualified voters voting in the next annual director's election.The members retain the right to propose by-law changes which must be presented for a vote of the membership at the next annual directors election if a petition is delivered to the Board of Directors no later than 30 days before the election which specifies the proposed by-law change and bears the signatures of 10% of the members of the District.

#### ARTICLE XIII

##### POSSESSION OF BY- LAWS

Sec.1.These by-laws shall always remain the the possession of the Secretary of the District and kept in the office of the District at Mackay.

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