

KING HILL IRRIGATION DISTRICT

4183 N Meridian Street
King Hill, Idaho 83623
208-366-2243

Effective 08/08/2019

ARTICLE I - NAME AND DIVISIONS

- 1.01
The name of the organization is King Hill Irrigation District.
- 1.02
The district is divided into five divisions numbered I, II, III, IV and V and whose boundaries shall constitute those of the election precincts.

ARTICLE II - DIRECTORS

- 2.01
The Directorate shall consist of five members, one elected from each precinct, and they shall have the qualifications to exercise the powers conferred upon them by law.
- 2.02
In addition, the directors may exercise other powers provided for in the by-laws of this district.
- 2.03
An election shall be held in the district on the first Tuesday of November of each year, unless not required by Idaho Code 43-201A, at which time the directors shall be elected to succeed those whose terms have expired, to hold office for a term of three years, or until their successors are elected and qualified. Every director must own land with King Hill Irrigation District water use rights and reside in the division he or she is to represent.
- 2.04
In the event a vacancy is created when a director is unable to complete his or her three year term, the remaining board members will appoint a qualified individual to complete said term.

ARTICLE III – POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- 3.01
On the second Thursday of January next following the election, the Board of Directors shall meet and organize as a board, elect a Chairman and a Vice-Chairman from their Directorate and appoint a Secretary/Treasurer and Manager, both who shall each hold office during the pleasure of the board.
- 3.02
The office of the Board of Directors shall be the King Hill Irrigation District’s office located at 4183 N Meridian Street, King Hill, Idaho.
- 3.03
The Board of Directors shall hold a regular monthly meeting at the King Hill Irrigation office or other agreed upon location on the second Thursday in every month and may call to order special meetings as may be required for the proper transaction of business. All special meetings shall be ordered by the Chairman or a majority of the board. The order must be entered on record and the Secretary-Treasurer must give each member not joining in the order five days’ notice of such special meeting. The order must specify the business to be transacted and none other than that specified shall be addressed. All meetings of the Board must be public, and

a majority shall constitute a quorum for the transaction of business, but on all questions requiring a vote, there shall be a concurrence of at least a majority of the members of the Board. All records of the Board shall be open to the inspection of any elector during business hours.

3.04
It shall be the duty of the Board of Director's to establish such equitable rules and regulations for the distribution and use of water as may be necessary to secure the just and proper distribution of same. Subject rules and regulations, minutes, resolutions, and by-laws shall be maintained in a quick reference folder.

3.05
It shall be the duty of the board to appoint committees at such times when necessary to assist in defining and resolving problems. The makeup of the committees will be at the discretion of the board with special emphasis on utilizing committee members experienced and knowledgeable in the particular problems requiring action.

3.06
The Board of Directors, at their regular meeting in January of each year, will establish a budget and set annual assessments to be paid by the water users. The board shall establish and maintain a reserve fund of sufficient size to accommodate unforeseen shortfalls in funding. The size of the fund will be set at the annual budget meeting. Any interest generated in excess of the established value will be used to offset operating expenses. Should the fund fall below its established level, action will be taken at the budget meeting to replenish it. Assessments will be levied in accordance with the district's Rules and Regulations, Article VI for the distribution of water. Assessments will be payable in full in advance of the delivery of water, on or before April 1st of each year. Notices of Assessment will be mailed to each water user no later than the 20th day of February of each year, and each Notice of Assessment will read as follows: Assessments are due and payable and will become delinquent at if not postmarked by or received by five o'clock p.m. ~~Assessments are due and payable~~ on or before April 1, yyyy. Irrigation water will not delivered and/or disconnect for non-payment. Hook-up fees will apply for reconnection of service.

3.07
Any error in assessment should be brought to the attention of the manager. If it cannot be resolved satisfactorily, a special meeting of the Board of Directors will be convened for resolution.

3.08
On or before the second Tuesday of February of each year the board of directors or their designee shall publish in at least one issue of some newspaper published in Elmore County, a full, true and correct statement of financial condition of KHID, for the end of the last preceding year, giving all liabilities and assets of the district, in a form to be prescribed by the Bureau of Public Accounts of the state of Idaho.

ARTICLE IV – DUTIES OF DIRECTORS AND OFFICERS

4.01
The Chairman shall:
(a) Preside over all meetings of the directors.
(b) Sign as Chairman, all instruments in writing which have first been approved by the directors.
(c) Sign all approved and printed warrants on the treasury as presented at the regular monthly board meetings.
(d) Call the directors together whenever he deems it necessary or whenever requested to do so by two members of the board or by 25 land owners of the district or as provided for in 3.01.

4.02
The Vice Chairman shall, in the absence of the Chairman, act in accordance with 4.01.

- 4.03
The manager shall:
- (a) Supervise the hiring and/or release of all maintenance personnel and ditch riders.
 - (b) Determine the qualifications and number of maintenance personnel required.
 - (c) Schedule and supervise all shop and field activities.
 - (d) Serve as the office representative for the Board of Directors in resolving water user problems and complaints.
 - (e) Advise the Board of Directors of any problems/complaints.
 - (f) Provide supervision to the Secretary-Treasurer in areas of responsibility not controlled by law and in accordance to guidance from the Board of Directors.
 - (g) Enforce the rules and regulations for the distribution of water.

- 4.04
The Secretary-Treasurer shall:
- (a) Keep a record of minutes of all meetings.
 - (b) Perform those duties required by law and those delegated by the Board of Directors.
 - (c) Keep detailed records showing revenue collected, liens filed on behalf of the district, disbursements, and the number, date and amount of warrants issued.
 - (d) Make out warrants pursuant to board approval of the accounts payable report and effect payment as appropriate, sign all warrants not previously signed by the Chairman to affect said payment, and countersign all contracts or other instruments where necessary.
 - (e) Provide necessary supplies for regular and special elections and place same in the hands of registration and election officers in due time.
 - (f) Attend to official correspondence of the Board of Directors and manager, retaining copies as appropriate.
 - (g) ~~Affix the seal of the District to all instruments requiring same.~~
 - (h) Maintain records and reports on the fiscal affairs of the district to the Board of Directors as required by law.
 - (i) Prepare reports to or for the Board of Directors as requested.
 - (j) Maintain current records on all water users. These records will contain, but not be limited to:
 - (1) Name and address or location.
 - (2) Legal description of affected lands.
 - (3) Breakdown of primary acreage by land classification and the resulting inches of primary water.
 - (4) Total inches of primary water.
 - (5) ~~Amount of over acreage.~~
 - (6) The division the owner resides in.
 - (k) Employ, subject to approval of the manager and Board of Directors, assistants as required to properly conduct the affairs of the office.
 - (l) Maintain in good order all files, maps and records as required to provide documentation and reference for past, present and future actions pursuant to the records retention rules prescribed by the State of Idaho and Department of the United States Treasury.

ARTICLE V – COMPLETE BOUNDARIES OF THE ELECTION

- 5.01
Division Number One: ~~Beginning at the point of intersection of the main canal constructed by the King Hill Irrigation & Power company with the westerly bank of snake river at the SW 1/4 of SW 1/4 of section 27, T. 6S. r. 11e.; thence along the Pasadena lateral to its intersection with the north and south 1/4 line in the NW 1/4 SECTION 31, T. 5S., R. 11 E.; thence north along said 1/4 line to the section line of said section 31; thence easterly along said bank of snake river to the place of beginning.~~ All lands within the King Hill Irrigation District boundary in sections 25 through 26 and 36 located in Township 5S, Range 10 E and all lands in in

sections 29 through 33 located in Township 5S, Range 11E and all lands in sections 4 through 6, 8, 9, and 11 through 16 located in Township 6S, Range 11E and all lands located in Township 6S, Range 12 E and all lands located in township 6S, Range 13E.

5.02

Division Number Two: ~~Beginning at the northwest corner of the NE 1/4 NE 1/4 . Sec. 31, T. 5S., r. 11 E.; thence north along 1/4 line to the end of lateral number eleven; thence along said lateral to the outlet of the siphon in the SW 1/4 of NE 1/4 of sec. 30 same township and range; thence westerly along the main canal to its intersection with the north and south line between s.25 and 26, T. 5 S., R. 10 E.; thence north along said section line to its intersection with the south bank of Snake River; thence easterly along said south bank of Snake River; to its intersection with the east and west section line between Secs. 29 and 32, T, 5S., r. 11 E.; Thence westerly along said section line to the place of beginning. Also, beginning at a point on the south bank of Snake River at the intersection of the section line common to Secs. 13 and 14, T, 5 S., R. 10 E.; thence north along section line to the southeast corner of Sec. 11; thence west along section line to the quarter corner common to Secs, 11 and 14; thence north along center line Sec. 11 to the center of said section ; thence east along the center line to the southwest corner of the southeast quarter of the northeast quarter of sec, 11; thence north along 1/4 line to the northwest corner of the SE 1/4 of SE 1/4 of Sec , 2; thence east along the 1/4 line to the north east corner of the SW 1/4 of SE 1/4 of SEC, 1; thence south along the 1/4 line to the southeast corner of Sec. 1; thence south along range line to the southwest corner of NW 1/4 of NW 1/4 of Sec. 7 .T. 6 S. R.11 E; thence along 1/4 line to the northeast corner of the town site of King Hill; thence south along the east line of King Hill twns; projected to its point of intersection with the south bank of snake river; thence westerly along said bank of Snake River to the point of beginning.~~ All lands within the King Hill Irrigation District boundary in sections 1, 2, 11 through 14 and 23 and 24 located in Township 5S, Range 10E and all lands located in section 5 through 8 and 17 through 19 located in Township 5S, Range 11E.

5.03

Division Number Three: ~~Beginning at the intersection of the main canal with the north and south section line between Secs, 25 and 26, T, 5 S., R. 10 E., thence westerly along the line of said canal to its intersection with the section line between Secs. 22 and 23 in said twns. and range; thence south to the northeast corner of Sec. 34, said twns. and range ; thence west along the north line of said Sec. to the northeast corner of the NW 1/4 of NW 1/4 of said Sec.; thence south to the center line of said section; thence along said center line to the center of Sec. 33; thence south along said center line to the township line between townships 5 and 6 south; thence west to Snake River ;thence easterly along the south bank of Snake River to its intersection with the section line between Secs, 14 and 14, T. 5 S., R. 10 E.; thence along said line to the place of beginning. Also beginning at the point of intersection of the canal with the south bank of Snake River; thence following said canal with the south bank of Snake River; thence following said canal westerly across Snake River to siphon number two; thence along lateral number one to its intersection with the section line to the end of lateral at a point near the south quarter corner of SEC. 11, T, 5S., R, 10 E.; thence southerly along said lateral to the mouth of the last mention siphon near the center of Sec. 30 in said twns. and range; thence westerly along the main canal to the range line between ranges 9 and 10 east; thence south along said range line to the south bank of Snake River; thence easterly along said south bank of Snake River to place of beginning.~~ All lands within the King Hill Irrigation District boundary in sections 17 through 22 and sections 27 through 34 located in Township 5S, Range 10E.

5.04

Division Number Four: ~~All that portion of the said irrigation district in Townships 5 and 6 South, Range 9 E.~~ All lands within the King Hill Irrigation District boundary in sections 24 through 26 located in Township 5S Range 8E and all lands in sections 1 through 3 located in Township 6S, Range 8E and all lands located in Township 5S, Range 9E.

5.05
Division Number Five: ~~All that portion of the said irrigation district lying west of the range line between Ranges 8 and 9 E.~~ All lands within the King Hill Irrigation District boundary in sections 34 through 36 located in Township 5S, Range 8E.

ARTICLE VI – RULES AND REGULATIONS FOR THE DISTRUTION OF WATER

6.01
All lands within King Hill Irrigation District that have heretofore been placed on the assessments rolls of the District and that have had water use rights of the District allocated to them, and all lands hereafter annexed to the King Hill Irrigation District and to which full water rights of the District shall be allocated, are hereby designated as ‘PRIMARY LANDS’. Water rights of the District have heretofore been allocated to PRIMARY LANDS presently under irrigation according to soil classification, on the basis of one miner’s inch per acre for Class 1 lands, and one and one quarter miner’s inches per acre for Class II lands, and one and one half miner’s inches per acre for Class III lands. Such classifications are hereby confirmed in accordance with the Apportionment and Assessment of Benefits dated January 11, 1979. ALL PRIMARY LANDS heretofore created through allocation of primary water rights of the District to such lands shall have such water rights allocated to them in accordance with the before mentioned classifications.

6.02
~~All lands to which ordinary water rights of King Hill Irrigation District have not been allocated, but to which water from the irrigation system of the District can be delivered, whether through the laterals of the District or through privately owned laterals, pumps, pipelines or other facilities, are hereby designated as “OVER ACRES”. Water used on secondary lands shall be limited to the amount of water under the applicable land owner’s primary water rights which is not required by the land owner for proper irrigation of his primary lands and shall consist, in most cases, of waste water or of water salvaged or conserved by conversion from gravity to sprinkler irrigation.~~

6.03
The following rules shall apply to the assessment of and to the delivery of water and use of water on primary and over acres:

(1) An inclusion fee in such amount as shall be established from time to time by the Board of Directors shall be charged for the future allocation of primary water rights of the district.

~~(2) Owners who desire to irrigate over acres, must file with the Board of Directors, on or before November 1st of the year prior to which they desire to commence irrigation of over acres, a written statement setting forth the legal description of the over acres to be irrigated and the number of acres within the described parcels that will be irrigated.~~

~~(3) Owners of primary water rights who desire to irrigate over acres which are not in the District, must have those lands annexed to the District before water may be used to irrigate those lands and such owners must file the statement required in item (2) above.~~

~~(4) Over acres shall be placed on the assessments rolls of the District upon filing the statement described in item (2) above~~

~~(5) Over acres shall be assessed at the same assessment rate as primary lands, except in cases of assessment of benefits following a bond election, contract election, special assessment election or similar special election in which a different assessment of benefits is required by law. —~~

6.04
Every water user shall receive his or her water at the point of delivery and procure and maintain at his or her own expense, the measuring device, pumps, lateral, pipeline or other facilities needed to carry the water from that point to his land, No water delivery will be initiated unless there is an acceptable measuring device in operating condition.

6.05
Whenever two or more water users so desire, they may receive their water through the same lateral, but in such cases, measurement of the total water shall be made at the point of diversion and the water users shall be responsible for its proper division between or among themselves.

6.06
Should an owner subdivide all or a part of his or her land, water will be delivered to the original point of diversion in an amount commensurate with the primary water rights involved. The sub-divider will be responsible for effecting distribution among the various parcels of land.

6.07
The ditch-rider shall make daily readings of all measuring devices and keep a record thereof. Each water user shall give the ditch-rider twenty-four hours' notice of change from one point of diversion to another and/or to change the delivery of the water in any way.

6.08
Rotation of water will be permitted between head gates on the same or adjacent lands receiving water from the same canal, and when operating conditions permit, on lands more remote, but rotating between head gates on different canals will not be permitted.

6.09
After a water user has notified the ditch-rider to turn the water into his or her lateral, he or she must care for the same and be responsible until proper notice has been given to the ditch-rider to turn the same off. If an emergency requires the water user to break the seal on the head gate, the ditch-rider should be notified as soon as possible. Legal action may be taken by the District against those who willfully change head gate settings for non-emergency purposes.

6.10
Rotation of water through different head gates of an individual water user may be permitted upon verbal request to the ditch-rider, but rotation of water through different head gates of different water users will be made only upon *written* request to the ditch-rider from the water user or his duly authorized agent giving up the water.

6.11
Every water user shall be responsible for the waste water from his premises and shall provide and maintain at his or her expense necessary ditches and drops to deliver it to the nearest drainage ditch or other designated point of disposal.

ARTICLE VII – GENERAL PROVISIONS

7.01
The fiscal year shall begin January 1st and end December 31st.

7.02
The Board of Directors may amend these Bylaws by majority vote, provided a quorum is present, at any regular or special meeting. All amendments require a written Resolution signed by the Board Chairman and filed with the Secretary-Treasurer.

7.03

The Secretary-Treasurer shall authenticate the by-laws of the District by affixing there to his or her **certificate** duly signed and sealed with the seal of the District

7.04

These bylaws supersede all previous issues.