

BY-LAWS of the _____ Water Association

Article I Name

The name of the Water Association is _____ Water Association

Article II Principal Office

The principal office of the water association is located at the current water master's home. The members of the water association may change the said place of business at any time. The Water Master will notify the Heart Mountain Irrigation District Office of any changes regarding information pertaining to the water association.

Article III Purpose

The purposes for which the Water Association is organized are:

1. To own, operate and maintain an irrigation water system located within the State of Wyoming, County of Park, City of_, Township_, Range_, Qtr Sec including the distributing the water from the head gate to lots, tract or parcels of members in good standing.
2. To coordinate any and all correspondence and to collect any and all monies that may become due and owing to the Heart Mountain Irrigation District.
3. In general, to do everything necessary, proper, or advisable for the accomplishment of the purposes set forth.

Article IV Membership

1. **ELIGIBILITY** – Every present and future owner of any lot, tract or parcel of land served by the Heart Mountain Irrigation District on Lateral_Turnout_.
2. **MEMBERSHIP** – Membership shall include an undertaking by such owner to comply with these by-laws and to pay all amounts levied by the association

when they become due and payable.

1. **TERMINATION** – Membership in the Association for landowner shall terminate on a member ceasing to be an owner of any lot, tract or parcel serviced by the Heart Mountain Irrigation District, **but shall remain in effect for the land in the Association.**

2. **ASSIGNMENT** – Membership may not be assigned to tenants occupying or leasing parcels.

Article V Meetings of Members

1. **Annual Meetings:** An annual meeting of the water association shall be held on _____ in the month of _____ beginning with the year _____ at the hour of _____ am/pm for the purpose of electing officers and the transaction of such other business as may come before the meeting. If the day fixed shall be a legal holiday, such meeting shall be held on the succeeding day not a legal holiday.

2. **Special Meetings:** Special meetings, when necessary, shall be called by the water master or upon a petition signed by the majority of the membership having voting rights. The notice of said special meetings shall state the time and place and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice.

3. **Place of Meeting:** Meetings of the water association shall be held at such suitable place convenient to the association members.

4. **Notice of Meetings:** It shall be the duty of the _____ to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it is to be held, to each member entitled to vote, at least five (5) but not more than ten (10) days prior to such meetings.
5. **Quorum:** Fifty one percent (51%) of the members of the water association shall constitute a quorum for the purpose of conducting water association business.
6. **Voting:** Each member shall be entitled to _____ vote per irrigated acre owned within the water association.
7. **Proxies:** At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or his duly authorized attorney-in-fact. No proxy shall be valid after sixty (60) days from the date of its execution, unless otherwise provided in the proxy.
8. **Manner of Acting:** A majority of the votes entitled to be cast of a matter to be voted upon by the members present or represented by proxy at a meeting at which a quorum is present shall be necessary for the adoption thereof unless a greater proportion is required by these by-laws

Article VI Officers

1. **Designation:** The principal officer of the water association shall be the water master.
2. **Election of Officers:** The officers of the water association shall be elected annually by members at the annual meeting.

3. Removal of Officers: Upon an affirmative vote, any officer may be removed, either with or without cause, and a successor elected at any regular meeting of the membership, or at any special meeting of the membership called for such purpose.

4. Water Master:

1. He/She shall preside at all meetings of the water association.
2. He/She shall have all of the general powers and duties necessary to carry out the purpose of the water association.
3. He/She shall have the power to appoint committees from among the members from time to time as he/she may at his/her discretion decide what is appropriate to assist in conducting the affairs of the water association.
4. He/She will be responsible to inform the district office in writing of changes relating to elected officials and by-laws of the water association.
5. He/She will be responsible to inform the district office of changes in land ownership within the water association.
6. He/She will be responsible for all correspondence between the water association and the Heart Mountain Irrigation District office and other personnel.
7. He/She will maintain accurate water use records for the water association.

5. Secretary-Treasurer (and/or) Water Master:

1. He/She shall be responsible for collecting all dues and assessments.
2. He/She shall be responsible for keeping a full and accurate account of all receipts and disbursements in books belonging to the water association.

3. He/She shall provide a written report of all funds to all members' at all annual meetings.
 4. He/She shall be responsible for recording and keeping minutes of all meetings.
6. **Membership Committee:** Voting members in good standing shall act on application for membership.

Article VII
Dues and Assessments

1. **Annual Dues** – The annual dues for each member shall be an amount determined by need and as agreed upon by the majority of the members at the annual meeting.
2. **Assessments** – Each member shall be charged the amount assessed to their lot, tract or parcel by the Heart Mountain Irrigation District excluding sur-charge.
3. **Special Assessments** – Special assessments may be levied on members of the water association only by a majority vote of all of the members of the water association.
4. **Payment of Annual Dues** – Payment of annual dues shall be paid on or before the ___ day of _____ and each year after which an owner becomes a member.
5. **Default in Payments of Dues & Special Assessments** – Any member that is late in payment of their annual dues or special assessments for a period

of _____ days from the date on which the dues or special assessment become payable will be considered in default. Members in default will become unable to vote and shall have water service discontinued. Voting privileges and water service will not be reinstated until the member has paid his/her dues or special assessment in full, plus a \$ _____ late fee.

6. Payment of Heart Mountain Irrigation District Assessments – Annual assessments, excess water or other charges levied shall be paid in full by each property owner before the ___ day of _____, and each year following in which an owner is a member. Payments will be made individually to the water association and the water association will make payment in full to the district.

7. Default in Payment of Heart Mountain Irrigation District Assessments – When any member shall be in default of payment for their annual assessment, excess water or other charge for a period of _____ days from the date on which the assessment, excess water or other charge become payable, said member will become unable to vote and shall have water service discontinued. In addition to the forgoing, monies will be paid to the Heart Mountain Irrigation District for the defaulting member by the water association.

The _____ Water Association shall have the right to record a notice of claim of lien and proceed thereon in accordance with provisions of Wyoming Law for the foreclosure and enforcement of liens. In the event the _____ Water Association shall not record a lien; it shall have the right to commence an action against such member for the collection of the unpaid assessments in accordance with the provisions of Wyoming Law.

Voting privileges and water service will not be reinstated until the member has paid all monies due and owing in regards to the delinquent assessment, excess water or other charge.

Upon a member being reinstated, the Water Master will provide a written confirmation to the Heart Mountain Irrigation District that said assessments, excess water or other charges are paid in full and the member is once again in good standing with the water association.

Article VIII Use of Water

Water furnished to the members shall be for irrigation purposes only. Water orders will be requested through the Water Master only and only in the manner deemed appropriate by the water association. No member other than the Water Master has the authority to turn the water on or off or otherwise adjust the system.

Article IX Amendments

These articles may be amended or new by-laws may be made and adopted, at any annual or special meeting of the members of the _____
Water Association, by two – thirds ($\frac{2}{3}$) vote of the members of the water association, provided that notice of intention to amend shall have been contained in the notice of the annual or special meeting.

Article X

Duly Authorized Signatories

Each party represents and warrants that its signatory whose signature appears below has been and is on the date of this agreement duly authorized by all necessary corporate or other appropriate action to execute this agreement.

Certificate of Adoption

**The undersigned does hereby certify that the above and forgoing by-laws were duly adopted by the membership of the _____
Water Association on the _____ day of _____,
20_____ and are now and have been since that date the by-laws of said water association.**

Landowner Signature Printed Name Legal Description Date

The undersigned, qualified and authorized representative of the Heart Mountain Irrigation District does hereby certify that the above and foregoing by-laws of the _____ Water Association were duly reviewed prior to their recording and all statements contained herein meets with the Heart Mountain Irrigation District's satisfaction and approval.

Heart Mountain Irrigation District Date

Water Master (Must be signed in front of Notary) Date

This Notary Certificate is prepared on a separate page and is attached to the document entitled "BY-LAWS" containing 4 pages and is attached to that document by means of a staple.

State of Wyoming

ss

County of Park

_____, WATER MASTER
for _____ Water Association (who I
know personally) (Whose identity was proven to me on the basis of satisfactory
evidence) to be the person whose name is subscribed to this instrument,
personally appeared before me and acknowledged that he/she executed the
same on this _____ Day of _____, 20_____.

Witness my hand and official seal

Notary Public

My Commission expires: _____

