

BY-LAWS OF THE  
CHANDLER HEIGHTS CITRUS IRRIGATION DISTRICT, MARICOPA COUNTY,  
STATE OF ARIZONA

ADOPTED DECEMBER 6, 1949

ARTICLE 1 CORPORATE POWERS

Section 1. All corporate powers as an irrigation district not expressly reserved to the qualified shall be exercised by its Board of Directors and its duly elected and appointed officers.

ARTICLE II. DIRECTORS AND OFFICERS

Section 1 The District shall be governed by a Board of Directors consisting of three persons. The County Treasurer of Maricopa County, State of Arizona, shall be ex-officio District Treasurer.

Section 2. Except as otherwise provided, Robert's Rules of Order shall govern the deliberations of the Board.

Section 3. The Board of Directors shall have power and authority to select officers pro-tem when necessary, and such officers pro-tem, shall for such time have and exercise all the rights, powers and authority of actual officers.

Section 4,                    At the First Board meeting in January, a District President shall be elected from among the numbers of the Board.

Section 5.                    Between meetings of the Board the President shall, except where there has been a previous designation of duties under the By-Laws or by action of the Board, be the representative, consulting and executive officer of the District and shall have power and authority to take any and all steps that may be necessary for the conduction of the District's business, the administration and the promotion of its best welfare. No officer, Director or employee of the District, except where such duty is expressly imposed or authorized by previous action of the Board or these By-Laws, shall undertake to represent or speak for the District or to make any agreement or understandings or to in any way interfere with the performance of the duties of the President under this section. All proposals, suggestion, requests, correspondence and any and all other matters concerning the District shall except as otherwise provided, between meetings of the Board, be referred to the President for action.

Section 6.                    In addition to the District President, the officers of the District shall consist of the District Secretary, who shall be ex-officio Secretary of the Board of Directors, District Attorney, and such assistants serving under said Officers as may be detailed from time to time. Except where the State Statutes otherwise provide, all Officers shall be appointed by the Board.

Section 7.                    The Secretary of the Board shall be responsible for keeping all records and statistics of the District, water statistics , preparing all budgets, estimates and reports necessary for the transaction of the District business and/or required by the Board; and shall also be responsible for seeing that all other reports required are filed by the responsible persons for presentation to the proper officers or bodies.

Section 8.                    Except as otherwise provided, the Secretary of the Board of Directors shall be responsible for keeping the minutes and records of all administrative and executive bodies of the District; and shall also be charged with the responsibility of giving all notices necessary of meetings and elections , and making of other announcements, and shall also provide for the place of meeting and convenience of attendants.

Section 9. The District attorney shall be the advisor of the District Board and District Officers and shall have charge and control of District legal matters and proceedings.

Section 10. Any officer who shall absent himself from his office and official duties for more than thirty (30) days without permission from the Board shall thereby vacate his office; and any Director who shall fail to attend more than two consecutive meetings of the Board without being excused there from by vote of such Board, shall thereby vacate his office.

### ARTICLE III. ELECTIONS

Section 1. On the second Tuesday after the first Monday in November of each year, an election shall be held in the District at which there shall be elected one Director at large to serve three years.

Section 2. Only qualified electors holding a recorded deed and/or purchasers under land contracts in possession of the land required to pay all District taxes and assessments and expressly authorized by the record owner to vote as to such land at District elections, who are owners in severalty of agricultural lands, owning the same for 90 days proceeding the date of election under recorded instruments, who have been bona fide residents of Maricopa County six months immediately proceeding the date of such election may vote at District elections. Provided, however, evidence of ownership of any kind on which is predicated a right to vote shall be considered insufficient, unless recorded in the office of the Recorder of Maricopa County for the statutory period and in the absence of such statutory regulation then for at least 90 days immediately preceding the election date at which the holder thereof shall seek to vote. The provisions of the statutes of the State of Arizona, the decisions of Arizona Courts, District By-Laws, regulations and such legal opinions as may be requested by the District Board and/or Officials and delivered on such request, shall constitute the regulations governing elections in this District.

Section 3. The following, notwithstanding ownership, shall not be permitted to vote:

- Corporations
- Co-partnerships
- Land purchasers, where title has not passed except as stated in the preceding sections, unless said contract shall expressly provide that such purchaser shall have possession of the land and shall be required to pay all District taxes and assessments thereon, and unless said contract expressly authorizes the purchaser to vote as to such land at District elections.
- Owners of Town site lots and/or other lands not devoted to the major use of producing commercial agricultural crops.
- Recorded owners who have abandoned and/or surrendered their agricultural lands within the District.
- Persons who maintain their residence and/or whose family reside in any other county at the time of, or within 90 days of the holding of such election.
- Persons disqualified for any reason under the statutes of the United States and/or State of Arizona.
- Persons whose names are not upon the list of qualified electors of the District.
- Persons against whose ownership shall exist delinquent District taxes and/or assessments at time of election.

Section 4. Within the time and in the manner provided by statute a registration of District electors shall be made. The District Secretary and/or his deputy, shall be the District registration officer unless otherwise ordered by the Board. Registration shall be by the signing and certifying of a registration blank by the person registering and a certifying of the same by the District Secretary. The form of such registration blank shall be prescribed by the Board of Directors. The Board shall prescribe all other forms necessary to orderly conduct the elections. The Board may also prescribe such further regulations and perform such duties in connection therewith as may be necessary to insure an orderly vote of the District Electorate.

Section 5. No voter shall be considered registered until he or she has signed a certified blank of registration and the Secretary shall also have certified to the same.

Section 6. It shall be the duty of the Secretary to examine all proposed Registrants and to ascertain and determine whether such person proposing to Register possesses or will possess the necessary qualifications, of a qualified elector of the District at the next ensuing election.

Section 7. No person shall be permitted to register unless the answers certified by such person show that such person possesses the qualifications of a qualified elector of the District at the next ensuing election.

Section 8. When registration is closed, the names of all registered persons, and separately, the names of all persons whose names appeared as voters at the last preceding District election shall be submitted by the Secretary to the Board of Directors.

Section 9. Hereafter not less than fifteen (15) days previous to the holding of any election the District Board of Directors shall meet and examine said registration list. If the Board be of the opinion that the names of all persons who have voted and whose names appear upon the voting list of the last preceding District election and all who have since registered and whose names appear upon said registration list are qualified electors of the District, the same shall be approved and said list so approved shall constitute the election roster of the qualified electors of the District for the next ensuing election.

Section 10. Should the Board find that the names of any person or persons appearing upon said list have not and/or will not possess the qualifications of qualified electors at the next ensuing District election, the Board shall cause the District Secretary to remove such names from the qualified voter's registration list, the reason being entered in the minutes of the Board. Any person whose name has been removed from the qualified registered list may apply to the election Board for a District Election Ballot. If such application is made, the election Board shall examine the applicant fully to test his qualifications as a voter under the statutes of the State and the District By-

Laws. Examination shall be under oath. Should the Board after such examination be satisfied that such person whose name has been so removed is notwithstanding a duly qualified elector he shall be permitted to cast a ballot. In examining such applicant, the election Board shall take into consideration the reasons for the removal of such applicant's name from the list of qualified registrants, as shown by the Minutes of the District Board, abstract of copy of which shall be furnished the Election Board by the Secretary; and should the Election Board be of the opinion that such removal was justified and that the applicant is not a qualified elector he shall not be permitted to vote.

Section 11. The Board shall thereupon cause the Secretary to prepare a list of the qualified electors of the District, a duplicate of which shall be delivered to the Election Board.

Section 12. A title instrument is not effective until delivered and where there is a conflict between date of delivery and date of execution, the date of delivery shall govern, no instrument of title shall be effective until completed.

Section 13. The Board of Directors shall appoint an Election Board from among the electors composed of three judges. The Board shall meet at the polling place and shall elect on member as Chairman, one member as inspector, and one member as Clerk.. Thereupon, the Clerk and Inspector shall be sworn by the Chairman and shall subscribe to a written oath and thereupon the Clerk shall swear the Chairman who shall subscribe to a written oath.

Section 14. If the Directors fail to appoint an Election Board, the electors who are present at the opening hour may appoint a Board. Since the Board are general electors, the Board may fill vacancies arising during the progress of the election pursuant of the provisions of Section 3378 Revised Code of Arizona 1926.

Section 15. Vacancies in the Election Board occurring during the progress of the election, may be filled by the Chairman of the Board. Any member of the Election Board may administer or certify any oath required. The Board within the

statutory provisions, may decide whether any person requesting the right to vote is qualified. (Section 5578 RCA 1926)

Section 16. The polls shall be open from eight o'clock in the morning until six o'clock in the evening.

Section 17. Prior to the hour of opening of the polls, the Board should receive from the Secretary of the District, a Poll box which should contain a Poll List of the qualified voters of the District so far as known; a registration book in which the name and numbers of the persons voting shall be entered; sufficient ballots to supply the electors, a book and/or pamphlet in which returns of the elections may be made; and Voter's qualifying Affidavits for use of qualified voters whose votes are challenged.

Section 18. The Chairman shall if necessary, appoint a Marshall who shall be authorized to see that no disturbance of an orderly election is made and to restrain any persons from misconduct interfering with an orderly election. Any person refusing to observe the request, orders and directions of the Election Board or Marshall, necessary, proper and/or advisable for the conduct of an orderly election, shall be guilty of disturbance. No other persons shall have authority to give any orders, rules or directions.

Section 19. Any person requesting to be allowed to vote may be challenged by procedure pursuant to Section 1214, RCA, 1920, so far as applicable. Any person whose vote is challenged shall be furnished a Qualifying Affidavit which he shall be required to fill out and sign under oath. The Board shall examine the Affidavit and may question the proposed voter further, if, after such affidavit has been prepared, subscribed and sworn to, and said Affidavit and said voter have been examined by the Board, the said Board should be of the opinion that the proposed voter is not a qualified elector, he shall not be furnished a ballot and permitted to vote. A Challenge List shall be furnished by the District Secretary and a Challenge List shall be kept by the Board and all qualifying Affidavits and Challenge List shall be returned to the Board of Directors with the returns of the election.

Section 20. Persons whose right to vote is challenged by any member of the Board and/or other elector, before receiving a ballot and/or being permitted to vote, shall make an Affidavit which shall satisfy the Board that he and/or she is a qualified elector and entitled to vote.

Section 21. The Board may designate upon request of electors, one of their members to assist in the preparation of qualifying Affidavit's when timely request is made therefore.

Section 22. The provisions concerning Absentee and/or Disabled Voter's Ballot relating to State, County, Municipal, and Precinct elections shall as far as practical govern such voting. A challenge of the right to vote may be oral and/or in writing.

Section 23. Upon the closing of the polls, the election Board shall proceed to prepare the election records for canvas. The ballots shall be counted and compared with the poll list. All ballots shall be strung together without injury or mutilation. Rejected ballots shall be strung separately, thereupon the ballots shall be counted and the results entered upon the records provided for such purpose.

Section 24. Within two days after the closing of the polls the Election Board shall certify the same in writing to the Board of Directors of the District and deliver to said Board all ballots used in said election and all records relating thereto.

## ARTICLE IV. MEETINGS

Section 1. The regular meeting of the Board of Directors shall be on the first Tuesday of each month and all meeting shall stand adjourned without further actions to



said date. Special meetings may be called at any time by the President on his own motion, or by his written request of a majority of the Board and a majority shall constitute a quorum for the transaction of business but a small number may adjourn from time to time and compel the attendance of absent members.

Section 2. Minutes of the meetings of all bodies, shall ordinarily be prepared in provisional forms and shall be placed in permanent records when approved and thereupon signed by the proper officers.

Section 3. Resolutions which shall have been written out in full, and contracts and other documents need not be entered at length in the minutes unless expressly so required; but the same shall be separately filled in permanent form, and shall be identified and referred to in the minutes.

Section 4. Resolutions when introduced shall be marked "Resolution No. \_\_\_" as the case may be. The Secretary shall insert the proper number whenever the resolution is acted upon. At the foot of each resolution, the Secretary shall enter the action taken thereon, and the date of such action and such resolution shall be identified by the signature of the presiding officer and the Secretary. Separate files shall be kept for the resolutions and such resolutions shall be numbered consecutively for each year-the first number standing for the resolution number and the second number for the year of consideration.

Section 5. Amendments shall be indicated to all resolutions, motions, minutes and regulations by the Secretary with necessary information as to place, date and matter.

Section 6. All meetings of the Board and Conferences shall be public, provided, however, that whenever the best interest of the District so requires, such bodies may recess to meet in executive session and at such executive sessions only the members of such bodies and persons designated by them shall remain. On conclusion of executive session the public meeting shall be resumed.

Section 7. The order of business where not otherwise specified herein for the Board and Conference meeting shall be:

- Call to order.
- Roll Call
- Public hearing, petitions and conferences.
- Reading of Minutes
- Reports of Special Committees
- Unfinished Business
- New Business
- Adjournment

Section 8. The President shall appoint such standing and special committees as may be necessary for the performing and expediting of the District business and such committees shall meet and shall have such duties and powers as may be prescribed by said Board.

Section 9. Committees are established and appointed for the sole purpose of expediting business of the District, and shall not be employed for any other purpose. Engaging in factional undertakings, impeding the business of the District, exceeding the limits of their jurisdiction, invading the province of other committees, officials or employees, and/or other wrongful conduct shall be cause for discharge of guilty members.

Section 10. Committees shall consider and report upon such matters as may be assigned to them and no others.

Section 11. Committee members shall not act through unauthorized channels. Members shall communicate with their respective chairman regarding matters which they wish to bring up for official consideration; and such chairman shall if deemed advisable, bring such matters to the attention of the Board, in meeting assembled, or to the attention of the President of the Board as the case may require.

Section 12. No committee or member thereof shall give orders or directions to any official or employee. Committees shall report to the meetings of the Board. Committee reports when submitted shall be open to discussion and such action shall be taken thereon as majority of such Board may determine. Reports may be accepted or rejected, and measures and actions recommended may be altered, assigned or changed as the body concerned may see fit.

## ARTICLE V. SALARIES

Section 1. Directors and officers shall receive such remuneration as may be fixed by State Statutes and or the action of the Board.

## ARTICLE VI. BUDGET

Section 1. The Board of Directors shall within the time provided by law, prepare and file such statutory statements and estimates as may be prescribed by law. In addition to such statutory estimates as may be required by statute, the District Secretary shall cause to be prepared and the Board shall adopt for the fiscal year an Operating Budget. The estimates shall be fully itemized, showing under separate heads the amounts proposed as required for each department, District office of Official, and each District improvement and the salary of each District Officer, amounts proposed for the maintenance of the District irrigation system and the operation and maintenance of each District utility; and full and complete description of and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended from each separate fund and the total amount of proposed District expense. Said statement shall also contain a statement of the receipts for the previous year from other sources than taxation, the amounts actually levied and amounts actually collected for District purpose upon the tax rolls of the previous fiscal year, and the amount proposed to be raised by taxation upon the real property of such District for each purpose for said ensuing year.

The total amounts in such estimates proposed for each expenditure shall not exceed by ten (10) percent the aggregate of actual expenditures for the previous year, exclusive of bond interest, bond payments, deficits and emergency liability levies.

Section 2. The Board of Directors may publish such proposed tax estimates and operating budgets and may give such notice or adoption thereof as it may consider advisable.

Section 3. The Secretary shall make monthly reports to the Board of expenditures and balances under the operating budget; and expenditures under such operating budget shall not exceed the same-except by two-thirds vote of the Board, but

Section 3 cont;

unexpended items under the various subdivisions thereof may be transferred from one subdivision to another on order of the Board.

Section 4. The Board may provide the necessary District operating funds by taxation or by assessment or by a combination of both.

## ARTICLE VII. LAND TRANSFERS

Section 1. The District shall be authorized to accept a surrender and transfer of any lands in the District abandoned because of non-payment of taxes; to sell and/or resell any property acquired by it with or without public sale; to make loans and to issue pledge and/or hypothecate any property which it may own for the re-payment of loans and/or other indebtedness and to buy, sell, lease, handle, dispose of and otherwise deal in real or personal property in the same manner and to the same extent as any private individual or corporation, except where expressly prohibited by statute.

## ARTICLE VIII. DISTRICT LIEN

Section 1. The District shall have a lien upon any and all lands within the District, and the same shall stand charged with a lien in favor of the District for all water, electricity or other utility or commodity furnished thereto, and for any sums which may be due to the district of any nature whatsoever relating to said lands. Said lien may be enforced by appropriate proceedings in any court of competent jurisdiction.

## ARTICLE IX. DISTRICT PERSONNEL

Section 1. The Board of Directors shall establish schedules of wages and salaries for employees of the District and all employment shall conform to such schedules.

Section 2. The Board of Directors shall prescribe the regular and customary number of hours for duties of employees of the District.

Section 3. All employment, except office and administrative positions, shall be made by the Operating Executive by whatever title designated.

Section 4. The Secretary of the Board of Directors and all other employees not otherwise provided for, shall normally and customarily be responsible to the President of the Board. All office employees shall be responsible to the Secretary of the Board of Directors. All professional employees shall be responsible first to the Board of Directors. Provided however, that on special occasions and under special emergencies or proper action of the Board, responsibility to other persons or bodies may be fixed and/or required.

Section 5. In addition to the bond required of the Secretary of the Board of Directors, all employees of the District charged with the handling of monies thereof shall be required to furnish an adequate, good and sufficient surety company bond.

Section 6. The showing of favoritism, gossip, insubordination and any conduct detrimental to the best interest of the District are forbidden.

Section 7. Communications to or from employees shall be through regular channels.

Section 8. All employees and appointed officials shall conduct themselves in a courteous manner in their association with landowners and the general public. No appointive official or employee shall presume to speak for the administration unless authorized to do so.

Section 9. The Board may make special employments of auditors, accountants, engineers and attorneys as may be considered necessary from time to time for the handling of special matters and proceedings.

## ARTICLE X. GENERAL

Section 1. The District shall render to each landowner the greatest practical service consistent with its nature and restrictions, but not at the general expense of the District and/or other landowners.

Section 2. The amount of revenue to be raised by taxation and/or by water charge and/or utility rates shall be so arranged and made as to distribute the burden incidental to operations and ownership within the District upon an equitable basis.

Section 3. No special service shall be rendered to any landowner or water user, but all landowners and water users shall receive equality of service and treatment.

Section 4. No employee of the District shall engage or participate in District political activities, elections, campaigns, canvassing, or soliciting for candidates, for elective or appointive offices. A violation of this shall be cause for discharge and/or removal.

Section 5. Electors and water users shall be entitled to the service, rights and privileges provided by statute or those By-Laws, and/or rules and regulation adopted hereunder without solicitation, hiring or political manipulations; and no favoritism whatsoever shall be shown to any elector, or water user over and above another. The giving of any special privileges, accommodations or considerations to any elector or water user by any officer or employee of the District shall be cause for removal or dismissal as the case may require

## ARTICLE XI. LOANS AND RENTALS OF DISTRICT PROPERTY

Section 1. No property of the District shall be loaned to any private individual. Machinery and equipment of such nature as may not be commonly possessed or operated by landowners may be leased by the District at a fixed rental. Property to be rented shall be designated by the Board and shall be limited in nature and leasing. No property liable to extraordinary depreciation or of essential use and purpose shall be leased.

## ARTICLE XII. PIPELINES AND RIGHTS OF WAYS

Section 1. No water belonging to any landowner or stranger shall be carried in any pipeline belonging to the District; and the District shall not engage as a common carrier in carrying of irrigation water in any manner.

Section 2. Pipelines shall be of such dimensions as shall make practical and economical distribution of water to the largest practical number of landowners serviced thereby.

Section 3. District pipelines shall be kept unobstructed and the use of pipelines and other conveniences and/or agencies of the District by private individuals for any purpose shall not be permitted.

Section 4. The District Zanjero is authorized and instructed to refuse delivery of water to any land for which provision for the satisfactory disposal of waste water has not been made.

Each landowner and/or operator shall be responsible for the waste water from his land; such water shall not be allowed to cross over any State, County or District roadway or to be allowed to run another landowners property in any way that will cause damage to the set-up or crop of the other landowner.

Section 5. Where the crossing of a State, County or District roadway is necessary for the disposal of waste water, the required pipe or structure shall be installed by the District, and the actual material and labor cost only, of such pipe or structure, plus 10 per cent, shall be charged on a pro-rata acreage basis to the landowner or landowners concerned. Such cost shall remain as a charge against said lands, and delivery of irrigation water thereto shall not be made, until same is paid.

Section 6. In all cases where the landowner or water user desires to have work done at his expense by the District an estimate will be prepared and if the construction by District forces is approved the person making application will deposit in advance with the District the amount of the estimated cost. If the work cost less than the amount deposited the difference will be returned by the District. If the work cost more than the estimate the person making the deposit will pay the difference to the District.

Section 7. The District reserves a Right-of-way 20 feet wide along the South side of each twenty acre lot for pipelines, both irrigation and domestic. No



fences shall be built, or any trees, shrubs, vines or vegetation be planted on any right-of-way in such a manner as to obstruct the right-of-way. No trees or shrubs shall be planted within six feet of any irrigation pipeline.

Section 8. Persons are prohibited from crossing pipelines belonging to the District with wagons or other vehicles which may cause injury to the pipelines. Should a pipeline be injured from this cause the cost of repairing the same will be charged to the person responsible for such injury.

Section 9. No rubbish, swill, garbage, manure, refuse, or dead animal, or animal matter from any source shall be placed in or allowed to be emptied into any of the pipelines of the District, or placed on the right-of-way. District employees are hereby instructed to see that this rule is strictly enforced. All persons found guilty of violating the above rule will be prosecuted for maintaining a nuisance.

Section 10. The Zanjero will report immediately to the District Secretary any tampering that may have been done to the delivery gates, or any interference with water deliveries, either increasing or decreasing the amount of water passing through delivery gates.

Section 11. Zanjeros will report to the District Secretary any installation of obstructions in or about the pipelines of the District, reporting the place or person making installation and what authority he claims to have.

Section 12. Gates, valves and outlets of any nature on District pipelines shall be installed by or under the supervision of the District and the installation thereof shall be at the expense of the landowner or landowners served thereby in accordance with Sec. 6, of this Article. All requests for the installation of valves and outlets shall be in writing and be approved by the Board of Directors before installation.

Section 13. All irrigation water shall be delivered by the District to the South boundary of each twenty acre tract as laid out and designated in the official plat of

the District filed in the office of the County Recorder, Maricopa County, State of Arizona.

### ARTICLE XIII. WATER DISTRIBUTION

Section 1. All land within the District shall be upon equal priority as to the right to water delivery.

Section 2. Water shall be delivered to qualified water users not delinquent or in arrears in the order in which demand shall be received thereof, or hereafter specified in the By-Laws of the District.

Section 3. All land owned by any landowner or water user within the District, for the purpose hereof, be regarded as one unit.

Section 4. No water user or other person shall open or otherwise interfere with any gate, pump or other irrigation instrument or convenience without authority.

Section 5. Where two or more persons receive water out of the same pipeline, it shall be the duty of the user upon the termination of the time for which water has been assigned to him, to close all valves to insure delivery of water to the next succeeding water user in due and proper time.

Section 6. Water users who fail to close valves after completing an irrigation will be subject to a fine for leaving said valves open. Also, any water user that fails to use a water softener, such as Rosestone, at times when ammonia gas is injected in their irrigation water shall be subject to a fine. The amount of such fines shall be fixed by the Board of Directors.

Section 7. The District shall not be responsible for any interruption of service due to lack of power, breaks in pipelines, or any other accidental cause.

Section 8. Uneconomical and/or impractical and/or wasteful water runs shall not be made. Runs which may be made economically and practically at one time, but which are wasteful, uneconomical or impractical other times may be deferred until the same can be made in an economical and practical manner.

Section 9. No irrigation water shall be delivered until payment  
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shall be made in advance; and whenever the amount of water paid for shall have been delivered, service shall be discontinued until further payment. No water shall be delivered to any water user unless such water user shall have placed his acreage in good condition to prevent the wastage of water.

Section 10. Stock water deliveries shall not be made to any point of delivery where domestic water is available.

Section 11. Special runs shall be made at such times and in such manner as to prevent inconveniences and loss to the District.

Section 12. The employees of the District shall have free access at all times to lands irrigated from the pipeline system for the purpose of examining the pipeline and valves, the flow of water, crops grown and to make other surveys.

Section 13. Water must be used continuously by the water user throughout the period of the run, both day and night. Water users wasting water on roads and vacant land, or land previously irrigated, either willfully, carelessly, or on account of defective valves, or who shall flood certain portions of the land to an unreasonable depth or amount in order to properly irrigate other portions will be refused the use of water until such conditions are remedied.

Section 14. Whenever the District Zanjero shall find it necessary to make repairs upon, or improvements, to any part of the irrigation system he may temporarily suspend the delivery of water, after having previously given notice to users, when possible, but shall as speedily as possible, under all circumstances, resume the delivery of water.

Section 15. All complaints as to service, lack of water or other unsatisfactory matters or conditions shall be made to the District Secretary in writing or if made to any other employees or official other than the President shall be lodged forthwith with said Secretary. The Secretary shall hear and dispose such complaints reporting in writing the nature of the complaint and his action thereon to the President who will bring the matter to the attention of the next meeting of the Directors. An appeal may be taken from the action and/or decision of the Secretary of the Board of Directors. The decision of the Board of Directors shall be final.

Section 16. The District will not be liable for any damage of any kind or nature resulting directly or indirectly from any private ditch or the water flowing therein, or by reason of lack of capacity therein, or for negligent, wasteful or other use handling the water, but it's responsibility shall absolutely cease when the water leaves the pipeline of the District, nor will the District be liable for shortage of water, either temporary or permanent, or for failure to deliver such water.

Section 17. Every water user shall be responsible to the District for all damage caused by his willful neglect or careless acts, and upon his failure to repair such damages, after notification by the Zanjero, such repairs shall be made at his expense by the District.

Section 18. When for any reason the Zanjero is unable to deliver a full head of water from any well, he shall notify the water user and continue the delivery of water until otherwise instructed.

Section 19. When orders are not filled, the original order should be turned into the District office plainly marked on its face why it was not filled, and must also bear the date and signature of the Zanjero.

Section 20. Where order is for a larger quantity of water than the private ditch or line will carry, the Zanier will turn in all water that the ditch or line will carry charging the user with the amount ordered. If user continues to order in excess of what his ditch or line will carry he must expect to pay for the amount ordered.

Section 21. Absolutely no water will be delivered to any person unless an order for the same is first written by the landowner or water user on Request List for same at the District's office.

Section 22. No Zanjero or employee will receive money or checks from any water user to be transmitted to the office or collection agent of the District.

Section 23. Zanjero will call at District office twice each day without failure, morning and evening, and at other times requested.

#### ARTICLE XIV. WATER AND DISTRICT ASSESSMENT

Section 1. The Board of Directors may establish a District Irrigation Year beginning and ending at such times as it may deem advisable. The Board shall be authorized to prescribe conditions not inconsistent with the statutes and these By-Laws as it may deem necessary or advisable for the efficient, equitable and orderly delivery of irrigation water. Such conditions and requirements shall be posted on the District Bulletin Board for a period of 10 days before their effective date; and no water shall be furnished to any land unless such conditions and requirements are observed and complied with. Provided, however, that the Board of Directors may, by their acting, grant water service notwithstanding such default in case of bona fide transfer of land during such period, and in case of any legal disability existing at the time mentioned and in other good and sufficient cases where the waiver of requirements shall not be to the

detriment of the District and/or any other water users or landowners and shall not disrupt or interfere with any current irrigation plan and/or financial budget. Application for relief shall be filed in writing with the Board of Directors stating the reason therefore, and the action of the Board of Directors upon such application shall be final.

Section 2. Charges, tolls, assessments and interest and penalties shall be in accordance with the statutes of the State of Arizona relating thereto. Provided, however, that those By-Laws shall constitute and shall be held and taken to the full and complete notice of the intention of said Board to name any such toll, charge and/or assessment annually.

Section 3. The Board may apportion irrigation water upon an acreage basis at the beginning of each irrigation year or from time to time thereafter as circumstances may require. No water user shall be furnished any water over and above his apportionment until all other water users have first received their proper amount.

Section 4. Water users may provide the necessary conveyances for the utilization of waste water flowing from their own premises and used upon their own land,

Section 4 cont;

as may be accomplished without detriment to the District. Irrigation waste water flowing off any landowners premises upon roads or right-of-ways or into District ditches or laterals shall not be subject to use by any water user.

Section 5. Water shall be furnished, in the apportionment the Board shall take into consideration the available supply per District acre. The Water apportionment for respective water users for any given period shall not be increased for the next ensuing period because of failure of such landowner to consume the amount apportioned for the previous period, but all apportionments shall be deemed terminated at the end of the apportionment period.

## ARTICLE XV. WATER BUYS

Section 1. For the purpose of distribution and account all the land owned by a landowner shall be considered on “buy”.

Section 2. Water purchased for one “buy” shall not be used upon another, without the permission of the Board.

Section 3. No transfer of water shall be permitted to, or from lands which by reason of delinquency are not qualified to receive deliveries of water.

Section 4. Deliveries to one “buy” shall not be charged against another.

Section 5. No delivery shall be made to any “buy” while any part thereof shall be delinquent.

Section 6. No “buy” shall be established or changed while any part thereof is delinquent.

## ARTICLE XVI. WATER PAYMENTS

Section 1. Water shall be paid for in advance of delivery, and no water shall be delivered to any landowner while delinquent in water payments.

Section 2. No water shall be delivered to any landowner while such landowner is indebted to the District from any cause unless and until such indebtedness has first been adjusted.

Section 3. Deposits and payments for the purchase of water not used shall, at the end of the apportionment period, be credited upon purchase in the next apportionment period, or refunded.

Section 4. The Board of Directors may prescribe as a condition for water service that no water shall be furnished to any lands on which there are delinquent taxes or District assessments.

## ARTICLE XVII. COMMODITY RATES AND TOLLS

Section 1. The Board of Directors shall have power to fix the price to be charged per unit for irrigation and domestic water and electrical energy,. Such rates and tolls shall be fixed as often as the Board may deem necessary.

Section 2. Except by two-thirds vote of the District Board no capital or maintenance or fiscal items shall be incorporated in price charged for irrigation water.

Section 3. The rates to be charged for commodity service and any tax and/or District assessment levied and/or made shall be so fixed and arranged as to equitably distribute the District financial burdens.

## ARTICLE XVIII. ZANJEROS



Section 1. Zanjeros shall be responsible for pipelines within the District. He shall carefully observe and protect same, and report whenever cleaning and/or repairs are necessary and he shall be responsible for the protection of such pipelines in case of emergencies and/or floods.

Section 2. The Zanjero shall as often as is required by the Board of Directors, prepare and submit in a written form a report showing among other things;

- Total number of acres
- Total acreage cultivated.
- Total acreage uncultivated.
- Total acreage then planted to crops.
- Total acreage to be planted to crops during next apportionment period.
- Total acreage devoted to different kinds of crops for next apportionment period.
- Total acreage to be idle next period.

Section 3. Zanjero shall refer to the District Secretary on all conflicting matters and disputes arising with water users and shall in no case, except where specially authorized, exercise or attempt to exercise the executive or administrative duties of the Secretary.

Section 4. Zanjero shall be responsible for all water and for any water loss that may occur by reason of his fault or neglect. He shall see that pipelines are kept in efficient condition, that all gates and similar works are in good operating condition and it shall be his duty, as far as practical, to maintain water service on a proper basis and system satisfactory to the water users. Discourteous or arbitrary action on his part shall be cause for dismissal.

Section 5. Zanjero shall have the right at times of heavy demand to deliver irrigation water with regard to date of last irrigation and crop in order that no property shall suffer because of prolonged period without water as might occur by systematically following the request list for irrigations.

## ARTICLE XIX. DISTRICT LIABILITIES

Section 1. Except by vote of the landowners and/or action of the Board of Directors, no person shall have any authority to expend any District moneys, or to incur or impose any liability upon the District.

## ARTICLE XX. PROPERTY RECORDS

Section 1. All District property shall be properly listed and cared for and the Board of Directors shall formulate necessary rules for the accomplishment of the purpose of this Article.

## ARTICLE XXI. AGENTS

Section 1. The District shall be entitled to treat as the lawfully authorized representative of the landowner, the operator of any land farmed within the District in the absence of written notice to the contrary.

## ARTICLE XXII. ROUTINE RULES & REGULATIONS

Section 1. The Board of Directors shall be empowered to adopt regulations in the form and nature of rules regarding routine matters and matters not covered by these By-Laws for the government of the District not inconsistent with law and/or District By-Laws and such rules when so adopted shall be binding upon all persons concerned.

## ARTICLE XXIII. DISTRICT

Section 1. All official forms used in the District shall be conveniently numbered, assembled and filed in a suitable binder. No form shall be used in District business affairs until the same shall have been first approved by the Secretary.

## ARTICLE XXIV. AUDITS

Section 1. An annual audit shall be made of the District books at such time as the Board may direct.

## ARTICLE XXV. AMENDMENTS

Section 1. These By-Laws become effective when approved by a majority vote of the Board of Directors of the District.

Section 2. The District By-Laws may be amended by a majority vote of the Board at any regular or special meeting.

Section 3. By-Laws when approved by the Board of Directors and all amendments and supplements thereto shall be binding upon all landowners, water users and electors of the District; and the formulation, adoption and application of the same shall be deemed a sufficient consideration for the waiver of any and all claims of such persons by virtue of any state statute with reference to their lands, the fixing of the maximum amount of water to be delivered thereto, and the manner of water rotation. Provided, however, that no By-Laws shall be adopted that shall deprive any person of any vested right or which shall not under similar conditions give to each and every person entitled thereto, equal rights and privileges.

## ARTICLE XXVI. MISCELLANEOUS

Section 1.           The District Board shall establish office hours and pay schedules for the employees of the District. All employees shall during such hours, be found at their place of employment except in case of emergencies and except where special duties assigned to such personnel necessitates absence there from.

Section 2.           Communications between Officers, Directors and employees of the District, personal and written, shall be through recognized channels to the end that confusion and conflict may be avoided.

Section 3.           Whenever practical all claims shall before payment be approved by the District Board of Directors.

