

**DEAVER IRRIGATION DISTRICT**  
**Bylaws**

**Statement of Objectives**

1. To deliver irrigation water equitable to all water users in the most efficient manner at the lowest possible cost, consistent with good management practices.
2. To maintain the total irrigation system to the degree necessary to preserve the capacity and condition of the facilities in a manner to avoid undue depreciation; and to store and deliver irrigation water as required by the water users.
3. To promote preventive maintenance.
4. To maintain sound fiscal policies, including adequate reserves.
5. To promote the wise and efficient use of available water and the conservation of project soil.
6. To hold to a minimum, system seepage and operational waste.
7. To be constantly alert to technical advancement and adopt new practices which will improve system operating efficiency.
8. To recommend an annual water assessment that is consistent with meeting the objectives stated above.
9. To regulate water delivery and conveyances to benefit water users
10. To develop policies and procedures necessary to meet these objectives.

**Board of Commissioners**

**Responsibilities of Commissioners**

The Board of Commissioners, hereinafter referred to as The Board, is responsible to implement the Contract #1556, and any amendments to this contract, with the Department of Interior- Bureau of Reclamation and to operate in accordance with Wyoming State Law.

The Board's responsibility is to set policy and amend as needed and to evaluate overall performance of the District within those policies.

Qualifications

1. Must own irrigable land within the boundaries of the irrigation district.
2. Be willing to take the time necessary to attend and participate in board meetings.
3. Individual must own irrigable land within the commission district of which he runs.

Organization

1. Review periodically all activities of the district organization and initiate changes which will carry out the objectives of the district in the most efficient manner.
2. Determine the need for additional positions, transfers, reassignments or elimination of positions.

Personnel

1. Develop standards and qualifications for use in recruiting, employing and promoting personnel.
2. Select, appoint, reassign and release employed personnel.
3. Prepare and present to Board for approval a systematic wage and salary plan for all job positions.
4. Adjust salaries for employees within the approved rate and salary plan adopted by the board.
5. Evaluate new positions and reevaluate positions when responsibilities change substantially.
6. Periodically appraise performance of personnel and assist them to develop and improve.
7. Prepare and update written position descriptions for all permanent personnel.
8. Administers or approves activities or actions with respect to vacations, sick leave, holidays and other fringe benefits approved by the board.

Function

1. Operate within legal authorizations.
2. The Board is responsible for assuring that its actions and the actions of the manager conform to all Federal, state and local statutes and ordinances; provisions of Government contracts; and by-laws of the irrigation district.
3. Delegation of Responsibility and Authority from Board to Manager
4. The Board shall furnish the manager a clear and complete statement of all the duties, responsibilities, and authority that are delegated to him. The statement shall be reviewed by the Board annually and amended as necessary.

**Meetings**

Regular Meetings.

1. Regular meetings shall be held on the first **Monday** of each month
2. An order of business will be adopted and followed until amended
3. Minutes of each meeting shall be written in permanent form and should include:
  - a. Date, place and time of meeting
  - b. Record of the commissioners and other persons who attended the meeting, as well as the commissioners who were absent
  - c. A brief statement of all matters pertaining to the business of the district brought before the meeting.
  - d. All motions considered by the board should be recorded, together with vote taken.

Special Meetings

1. Special meetings may be called at any time by the President.
  - a. Announcements and posting of notices of Special meeting will follow local statutes.

Annual Meeting

1. Post appropriate notices and advertise date and site of annual meetings and provide a stimulating and informative program for the members.

2. Immediately after the annual meeting, usually within ten days of the election, The Board convenes a special meeting and reorganizes The Board (elects officers, and appoints the Secretary/Treasurer - who may or may not be a Board member) for the coming year.

#### Election

1. The Board shall conduct regular and special elections of Commissioners in accordance with current state statutes and the by-laws of the irrigation district.

#### Execution of contracts and agreements

1. Authority to execute minor contracts will be delegated to the manager in some instances. A minor contract is described as any contract under \$10,000.
2. Contracts over \$10,000 will take 3/5 of Commissioner votes to enter. Authority to sign will be given by Resolution of the Board

#### Collect and disperse irrigation district funds

1. Levy assessments, and/or toll charges.
2. Collect excess water charges and rentals and miscellaneous revenues.
3. Review for approval annual budget
4. Authorize payments on district obligations.
5. Authorize the use of funds for the purpose of District litigation

#### Maintain adequate and complete set of records and accounts

1. Review annual financial reports.
2. Review permanent water ledgers.
3. Authorize the preparation of an annual audit by a licensed auditor.

#### Select and Employ a Competent Manager

1. Furnish the manager a clear statement of the authority and responsibility that is delegated to him by the Board

2. Furnish the manager an approved set of operating procedures, criteria and standards
3. When called on, be ready and willing to assist the manager with major decisions.
4. The Board shall share responsibility with the manager for the end results of any action involved in a joint decision by the Board and manager.
5. Direct public relations program and the dissemination of information to water users.
6. Carry on all the necessary functions of the irrigation district not previously mentioned or delegated to the manager, in accordance with all state, local and federal laws.
7. Continually monitor and appraise the effectiveness of the operation of the District.
8. Review periodic reports from manager and check for conformance of policies, objectives and long-range plans.
9. Establishes performance goals which can be used in appraising the effectiveness of the operation
10. Review periodic reports from manager and check for conformance to program policies, objectives and long-range plans. these reports should be of sufficient scope and detail to enable the board to:
  - (a) Prevent unauthorized action
  - (b) Determine progress in key operating areas.
  - (c) Determine where remedial action is necessary to prevent serious deviations
  - (d) Measure performance against budget.
  - (e) Measure performance against long-range plans.
  - (f) Amend plans as needed to correct program deficiencies
  - (g) Provide an annual performance review to water users in the District.

#### Delegation of Responsibility and Authority from Board to Manager

1. The Board shall furnish the manager a clear and complete statement of all the duties, responsibilities, and authority that are delegated to him. The statement shall be reviewed by the Board periodically and amended when necessary.
2. Delegate responsibility to the manager to perform the following functions in conformance with Board's adopted policies and procedures.
  - a. Storage, regulation and distribution of district's irrigation water supply.
  - b. Operate and maintain district's irrigation facilities and equipment.
  - c. Maintain district's accounts and records.
  - d. Preparation and submittal of annual budget to the board.

- e. Initiate and carry on the district's public relation program.
  - f. Manage and maintain the district's real property, with exception of grazing leases.
  - g. Establish and direct operating organization.
  - h. Direct day-to-day operations of the district.
3. Provide input to the Board on District needs for meeting program objectives, organizational efficiency and user satisfaction.
  4. Formulate an annual work schedule for submittal to the board for their approval.
  5. Assist the Board with development of District policies and procedures to improve administration of the program.
  6. Authority to perform the following function in conformance with Board's adopted policies, procedures and by-laws.
    - a. Delegate certain authority and responsibility to subordinates.
    - b. Recruit, select, appoint, discipline, conduct employee performance appraisals and terminate district staff.
    - c. Purchase equipment and supplies within the expenditure limit set by the board
    - d. Direct the activities of the district's operation and maintenance staff.

#### Duties and Responsibilities of the Manager

##### Planning.

1. Formulates, with staff, objectives and policies to be recommended to the Board
2. Formulates, with staff, short and long-range plans, finances, and water user relation policies to be recommended to the Board.
3. Formulates, with staff, an annual work program and budget to be recommended to the Board.
4. Plans and develops a comprehensive safety program.

##### Organization.

1. Review periodically all activities of the district organization and initiate changes which will carry out the objectives of the district in the most efficient manner.
2. Determine the need for additional positions, transfers, reassignments or elimination of positions.

Personnel

1. Develop standards and qualifications for use in recruiting, employing and promoting personnel.
2. Select, appoint, reassign and release employed personnel.
3. Prepare and present to Board for approval a systematic wage and salary plan for all job positions.
4. Adjust salaries for employees within the approved rate and salary plan adopted by the Board.
5. Evaluate new positions and reevaluate positions when responsibilities change substantially.
6. Periodically appraise performance of personnel and assist them to develop and improve.
7. Prepare and update written position descriptions for all permanent personnel
8. Administers or approves activities or actions with respect to vacations, sick leave, holidays and other fringe benefits approved by the Board.
9. Develop and submit for Board approval a personnel policy governing the use of discipline to correct inappropriate employee behavior or actions.

Operation

1. Direct the day-to-day activities for the district within the limits of his delegated authority.
2. Directs the operations of the district in accordance with objectives and policies of the district.
3. Delegates, within the limit of authority vested in him, responsibility and authority to staff assistants.

Fiscal

1. Directs the expenditure of funds in accordance with approved budget.
2. Invests or reinvests district's funds as directed by the Board.

3. Purchases supplies and equipment in accordance with delegated authority.
4. Countersigns checks for payment of salaries and other Board approved expenditures, after 6 months of service.

#### Reports

1. Submits periodic and special reports to the Board on conformity of operations to approved objectives, policies, and programs.
2. Submits periodic and special reports (including annual auditor's report) to the Board on receipts, disbursements and cash balances to keep them informed of the district's financial status.
3. Maintains an accurate inventory of the district's property and assets and furnishes a current report of same to the Board annually.
4. Reports unresolved water user complaints to the Board.
5. Submits periodic report of employees' performance to the Board.

#### Personnel Policies and Relations

- i. Personnel policies and relations are addressed in the personnel policy manual, which will be given to the employee at his/her date of hiring.

#### Inspections

1. Manager will schedule an annual tour of the district for the Board and key staff members.
2. Watermasters and ditchriders will report system deficiencies noted while patrolling the system.
3. The manager and the Board will participate in the Bureau of Reclamation's annual review of maintenance.

#### Maintenance

1. It shall be the district's policy to perform preventive maintenance.
2. The manager will submit to the Board for review and approval a detailed annual maintenance program.

**Grazing Leases**

1. The Board will issue and renew grazing leases as needed.

**Annual Tour**

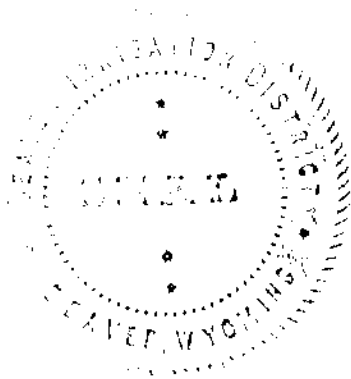
1. The Board shall set and attend an Annual Tour of the Deaver Irrigation District Project.

**USBR Reviews**

1. The Board shall attend the USBR inspection of the Deaver Irrigation District facilities.

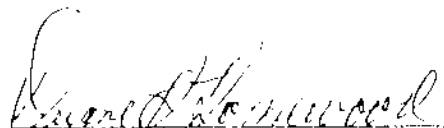
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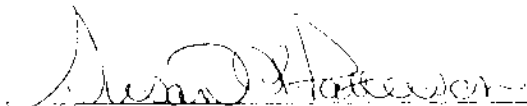
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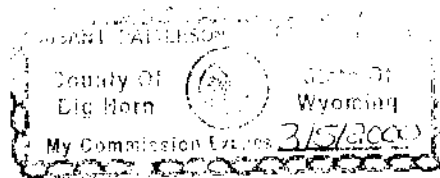
On this 6th day December, 1999, before me personally appeared, Duane H. Homewood, to me personally known, who, being by me duly sworn, did say that he is the President of the Deaver Irrigation District, a Public Corporation organized and existing under and by virtue of the laws of the State of Wyoming, and having its principal place of business in the County of Big Horn, and that the seal affixed to the above foregoing Board Policies, Rules and Regulation 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 Duane H. Homewood acknowledged that such Board Policies, Rules and Regulations of the Deaver Irrigation District are the free act and deed of said public corporation.

  
\_\_\_\_\_  
Duane H. Homewood

12/6/99  
Date

Given under my hand and notary seal this 6th day of December, 1999.

  
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Notary Public  
My Comm Expires: 3/5/2000



The Deaver Irrigation District consists of two main canals, the Deaver and the Frannie. The Frannie Canal takes off from the Garland Canal at a point about 2 miles northwest of Ralston and flows in a generally northeasterly direction to a point about 3 miles east of Frannie. The Deaver Canal takes off from the Frannie Canal at mile 14 and flows generally northeast to a point about 2.5 miles northeast of Deaver. The Frannie and Deaver Canals supply the distribution system for lands lying north of the Shoshone River in the Frannie Division.

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POLICY DIVISION (1954-1955) 5078564367

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## The State of Wyoming Board of Control

### POLICY Regarding the Obligation of State Water Administration Personnel to Address Problem Calls Within the Boundaries of Irrigation Districts, Organized Companies, Associations or Other Entities

In the matter of the question as to what obligations state water administrators have within the boundaries of organized irrigation entities, the State Board of Control herein reiterates as policy the guidance of the Attorney General as announced in his 1916 Opinion:

"I conclude the prevailing rule to be that...while [state] water officials have jurisdiction over the diverting works leading from a stream, they are not required, nor is it their duty to make any [internal] division or distribution of the water to be distributed from a ditch or reservoir..."

They are not prohibited, however, from entering the boundaries of such a district or company when, in their discretion, such entry is warranted for the discharge of duties associated with protection of water users in accordance with established priorities (see AG Opinions May 20, 1933 and June 24, 1942). Where the dispute between users is over use of water of the same priority, no response is necessarily required. State officials are also authorized by W.S. 41-3-608 to access measuring devices within the boundaries of such districts or companies for the measurement and reporting of water diverted from the natural stream. The noted Attorney General Opinions direct that, when in the State official's opinion entry into the boundaries is warranted, he will honor the by-laws of the organization where applicable.

Wyoming law obligates an irrigation district or company to empower itself through the adoption of "by-laws and equitable rules and regulations" to handle the internal problems encountered by patrons of the said district or company. Neglect or failure on the part of those entities to adopt such written guidance does not create a default of those problems to the obligation of state water administration personnel. Water administrators will probably not respond to calls from within organizations which have failed to create regulations to empower their own employees with authority to settle disputes as part of the business of the entity in its role as an appropriator.