

RULES AND REGULATIONS
OF THE
GOSHEN IRRIGATION DISTRICT

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SECTION I: INTRODUCTION

1.1 District Description and History

The Goshen Irrigation District (“Goshen” or “District”), located entirely within Goshen County, Wyoming, was formed by the District Court and on November 24, 1926, it entered into a contract with the United States to obtain water from the North Platte River. The District serves approximately 400 water users. In advance each year, the Goshen Irrigation District pays the United States a proportionate share of the estimated cost of operating and maintaining the reserved works. The reserve works, which are operated and maintained by the Bureau of Reclamation, include Pathfinder Dam and Reservoir and Guernsey Dam and Reservoir. Irrigation water is delivered to District Landowners through the Ft. Laramie Canal, which serves the Goshen Irrigation District in Wyoming and the Gering-Ft. Laramie Irrigation District in Nebraska. The Goshen Irrigation District is designated as the operating agency of Whalen Dam. The Goshen Irrigation District system is made up of approximately 300 miles of laterals and approximately 200 miles of drains. Water is delivered to 52,484 acres and the United States (at the state line) to be used by the Gering-Ft. Laramie Irrigation District. For this service, the United States pays to the Goshen Irrigation District an amount called a water carriage credit, which is based on the costs incurred by the Goshen Irrigation District on the involved features, as determined by the Secretary of the Interior. District lands are generally located south of the City of Torrington and lie between the North Platte River and the Ft. Laramie Canal.

1.2 District Authority

The powers and duties of the District are enumerated in “Bylaws of the Goshen Irrigation District” and Chapter 7 of Title 41 of the Wyoming Statutes. The Bylaws are set forth earlier in this Handbook. The following table identifies the ten Articles contained in the Wyoming Statutes:

ARTICLE	TOPIC
Article 1	In General
Article 2	Organization Generally
Article 3	District Commissioners Generally
Article 4	Assessments
Article 5	Organization Expenses
Article 6	Construction Contracts with the U.S.
Article 7	Power Projects
Article 8	Public Irrigation and Power Districts
Article 9	Revenue Bonds
Article 10	Dissolution

All canals, laterals, pipelines and works of the District, including structures in or over District canals, laterals, and ditches, are under the general management of the Board of Commissioners, and under the exclusive control of the District. No person shall have any right to interfere with said canals, laterals, ditches, or works of the District without express permission from the District Manager.

1.3 Water Rights Held by the District

Following is a table summarizing the District's major water rights.

WATER RIGHT PERMITS

Permit Name	Permit No.	Source of Supply	Priority	Permitted Uses	Amount (cfs)	No. of Acres
Ft. Laramie Canal	Permit No. 18544	North Platte River; Pathfinder Reservoir - Permit No. 609 Res; Guernsey Reservoir - Permit No. 3905 Res.	12/06/1904	Irrigation; Domestic	823.09	55,581
Enlargement of the Ft. Laramie Canal	Permit No. 5014 Enl.	Guernsey Reservoir - Permit No. 3905 Res.	04/20/1923	Irrigation; Domestic	None (secondary supply)	55,581
2 nd Enlargement of the Ft. Laramie Canal	Permit No. 4883 Enl.	Laramie River	01/20/1930	Irrigation; Domestic	None (secondary supply)	50,571.80

1.4 Extent of District's Responsibility and Authority

The District has the responsibility and authority to operate and maintain the water delivery system. The system includes, but may not be limited to: canals, laterals, ditches and pipelines. The District's responsibility and authority extends to the measuring device associated with a given water delivery turnout. The District is not responsible for operating or maintaining water delivery systems downstream of the District's historical delivery point.

2 SECTION II: RULES AND REGULATIONS

2.1 Purpose of Rules and Regulations

The District has adopted these Rules and Regulations to achieve the provisions and purposes of Chapter 7 of Title 41 of the Wyoming Statutes and

the District Bylaws. The District shall use these Rules and Regulations as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District. They may not be construed so as to limit or restrict the District's discretion, nor be construed to deprive the District of the ability to exercise any powers, duties, or jurisdiction conferred by law.

2.2 Enforcement of Rules

The District will enforce these Rules and Regulations pursuant to the authority granted by State law and by the District Bylaws. Enforcement measures include, but are not limited to: (1) the right to refuse to deliver water; and (2) an assessment of damages arising from any breach of these Rules and Regulations.

In appropriate cases, the District may seek judicial enforcement of these Rules and Regulations requesting damages, injunctive relief, or both. If it is necessary to seek judicial relief in an action to enforce the Rules and Regulations, the District shall be entitled to recover its costs of prosecution, including a reasonable sum for its attorneys' fees, expert witness fees, and costs.

2.3 Modification of Rules and Regulations

The Commissioners may from time to time amend these Rules and Regulations or adopt new rules and regulations.

2.4 Severability

If any Rule or Regulation or any part of any Rule or Regulation herein shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions of these Rules and Regulations.

2.5 Definitions

2.5.1 Acre-foot: The amount of water needed to cover one acre of land one foot deep (about 326,000 gallons). One cfs of water running for twelve hours equals approximately one acre-foot.

2.5.2 Allotment: A quantity of water, measured in acre-feet, determined by the Board of Commissioners to be the proportionate share of irrigation water available to each assessed acre within the District for a water year.

2.5.3 Beneficial Use: The basis, the measure and limit of the right to use water at all times.

2.5.4 Board: The elected Board of Commissioners of the Goshen Irrigation District.

2.5.5 Bridge: A structure installed over a watercourse that allows access from one side to the other side of said watercourse.

2.5.6 Cattle Guard: A device installed in a roadway in lieu of a gate, typically of metal construction, that impedes or prevents the movement of livestock.

2.5.7 Commissioners: The duly elected officials of the District that comprise the Board of Commissioners who are charged with developing policies and rules under which the District operates pursuant to Wyoming law.

2.5.8 Cubic-foot-per-second: The rate of discharge representing a volume of one cubic foot passing a given point during one second. This rate is equivalent to approximately 7.48 gallons per second, or 1.98 acre-feet per day (twenty-four hour period).

2.5.9 Culvert: A pipe, tube, or other device installed in a watercourse that allows access from one side to the other of said watercourse. A culvert is used to transport water under or through a crossing or roadway.

2.5.10 District: Goshen Irrigation District, an entity organized under and by virtue of the laws of the State of Wyoming and its Bylaws, inclusive of its Commissioners, officers, employees, agents or other legal representatives.

2.5.11 Ditchrider: A person employed by the District whose duties include, but are not limited to, the operation and management of a portion or portions of the system operated and maintained by the District.

2.5.12 Diversion of Water: To remove water from a waterbody by changing the direction of the flow of the water, via a water delivery turnout, pump, siphon, etc.

2.5.13 Easement: The District's right to use the land owned by another on, in, around, under or adjacent to the system managed by the District.

2.5.14 Gate: A device installed across a roadway that excludes vehicular, pedestrian, or livestock movement, typically constructed of metal pipe, wood or wire.

2.5.15 Headgate: The gate that controls water flow into irrigation canals and ditches. A ditchrider regulates the headgates during water delivery.

2.5.16 Landowner: Any person, partnership, firm, corporation, municipal corporation, governmental or proprietary body, association of such persons, or agent of such entity that has the right by virtue of ownership of real property located within the District boundaries to receive irrigation water through the system operated and maintained by the District.

2.5.17 Manager: The individual hired by the Board of Commissioners to plan and direct maintenance and operation of the irrigation system.

2.5.18 Pump: A device which mechanically moves water conveyed through a natural or artificial channel.

2.5.19 System: The canals, laterals, pipelines, open and closed drains, waste water inlet pipes, lands, or other facilities, and associated easements, operated and maintained by the District.

2.5.20 Water Master: Individuals hired by the Manager to assist with diversion, distribution and delivery of irrigation water for district use as delegated by the Manager.

2.5.21 Watercourse: A natural or manmade channel, canal, lateral, pipeline, ditch, drain, etc. that confines the flow of water to a certain direction.

2.5.22 Water Delivery Turnout: A device through which the flow of irrigation water from the system is regulated.

2.6 General Water Use Policies

2.6.1 Installation of New Water Delivery Turnouts

Written approval must be obtained from the Board of Commissioners before installation of a headgate, diversion box or works of any character that are used to divert water from the District's canals, laterals or ditches. Any new water delivery turnouts may be installed, at the landowner's expense, by the District or by a contractor approved by the District. All such construction shall meet the District's specifications. Unless otherwise agreed to in writing, any such construction shall be paid for by the landowner, and become the property of the District whether paid for by the District or not.

2.6.2 Pumps

Written approval must be obtained from the District before installation of a permanent or portable pump. Any pump must have a measuring device and will be charged for water use as if the water were delivered through a canal or lateral. No pump installation will be allowed in a canal or lateral when water is in said canal or lateral.

No pumps or siphons shall be used on water delivered by the District before such water is measured.

2.6.3 Purchases from the District

From time to time, the District may make certain items available for sale to landowners, including, but not limited to, gravel, rock, scrap iron, or vehicles. Any sale from the District to a landowner requires the approval of the Board after recommendation is made by the Manager.

2.6.4 Unauthorized Discharge into the System

The District prohibits unauthorized and unlawful discharges into any part of the Goshen Irrigation District system. Any person who makes an unauthorized or unlawful discharge into the District's system shall be liable to the District for any and all damages caused thereby, including repair of any cuts made in the bank of any canals, ditches or laterals caused by such unauthorized or unlawful discharge.

2.6.5 Wading, Swimming or Bathing

All wading, swimming and/or bathing in any District, canal or lateral is strictly prohibited at all times and under all circumstances.

No fishing or recreation is allowed at any of the District facilities.

2.6.6 Waste water

The Board may refuse to deliver water to a landowner who wastes water by allowing water to escape onto roads, vacant lands, or lands within the District's boundaries or adjacent property. At the Manager's discretion, the ditch riders will be instructed to turn off water whenever such waste occurs.

2.7 Water Delivery

2.7.1 Access within District Boundaries

The District shall have the power and authority to enter upon the land, after notification to the landowner, except in case of emergency, for any and all reasons relative to the administration of water. In case of emergency, the District may enter such lands without providing notification. Entry upon the land by the District shall not be considered trespass. Notification may be accomplished by regular mail, certified mail, but in most cases notification will be made by oral communication.

2.7.2 Accounting of Water Use

Water use will be accounted for in twenty-four (24) hour increments, except in cases of emergency or at the discretion of the Manager.

2.7.3 Assessments

Payment by landowners for the charges assessed by the District for operation and maintenance shall be made directly to the Goshen Irrigation District.

All assessments must be paid in full on or before May 10th of the year following the year in which the assessment is made. On or before May 1st of each year following the year in which the assessment is made, the Secretary shall give written notice to all landowners whose assessments have not been paid as of May 1st.

Delinquent assessments will result in the prohibition of the delivery of water, prevent the landowner from being eligible to run for the Board of Commissioners and prevent the landowner from voting in any District matter until such delinquent assessment has been paid.

2.7.4 Control of Gates, Checks, etc.

Except as otherwise specified in these Rules and Regulations, only District employees are allowed to operate headgates, valves or other control

devices. Any person who in any way interferes with the setting or adjustment of such head gates, turnouts, valves or checks shall be held strictly liable for any damage resulting therefrom, and may be prosecuted pursuant to Wyoming law. Specifically, the Board of Commissioners shall cause to be prosecuted any person or entity violating Wyo.Stat. §§ 41-3-614 and 41-5-110 which read in part as follows:

Wyo.Stat. § 41-3-614: It shall be unlawful for any person to willfully use or possess water which has been lawfully denied by the water commissioner or other competent authority or to open, close, change or interfere with any well, pump, reservoir outlet valve, dam, diversion, headgate or waterbox without authority. Any violation of this section shall be punishable pursuant to W.S. 41-3-616.

Wyo.Stat. § 41-5-110: It shall be unlawful for any person without authority, to willfully interfere with or damage any dam, diversion structure or means of conveyance whether jointly owned by the person, on the property or in the lawful possession of another, with the intent to injure any person, or for his own gain, to the injury of any other person lawfully entitled to the use of such water, diversion structure or means of conveyance. Any violation of this section shall be punishable pursuant to W.S. 41-3-616.

2.7.5 Handling of Disputes

When landowners cannot resolve differences or controversies between them and the ditchrider, they are expected to discuss the problem with the District Manager. If the District Manager is unable to resolve such differences or controversies, such landowners may request assistance from the Board of Commissioners. The Board of Commissioners shall act as the final level of appeal on differences and controversies between landowners and District employees.

When landowners cannot resolve differences with other landowners, they should seek advice from the Board of Commissioners. The Board will assist landowners in resolving any such differences, but cannot arbitrate private matters that do not involve the delivery of water.

2.7.6 Measurement of Water

Water delivered to a landowner's turnout shall be ordered and measured in cubic feet per second (cfs) and will be converted to acre-feet per day for accounting purposes.

2.7.7 Modification of Water Delivery Systems

Landowners shall not modify the District's water delivery system without prior written permission from the Board of Commissioners.

Any application or proposal to make any physical change to any part of the District system, including but not limited to headgates, canals, laterals, or ditches, shall be in writing and must be accompanied by a written plan describing the proposed changes.

2.7.8 Operation of Water Delivery Turnouts

The District maintains numerous delivery turnouts from its main delivery system. The operation (opening, closing and adjusting) of water delivery turnouts is the sole responsibility of the District's ditchriders. A landowner may operate a water delivery turnout only if so authorized by a ditchrider in the event of an emergency or for convenience of operation of the delivery system. The District or a ditchrider may revoke such authorization at any time.

Any water delivery turnout may be locked, for good cause, by the Manager or Water Master.

2.7.9 Ordering Water

All requests for water to be turned on or off must be made through the District Office or on the District's website (www.goshenirrigation.com) The only persons authorized to adjust laterals, head gates or diversion boxes are the

Ditchrider, Water Masters or the Manager. In the event any landowner is dissatisfied with a delivery decision, he may appeal to the Board of Commissioners, who are authorized to modify any action or decision of the Ditchrider, Water Master or Manager.

Landowners must order water by notifying the District Manager or the Ditchrider at least forty-eight (48) hours in advance of when they want the water turned into the lateral head gates or diversion box. Landowners must notify the District Manager or Ditchrider at least twenty-four (24) hours in advance of when they want the water turned off.

Special circumstances, such as start-up, shut-down or drought conditions, may require additional time to start or stop delivery of water. Such special circumstances shall be determined by the Manager or Water Master.

Before turning any water into a lateral head gate or diversion box, the Ditch Rider, Water Master or Manager must be satisfied that the laterals and waste ditches are in working order and that the waste gates and head gates are adjusted.

Water will not be turned into any lateral head gate or diversion box until the user has made provisions to take care of wastewater. The District reserves the privilege of closing the lateral gates in the event it is determined that proper waste ditches are not provided.

The landowner must be prepared to monitor and manage the water that is ordered and delivered. These responsibilities extend for the entire period of time during which the landowner is receiving District water, twenty-four (24) hours per day. Under no circumstances is the headgate to be lowered or raised, except pursuant to the procedure provided for herein. Only the Manager or Water Master are entitled to increase or decrease deliveries.

2.7.10 Persons Authorized to Order Water

The owner of record or an authorized agent is authorized to place water orders. In order to be considered an "authorized agent" on behalf of a landowner, such landowner must complete and sign the "Goshen Irrigation District Authorization and Agreement" form prior to the authorized agent

submitting a water order request. If a landowner desires to make changes relative to who may order water for a given holding, a new "Authorization and Agreement" form shall be completed prior to the District's acknowledgment of a water order by that authorized agent. If an "Authorization and Agreement" form is on file at the District office, and there are no changes in persons authorized to order water for a given water year, it is not necessary to file a new form.

The District is not responsible for, and cannot be held liable for, any water delivery decision made by any landowner or his authorized agent.

2.7.11 Regulation of Turnouts

Any headgate on any canal can be locked at any time at the discretion of the Manager and/or Water Master.

2.7.12 Transfer of Water Allotments

Landowners may be permitted to transfer water from one parcel to another on an annual basis, provided both parcels are entitled to receive water pursuant to the District's permits, and provided further that any such transfer will not exceed the safe operating capacity of any canal or ditch as determined by the District Manager. The landowner(s) must complete a "Water Transfer Card" prior to any transfer. The District will not become involved in any transaction between landowners regarding transfers.

Water transfers cannot be completed upon lands that have delinquent assessments as defined in these Rules and Regulations. Because of administrative and accounting reasons, the District does not allow a "double" transfer of water.

2.7.13 Water Allotment

The authority to set and change water allotments rests solely with the Board of Commissioners. The initial water allotment will be set as soon as practicable before water deliveries begin, usually at the Board's monthly meeting in May, and is based on usable water supply divided by the number of

District acres. The Commissioners may modify the water allotment as deemed necessary and as water supplies dictate, throughout the water year.

The authority to set beginning and ending dates of each irrigation season rests solely with the District Manager after consultation with the Board of Commissioners and is based on the number of water orders and the feasibility of making water deliveries.

2.7.14 Water Deliveries

The District will make every effort to maintain an adequate flow of water in each lateral system to meet anticipated demands. However, changes in water use due to temperature variation, local runoff from precipitation, spill water from other lateral systems, canal breaks, and other emergencies may cause unavoidable fluctuations and interruptions in flow.

2.7.15 Sale of Property in District

When any land within the District is sold by a landowner and title passes to the purchaser, the shares of stock owned by the seller pass to the new owner automatically. The District assessment should be prorated at the time of closing.

Whenever any landowner of this District conveys, whether by contract for deed or by sale, any lands under the Goshen Irrigation District Project, to which there is attached a water right served by this District, the landowner and the purchaser shall immediately notify the District Office of such conveyance and provide the legal description of the lands and acres so conveyed together with the name and address of the person to whom future assessments shall be sent. Until such information is provided, the District will continue to charge assessments to the landowner of record.

2.8 Use of Easements and Rights-of-Way

2.8.1 Generally

In accordance with state and federal law, the District has access to its system through easements and rights-of-way for the purpose of delivering water

and to operate and maintain the District system, whether the easement is recorded or unrecorded.

Access to and along all easements and rights-of-way shall be unimpeded by fences, locked gates, pipelines, or any other obstructions that would inhibit District personnel from accessing any or all of the District system during the water delivery season (generally April 1st through November 30th of each year). All landowners shall allow free ingress and egress across their premises for the purpose of allowing the District Manager, Water Master, Ditchrider, Commissioners, employees, and/or contractors working under the authority of the Board of Commissioners, access to the entire District system, including but not limited to all canals, laterals and ditches.

The District's canals, laterals, and ditches are located on and cross over the lands of certain landowners. All such landowners, in fencing their lands, must provide a suitable structure to allow water to flow unobstructed through those canals, laterals and ditches. Such landowner must also provide on the bank of the canal, lateral or ditch, or as near thereto as possible, a suitable gateway for use by the District Manager, Water Master or Ditchrider. The District will remove (and assess an appropriate fee) any fences in the event that it is necessary to do so in order to undertake such things as cleaning and maintenance.

Rights-of-way for all main canals, laterals and ditches are the width determined necessary by the District and are perpendicular to the centerline. No buildings or other structures shall be allowed within the District's rights-of-way.

2.8.2 Building Upon or Modifying Easements

Any modification or use of an easement is prohibited without written District approval.

2.8.3 Bridges Installed on Easements

Anyone who seeks to construct a bridge across a District easement, canal, lateral or ditch must first obtain written permission from the Board of Commissioners. No bridge may be constructed unless and until the District's

Board of Commissioners or its authorized agent have issued a written approval of the plans and designs of any proposed bridge. In some cases, the District may require that the proposed bridge owner(s) retain the services of a professional engineer to design and/or approve the design of the proposed bridge.

All bridges are to be of clear span type and constructed with non-burnable materials that allow for the transport of heavy equipment. The abutments shall be set back a sufficient distance so that no obstruction to the free flow of water will occur. A minimum two feet clearance shall be maintained above the normal highwater line. Footings for bridge abutments must be placed high enough to reach a firm foundation. Private bridges (those not benefitting District operation and maintenance of the system) shall be constructed and maintained at the sole expense of the bridge owner(s). Any and all construction requirements for bridges may be waived at the discretion of the Board of Commissioners if they deem appropriate.

Construction activity of any kind that results in the direct or indirect use on, over, through or around an easement requires approval by the District in writing prior to the activity taking place.

Any bridge installed on an easement must be constructed and maintained at the sole cost of the owner and in a manner so as to not interfere with the delivery of water or operation and maintenance of the District's system. In the event that such bridge, for whatever reason, interferes with the delivery of water or the operation and maintenance of the District's system, the District has the authority at its sole discretion to remove said bridge, at the sole expense of the owner(s) of the bridge, without notice.

2.8.4 Fences Installed on Easements

Anyone who seeks to construct a fence across a District canal, lateral or ditch must first obtain written permission from the Board of Commissioners. In no event shall such fence be constructed where the lowest point of the fence is less than one (1) foot above the high water level of the ditch. The fence shall not impede District activities for water delivery or maintenance.

The District assumes no liability or responsibility for the construction, maintenance or repair of any such fences.

2.8.5 Cattle guards and Gates Installed on Easements

Anyone who seeks to construct a cattle guard or gate across a District easement, canal, lateral or ditch must first obtain written permission from the District. No cattle guard or gate may be constructed unless and until the District's Board of Commissioners or its authorized agent have issued a written approval of the plans and designs of any proposed cattle guard or gate. Cattle guards must be of such design to withstand twenty (20) tons or more weight, be a minimum of ten (10) feet long, seven (7) feet wide, and placed on a concrete footing and have an associated side gate to allow vehicle and equipment travel in lieu of crossing the cattle guard. Gates must be a minimum of twenty (20) feet in width.

Any cattle guard or gate installed on a District easement, canal, lateral or ditch must be maintained at the sole cost of the owner and in a manner so as to not interfere with the delivery of water or the operation and maintenance of the District's system. Should a cattle guard or gate interfere, for whatever reason, with the operation and maintenance of the District system, the District will make all attempts to work with the landowner to remove the cattle guard or gate, but the District has the authority at its sole discretion to remove said cattle guard or gate, at the sole expense of the owner(s) of the cattle guard or gate, without notice.

2.8.6 Culvert, Canal and Ditch Crossings Installed on Easements and District Canals, Lateral or Ditches

Anyone who seeks to construct a culvert, canal, or ditch crossing across a District easement, canal, lateral or ditch must first obtain written permission from the District. No such culvert, canal, or ditch crossing may be constructed unless and until the District's Board of Commissioners or its authorized agent have issued a written approval of the plans and designs of any proposed culvert, canal or ditch crossing. Culvert/canal/ditch crossings must be of such design to withstand twenty (20) tons or more weight and must be designated as one of three different types:

- (1) Private;
- (2) Multiple Residential/Subdivision;
- (3) Commercial/Industrial

Any culvert/canal/ditch crossing installed on any District easement, canal, lateral or ditch must be maintained at the sole cost of the owner and in a manner so as to not interfere with the delivery of water or the operation and maintenance of the District system. Should a culvert/canal/ditch crossing interfere, for whatever reason, with the delivery of water or the operation and maintenance of the District system, the District has the authority at its sole discretion to remove said crossing, at the sole expense of the owner(s) of the crossing, without notice.

2.8.7 Pump Installation on Easements

Anyone who seeks to install a pump that will be permanently placed on any District Easement, canal or ditch must first obtain written permission from the District. No pump may be constructed unless and until the District's Board of Commissioners or its authorized agent have issued a written approval of the plans and designs for the proposed installation of a pump. Pumps shall be installed and maintained at the sole expense of the pump owner. The pump well, power pole, and any other associated fixtures shall be located off the District's easement.

2.8.8 Third Party Use of Easements

No person shall allow unreasonable third party use of easements that would, by the nature of such use, cause increased maintenance of the District system or said easement, without requiring the third party to seek written prior District approval of such use.

2.8.9 Utility Crossings of Easements

The District's Board of Commissioners or its authorized agent has the sole authority to approve all plans and designs of proposed utility crossings of any easement. The Board shall assume no liability related to any utility crossing of an easement.

2.9 Uses of District Facilities, Roads, Easements and Rights-of-Way

All canals and laterals operated by the District shall be maintained solely for the purpose of supplying irrigation water to the District landowners during the irrigation season. The District is neither responsible for, nor required to maintain any specific water level or flow for fisheries, for stock use, or for ground water wells.

Roads, easements, rights-of-way, and other structures constructed and maintained by the District for the express purpose of operating and maintaining its facilities shall not be used by any individuals except those specifically granted such rights by the District. Rights to use these facilities will only be given in writing by those District personnel who are authorized to do so. The right to ingress and egress cannot be denied to any District employee or Board Commissioner so long as it is pertinent to the delivery of water and the maintenance of the system.

Distribution facilities and rights-of-way secured for the District shall become the property of the District.

2.10 Election Procedure

During the last regular Board meeting of each calendar year, the Board shall appoint five members in good standing from any district where a Commissioner is to be elected at the next annual meeting to serve on the Nominating Committee(s). If two Commissioners will be elected at the next annual meeting, the Board shall appoint two separate Nominating Committees. The appointed members shall receive a notice via U.S. Mail requesting their participation on the Nominating Committee. If any appointed member is unable or unwilling to serve, the Board shall appoint another member from that district to serve on the Nominating Committee. The purpose of the Nominating Committee is to assist in the selection of interested and qualified candidates for positions on the Board of Commissioners.

Any member interested in serving the District by serving on its Board of Commissioners must express such interest to the Nominating Committee during its meeting in January. A quorum (at least three members) of the Nominating Committee will select candidates for any open position on the Board of

Commissioners. Following selection, a ballot showing the candidates for each position will be distributed to all District members at least twenty (20) days prior to the election. At the Annual Meeting, only official ballots distributed by the District will be accepted and counted. Only proxies submitted on the official ballot distributed by the District, signed by the person or corporation entitled to vote and witnessed, will be accepted and counted. Write-in candidates will not be allowed. If no one candidate receives the majority of all votes cast by the qualified voters of said commissioner district, the election judges shall conduct a successive count of votes and acres without those cast for the candidate who received the least amount of votes. The election judges shall conduct sufficient successive counts of votes until one candidate receives the majority of all votes cast by the qualified voters of said commissioner district.

2.11 Use of Contractors

Except in the case of emergency, the Board of Commissioners shall require written contracts whenever construction, maintenance or repair of any District facilities require the service of persons other than District employees and where the cost of such services exceeds Five Hundred Dollars (\$500.00).

Whenever a contract price exceeds Two Thousand Five Hundred Dollars (\$2,500.00) the Board of Commissioners may require the contractor to provide good and sufficient bond and surety for the faithful and workmanlike performance of such services and for completion of the Contract to the satisfaction of the Board of Commissioners.

3 SECTION III: SUBDIVISION OF LAND

3.1 Statement of Purpose

The original Irrigation District, controlled and administered by Goshen Irrigation District, was implemented, laid out and constructed based on historic uses and application. In order to deliver water to the landowners, the District must have the ability and authority to use and manage the entire physical system that makes up the Goshen Irrigation District, including the structures,

easements, rights-of-way, canals, ditches, laterals, diversions, and measuring devices.

The ownership of land within the District has changed over time. Where there was previously only a single or only a few landowners, there are now an increasing number of farm units, and a multitude of landowners and water users. This subdivision activity has created many administrative, legal and practical problems for Goshen Irrigation District and has resulted in greatly increased expenses.

3.2 Statement of Policy

The District's Rules and Regulations related to subdivision activities shall be implemented, construed and interpreted based on the following declarations and policies of the Board of Commissioners:

3.2.1 The Board of Commissioners must control the Goshen Irrigation District's costs in owning, operating, maintaining, and administrating the Goshen Irrigation District's property and rights for the benefit of all its landowners.

3.2.2 The subdivision of lands located within and served by the District has created increased demands and expenses to the District.

3.2.3 The Board believes that it is appropriate to affix and assign those additional costs and expenses associated with the subdivision of farm units to those owning or subdividing the these farm units.

3.3 Treatment of Subdivided Lands

3.3.1 Transfers

3.3.1.1.1 When any land within the District is sold by a landowner and title passes to the purchaser, the water rights associated with such land automatically pass to the purchaser.

3.3.1.1.2 Whenever any landowner of this District conveys, whether by contract for deed or by sale, any lands under the Goshen Irrigation District, to which there is attached a water right served by this District, the landowner and the purchaser shall immediately notify the District of such conveyance and provide the legal description of the lands and acres so conveyed together with the name and address of the person to whom future assessments shall be sent.

3.3.1.1.3 Until such information is provided, the District will continue to charge assessments to the landowner of record.

3.3.2 Water Rights Survey Requirements

Any landowner served by the District who seeks to divide his lands shall obtain a water rights survey of the lands and provide the District with a copy.

3.3.3 Delivery of Water to Subdivided Acreage

3.3.3.1 Historical Point of Diversion and Water Deliveries

Except as otherwise permitted by this Rules and Regulations, the District will deliver water only to the historic points of diversion for the original farm unit on the District's right-of-way. Such deliveries will not exceed the measured volume historically delivered to that point of diversion. Any proposed subdivision within the boundaries of the District shall either (1) relinquish any appurtenant water rights to the District; or (2) construct a distribution system to provide water to each parcel located within the subdivision.

Those divided parcels that are entitled to receive District water and against which an assessment is made shall provide the following information to the District before the District will deliver water:

1. Written proof of a serviceable, maintained, cleaned conveyance system from the historical point of diversion to the property upon which the water is to be applied; or
2. A recorded easement/right-of-way, or a judgment or decree entered by a court of competent jurisdiction, establishing the right to construct, maintain, and use a surveyed, platted, conveyance system from the District's point of delivery to the owner's land.

Any conveyance system that is used to deliver water to two or more landowners entitled to District water must be constructed so as to allow the District to measure the water delivered to each user.

The District shall have no liability or responsibility for the use or transfer of water beyond any of its designated points of delivery. The District will not deliver water to any lands unless there is installed a measuring device that complies with all District Rules and Regulations.

3.3.3.2 Water Users Association

At the District's discretion, any distribution of water beyond the original farm unit turnout shall be controlled by a "water users association" created for that particular subdivided area. This water users association shall adopt and implement the necessary by-laws, rules and regulations, and ditch users agreements to address delivery and use of District water. The association's bylaws shall be in writing and shall be filed with and approved by the District before implementation. The members of this association shall appoint a water master, who will be the authorized representative of the association for the purpose of conducting business with the District, including ordering water for the association as a whole.

In the event the District requires an association, the association shall pay all fees, charges and assessments that are owed to the District by the individual tracts within the subdivision. The District will bill the water assessments to the association as one unit and the assessments will be mailed to the association at its official address. It shall be the responsibility of the association to collect the pro-rata shares from each individual landowner within the association. Official communication (such as water orders, etc.) between the District and the

association shall be through the association's water master and shall be done in writing.

No water deliveries shall be made by the District until all outstanding debts and charges of the association have been paid to the District. Any legal fees or costs of collection incurred by the District for collection of unpaid debts or charges against the association shall be paid by the association before any water will be delivered to said association.

For all associations required by the District, the placement, construction and maintenance of all conveyance systems, structures and roadways from the original farm turnout to and within the association will be the responsibility of the association. Any changes that are necessary to deliver water from the District's original farm turnouts and ditches shall be the responsibility of the association. The District will not assume any control over, responsibility for, or use of any of the facilities, conveyance systems, roads, or structures, unless and until all such facilities, conveyance systems, roads or structures are the subject of legally binding, recordable rights-of way; ditch use agreements for cost shares; or maintenance and use agreements; AND only if the landowners within the divided farm unit owners seek and obtain permission from the District to vacate the association.

The District is not liable for any damage resulting from the association's actions or in its actions in operating, maintaining, or implementing the association beyond the original farm turnout used to deliver the water.

3.3.4 Costs of Delivering Water to Divided Lands

All expenses, costs, fees, and other charges incurred by the District in administering these Rules and Regulations for the delivery of water to divided acres shall be borne by the owners of such divided acres. All such charges shall be paid within thirty (30) days after receipt of the billing statement. If they are not paid within that thirty (30) day period, such expenses, costs, fees and other charges shall become a part of each landowner's assessment and will be a charge and lien against the land pursuant to Wyoming law.

Any and all subdivided acres that have been isolated from the Districts delivery system and right-of way that are shown on the District's "assessment

roll” shall retain their assessment, and will be obligated to pay the same, regardless of whether delivery of water is or is not made.

3.3.5 Costs of Computing Water Deliveries to Divided Lands

The District will assist any landowner within the District who desires to divide a farm unit to compute the irrigatable acres contained within each divided parcel thereof, and to compute the allocation of water to which each parcel is entitled. For such service, the District will make a reasonable charge which will include all costs incurred by the District for the time, personnel, and contractors (if any) required. Engineers and surveyors shall be allowed access to the irrigatable area and to the records and plats of the District in order to make such determinations. The District’s charges for this service shall be billed to the landowner separately from the annual assessments, and are due and payable within thirty (30)days from the billing date.

The District highly recommends that the persons buying the divided acres take advantage of this service to ensure that water is appropriately delivered and that assessments are accurately calculated against the appropriate divided acres.

3.3.6 Basis for assessments

For all farm units that are, or have been, subdivided, the total assessed acreage for that particular farm unit shall remain the same as appears on the current assessment roll of the District. No assessed acreages will be relinquished by the District for roads, streets or any other facility within the boundaries of the subdivision, and any divider or subsequent owner of divided lands shall reassign such acres to the individual divisions within the farm unit so as to not decrease the total of the original farm unit acreages as they appear on the assessment roll. Any and all District costs that are incurred as a result of farm units being divided shall be paid by the owners of those lands or by the dividers.

3.3.7 Plats of Water Delivery System

All water permits, ditch use agreements, easements, and rights-of-way necessary for the delivery of water to and through each farm unit (whether there

are single or multiple owners) shall be surveyed and clearly defined in the individual certificates of ownership and in the subdivision plats. These plats shall include the District's permanent easements and rights-of-way, as well as any easements or rights-of-way created as a result of dividing the original farm unit acres. All easements, rights-of-way and agreements shall be perpetual and shall run with the land, and the terms of each shall specifically protect such easements, rights-of-way, and/or agreements, from encroachment by any permanent structure, large trees or shrubs, or any other structure that obstructs or could obstruct the delivery of water through the District system.

All subdivision plats covering lands within the District SHALL reference the Goshen Irrigation District Bylaws and Rules and Regulations and notify any purchasers that they will be required to comply with said Bylaws and Rules and Regulations.

3.3.8 Damages

The District shall not be liable or responsible for any damages done to structures or other property as a result of the District's delivery of water, operation of the District system, maintenance of the District system, or in the performance of any of the District's duties and obligations when such damage is the result of work required for the reasonable and prudent operation and maintenance of the Districts facilities.

3.4 Notification of the District

Landowners are required to notify the District before subdividing their lands. Failure to comply with these Rules and Regulations is grounds for legal actions, the non-delivery of water, and charges for costs and legal fees incurred by the District.

3.5 Disputes

The District will not become involved with disputes between water users on subdivided acres. Other than as described above, the District's authority and responsibility ends at the historical point of delivery/diversion. Any disputes that cannot be resolved by the water association (if one exists) or between

individual water users should be directed to the Wyoming State Engineer's local representative.

3.6 Effective Date.

These Rules and Regulations related to the subdivision of lands and divided acres became effective as of December 15, 2009.

CERTIFICATE

This is to certify that the within and foregoing Rules and Regulations were revised and adopted as the Rules and Regulations of the GOSHEN IRRIGATION DISTRICT:

By unanimous vote of the Board of Commissioners in a Special Meeting assembled this 15th day of December, 2009.

CERTIFICATE

This is to certify that these Rules and Regulations were voted on and approved at the special board meeting on December 15, 2009, by the undersigned Commissioners of the GOSHEN IRRIGATION DISTRICT, and to be attached to the By-laws of the Goshen Irrigation District.

Commissioner *Jan McLean* DISTRICT 1
Commissioner *Bondy* DISTRICT 2
Commissioner *Fay* DISTRICT 3
Commissioner *St. Gill* DISTRICT 4
Commissioner *Bu* DISTRICT 5