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# BENTON IRRIGATION DISTRICT

Benton City, Washington

## BYLAWS, RULES AND REGULATIONS

Amended October 23, 2018

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## **SECTION 1: OBJECTIVES**

- A. Benton Irrigation District, hereinafter referred to as the "District," in addition to its statutory duties, exists primarily to deliver irrigation water to the landowners of the District in an efficient manner at the lowest possible cost consistence with good management practices.
- B. The District will endeavor to promote the wise and efficient use of all available water, realizing that water is vital to the economic stability of the Yakima Valley.
- C. The District will promote water conservation by striving for efficient water management practices throughout its conveyance and distribution system. It will also encourage and promote water conservation by the landowners within the District.
- D. The success of the District rests heavily on the people it employs to provide essential services. Therefore, the District must have loyal, capable employees. To attract and retain these employees, the District will endeavor to compensate them according to their responsibilities, industry, resourcefulness, ability, and provide opportunity to advance as demonstrated by their capabilities.
- E. The District must be continually alert to the technical advances and changes in operation and maintenance procedures and incorporate them wherever practical.
- F. The District will maintain a sound fiscal policy with reserves available for unforeseen expenses and emergencies.

## **SECTION 2: AMENDMENTS**

- A. These Bylaws, Rules, and Regulations, as herein adopted, and until hereafter amended, will govern the management of the District and its affairs and the operation of its water supply and distribution system.
- B. The Board of Directors of the District has authority to repeal, modify and add to these Bylaws, Rules, and Regulations at any regular or properly called special meeting of the Board of Directors. Any such amendment, addition, or deletion will be effective forthwith upon adoption by the Board of Directors and will supersede previously circulated copies of the Bylaw, Rules, and Regulations. Further, the copy of the Bylaw, Rules, and Regulations on file in the District Office will be the official copy. The District assumes no responsibility for circulating the most recent copy of the Bylaw, Rules, and Regulations to any of the landowners.

## **SECTION 3: AUTHORITY OF DISTRICT**

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A. Benton Irrigation District has been duly organized and is operated under the laws of the State of Washington pertaining to the organization and operation of irrigation districts, Title 87 RCW and other pertinent State and Federal statutes. The District and its Board of Directors are given the authority and power, as set forth in said statutes, to adopt Bylaws, Rules, and Regulations for the government and management of the District and its water supply and distribution system.

B. The District is a governmental entity and is not privately owned or operated for profit but is owned by the landowners of the District for their mutual benefit. Consistent therewith, it is necessary and desirable that certain Bylaws, Rules, and Regulations be adopted, and it is for the best interest of all landowners that these are observed and enforced in order to make possible the most efficient and economical water service.

C. These Bylaws, Rules, and Regulations will take effect forthwith upon adoption and they will be printed thereafter in convenient form to be available for inspection and for distribution to these landowners requesting the same. A copy will be on file at the District office.

D. Benton Irrigation District has the sole responsibility to act on its own to acquire credit cards, purchase vehicles, equipment, supplies etc. for the daily operation of the District.

#### **SECTION 4: DISTRICT OFFICE**

The headquarters of the District and principal place of business will be on Highland Road, in Benton County, State of Washington. The office will be located at 47506 Highland Road, Benton City, Washington, mailing address P.O. Box 626, Benton City, Washington 99320, until further ordered by the Board of Directors.

#### **SECTION 5: VOTING RIGHTS OF LANDOWNERS**

A. ELIGIBILITY: A person eighteen years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to assessable land in the District will be entitled to vote therein, and to be recognized as an elector.

B. VOTING RIGHTS: Each ownership will have two votes for each five acres of assessable land or fraction thereof.

C. CORPORATION VOTING: At any election, one officer, or agent of any Corporation owning land in the District, duly authorized thereto in writing, may cast the appropriate number of votes on behalf of a said corporation. When so voting he/she will file with the election officers such written authority, and delegated office or agent will be deemed an elector. Standard forms for the Corporate Instrument of Authority are available at the District office. Voting by certified proxy or absentee would be accepted.

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## **SECTION 6: ELECTIONS**

- A. TERMS OF OFFICE: The District will have three directors. Each director's term of office will be for three years, commencing on the first Tuesday of January following his election.
- B. CANDIDATES AND NOMINATING PETITION: Each candidate for a director position must complete a nomination petition signed by at least ten qualified electors of the district. The nominating petition must be filed with the District Office Manager no later than noon on the first Monday of November. The election will be held on the second Tuesday of each December; provided, however, that if only one candidate is nominated for a director position, no election will be held for that director. Said candidate will be declared elected to the Board of Directors.
- C. ELECTION NOTICES: The Office Manager of the District will cause notices to be posted 15 days before any election in three public places in the district, and also in the District office. The notice will include the time of the election and the location of the polling place.
- D. ELECTION OFFICIALS: The Board will appoint one inspector and two judges to serve at the board of election.
- E. VOTING: Voting will be by secret ballot. Ballots will be of uniform size and quality. For election of directors ballots will contain only the names of the candidates who have filed for election. Ballots will contain space for sticker voting and for writing in the name of an undeclared candidate.

## **SECTION 7: BOARD OF DIRECTORS**

- A: ORGANIZATIONAL MEETING: The Directors will organize as a board at the first Board Meeting held in January of each year and will elect a Chairman to serve during the ensuing year.
- B: REGULAR MEETINGS: Regular monthly meetings of the District's Board of Directors will be held at the District Office on the second Tuesday at 3:00 p.m. and the fourth Monday at 8:00 a.m. of each month. Any of the said meetings may be adjourned from time to time as may be required for the proper transaction of business. All meetings of the Directors will be public unless permitted to be executive sessions pursuant to RCW 42.30.110 to consider transactions regarding real estate, personnel matters, or pending litigation. A majority of the directors will constitute a quorum for the transaction of - business and in all matter's requiring action by the Board there will be a concurrence of at least a majority of the Directors present.
- C: SPECIAL MEETINGS: A special meeting may be called at any time by the

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Chairman of the Board or by a majority of the Board of Directors (42.30.080). A written notice will be personally delivered or mailed to each Board Member. A written notice will also be sent to the local newspaper of general circulation. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. Final disposition will not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any number who at or before the time the meeting convenes files with the Office Manager of the Board a written waiver of notice. Such written notice may also be dispensed with as to any member who is present at the meeting at the time it convenes. The notices may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property, or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

D: EXECUTIVE SESSION: During any regular, special or adjourned meeting, the Board of Directors may hold an executive session to consider any of the matters specified in RCW 42.30.110.

E: ADJOURNMENTS: Any meeting of the Board of Directors may adjourn to a time and place specified in the order of adjournment. Less than a quorum of the Directors may adjourn the meeting and if none of the Directors is present, the Office Manager of the district may declare the meeting to be adjourned. Notice of the adjourned meeting will be given in the same manner as provided for special meeting. Immediately after the adjournment, a copy of the notice for the adjourned meeting will be posted on or near the door where the adjourned meeting was held.

F: COMPENSATION: The Directors will receive no salary as such for their services, but will receive per diem compensation of Ninety dollars (\$90.00) for attending meetings, and the same rate of compensation for other services rendered the District when authorized thereto by the Board. Directors will also receive reimbursement for the necessary expenses when attending meetings, or when otherwise engaged in District business.

A Director or BID employee using his/her own automobile, on district business for attending meetings or other BID business, will be entitled to reimbursement therefore for the actual and necessary number of miles traveled. The Board in accordance with - the law will approve reimbursement. State law will fix the per diem rate of compensation and/or reimbursement and per mile rate for car travel.

G: POWER AND DUTIES: The Board will have the power and it will be its duty:

1. To adopt a seal for the District
2. To manage and conduct all the business and affairs of the District
3. To authorize all construction contracts

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4. To employ and appoint such agents, officers, and employees as may be necessary, define their duties and fix their compensation rate
  5. To establish such Bylaws, Rules, and Regulations as may from time to time be prudent and necessary, for the government and management of water to the lands within the District
  6. To enter upon any land, to make surveys, and locate the necessary irrigation works, power plants, and power sites for any waste way, and the necessary branches or laterals on any lands, which may be deemed best for such locations
  7. To acquire either by purchase, condemnation or other legal means all lands, water, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvement of all laterals, pipelines, conduits, power sites, power lines, telephone lines, waste ways, for the storage of water, irrigation works, and all necessary appurtenances lying within or without the boundaries of the District
  8. To assess, levy, and collect Tolls and Charges as provided by law
  9. To pay the debts and expenses of the District as provided by law
  10. To grant or deny petitioner applications for water rights from owners of lands that do not have water rights, and to establish price at which said water rights - will be granted
  11. To perform any and all other acts provided by these Bylaws, Rules, and Regulations or by the laws of the State of Washington reasonably necessary to carry on and conduct the business and affairs of the District
  12. All purchases over \$1,000 will need Board of Directors approval.
  13. All contracts that need signatures will need Board of Director's approval before signing.

H. OFFICERS AND MANAGEMENT PERSONNEL: The Chairman of the Board of Directors will preside at all meetings. He/she will execute, in the name of the district, all contacts, bonds, and other instruments in writing, which have first been approved by the Board of Directors. He/she will be the chief executive officer of the District. Furthermore, the Chairman of the board will act as "Chief Financial Officer," and take an active administrative position.

In the event that the Chairman cannot exercise the powers and duties of the office, he/she will call another director to act in their behalf.

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I. PERSONNEL HIRING POLICY:

All positions will be approved by the Board of Directors.

A complete personnel application will be required to be filled out. A complete background and reference check will be made on all applicants before discussing pay or benefits. Each Department Manager will be responsible for filling open positions in their department. All salaries will be approved by the Board of Directors before discussions with the applicant. There will be a 90 day probation period on all new employees that will allow immediate dismissal for any reason deemed necessary by the Department Manager.

J. DISTRICT OFFICE MANAGER: The Office Manager will direct and oversee the day-to-day operation of the district, and act as the assistant to the Board of Directors. He/she will perform such other duties as may be required by the law or requested by the Board of Directors.

The Office Manager will issue all calls for board meetings, make up the agenda, record and maintain minutes of all of the meetings of the Board, issue necessary notices of elections and supervise the conduct of elections. The Office Manager will arrange for preparation of the District roll and supervise the preparation thereof, deliver of said roll to the Board, and give notice within the time limitations established by statute. The Office Manager may collect money due the District; payable at the District office receipting therefore and depositing said moneys to the proper account. He/she will perform such other duties as may be required by law or directed by the Board of Directors.

**SECTION 8: DISTRICT ROLL**

A. IRRIGATION TOLLS AND CHARGES: Tolls and Charges will be in proportion to the benefits accruing to the lands assessed. Miscellaneous billings to landowners for the cost of repairs to District facilities pursuant to Section 12 (F3) and other charges, if unpaid on or after November 1 will be added to the assessment roll for the following year. A lien will be placed against the property to which they are assessed. If miscellaneous charges are contested, the entire Tolls and Charges can be “protested in writing”. The water Tolls and Charges must be paid before water is delivered. Contested charges later resolved by arbitration or agreement may be paid later, or as agreed upon by the Directors.

B. EQUALIZATION OF TOLLS AND CHARGES: The Tolls and Charges as thus determined by the Office Manager will be equalized by the Directors, sitting as a Board of Equalization in accordance with the provisions of RCW 87.03.255. Said equalization meeting, unless otherwise set by the Board will be held during the month of December.

C. PAYMENT OF TOLLS AND CHARGES: All irrigation Tolls and Charges

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including prior year must be paid in full to the Benton County Treasurers office to receive water delivery.

1. Tolls and Charges are due by April 1 of the current year. Payments received after May 1 of the current year will be late and a 10% penalty will be added along with a 1% per month interest charge. Tolls and Charges will include a billing fee. Improper payment will result in additional charges. If water is shut off do due lack of payment there will be a \$50.00 service charge to restore water.

2. Payments for irrigation Tolls and Charges may be either in the form of cash, check or credit card and paid at the Benton County Treasurers office. Per Treasurer's policy, credit or debit cards can take as long as 10 days to post and the District to receive proof of payment. If payments are made by check they are considered conditionally paid until the check clears at the bank. In the event, a check is returned to the district office a forty-five dollar (\$45.00) service charge will be added. The district will only accept a cashier's check or money order if a check has been returned. The district reserves the right to turn off water service to land for which the Tolls and Charges were paid by check not honored at the bank. The district will first give reasonable opportunity for the payer to redeem the dishonored check. Third party or post-dated checks will not be accepted.

5. All Tolls and Charges payments will be made to the Benton County Treasurers office. The Office Manager will certify any unpaid Tolls and Charges remaining on November 1 of the assessment year to the Benton County Treasurer. The Benton County Treasurer for the District will then collect these Tolls and Charges. The assessment shall be a lien against the landowner's real property until paid in full.

## **SECTION 9: DISTRICT FUNDS**

District funds will be used for the cost, operation, and maintenance of the District. Vouchers properly executed by the Board of Directors and the Office Manager will authorize disbursements. All vouchers require the signature of at least two of the Board of Directors.

### **1. EQUIPMENT AND SUPPLIES PURCHASING POLICY:**

Equipment and parts up to \$1,000 may be purchased by the Operations Manager for replacement and repair of District Equipment. Office supplies and repairs up to \$700.00 may be purchased by the Office Manager. All purchase over \$1000.00 will need Board of Directors approval

### **2. CREDIT CARD POLICY:**

All credit cards will be issued by the Office Manager. The person issued a credit card will be held responsible for its use. At no time will the pin number be placed on the card. The card will be used for District business only. No cash will be allowed to be drawn. Any fraudulent use will be cause for dismissal and reimbursement will be pursued by the District.



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## **SECTION 10: RECORDS**

A. INSPECTION: Public records of the Board shall be open to inspection at the District office. A public records request must be filled out at the District office to obtain public records.

B. RECORDS RETENTION: All district records will be maintained as required by law.

## **SECTION 11: IRRIGATION SEASON**

The irrigation season will be from April through September of each year. Water may be provided during October, depending on available natural flow of the Yakima River.

## **SECTION 12: WATER DELIVERY**

A. All irrigable parcels within the boundaries of the Benton Irrigation District **WILL** have its own irrigation delivery. The delivery will be installed at the property owner's expense.

B. APPLICATION FOR APPROVAL OF PLAT WITHIN IRRIGATION DISTRICT –APPROVAL WITHOUT PROVISION FOR IRRIGATION PROHIBITED.

(1) Whenever a city, town, or county receives an application for the approval of a plat of a subdivision that lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the irrigation district. The irrigation district shall, after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information or conditions for approval that the irrigation district deems to be necessary regarding the proposed division's effect upon the structural integrity, including lateral support, of the irrigation district facilities, other risk exposures, and the safety of the public and irrigation district.

(2) In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. In addition, if the subdivision, short subdivision, lot,

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tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the legislative authority shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

[2009 c 145 § 1; 1990 c 194 § 1; 1986 c 39 § 1; 1985 c 160 § 1; 1973 c 150 §

B. POINT OF DELIVERY: The delivery point for all land will remain as designated and constructed by the Bureau of Reclamation or the District unless the delivery point is eliminated by a written release and approved by the District. A release of delivery point or change of a delivery point must be signed by all parties of interest to lands assigned to receive water through delivery points to be released or changed.

C. ADDITIONAL DELIVERY STRUCTURES: Additional delivery points will be constructed at landowner expense if approved by the District. Additional delivery points will be authorized, on a case-by-case basis, by District permit provided the turn out will not adversely impact operation of District facilities or deliveries to other water users. All turnouts will be constructed to District specifications. Facilities once constructed, will be part of the Project Facilities.

D. NEW DELIVERIES: New deliveries, for the convenience of the landowner, can be installed at the discretion of the District Board of Directors, permitting regulations and according to the Standard Specification for Irrigation Water Delivery Systems. The landowner will pay the cost. A permit and inspections are required

Deliveries can be built by the landowner, at his expense, by a license & bonded contractor to district specification, upon written approval by the Board of Directors.

E. RULES FOR SHUT-OFF: Irrigation water will be delivered on the basis of beneficial use thereof, and it will be the responsibility of the water user to take care of all water, including waste water, delivered to him.

F. ADVANCE NOTICE FOR CHANGES IN DELIVERY: Water users - are required to make requests for changes in water deliveries by giving a 24-hour notice, except in emergencies requiring immediate attention.

G. DAMAGES TO FACILITIES AND STRUCTURES, REPAIR, CHARGES REPAIR COSTS:

1. ACCIDENTAL DAMAGE: Landowners will notify the District immediately of any damage to District-maintained facilities and structures. The District will repair damage to District facilities and structures and the landowner will be responsible to the District for the cost of any repairs or replacement, including the District's management expenses. The District, in its sole discretion, may authorize the landowner to make the

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necessary repairs at the landowner's expense, provided the repairs are made to the District's specifications and the repairs shall be inspected and approved by the District after the repairs have been completed. If the repairs are not acceptable to the District, the District may make repairs which are acceptable and charge the costs to the landowner.

2. WINTERIZATION

It is the homeowner's responsibility to winterize their delivery in the fall after the water is shut off. If damage occurs due to a delivery not being winterized correctly the homeowner will be billed for the needed repairs. If a homeowner is physically unable to winterize their delivery the District will assist them.

3. INTENTIONAL DAMAGE: If the District determines that a landowner has purposely damaged District facilities or structures or has interfered with the operation of District facilities, the District will issue a cease and desist notice to the landowner and will immediately cease water deliveries to the landowner until the next meeting of the Board of Directors. The District will contract for the repairs to or replacement of the District's facilities and structures. The landowner will be required to reimburse the District the cost of repairs, the District's management expenses and, for the first such offense by the landowner, an administrative fee of Two Hundred and Fifty Dollars (\$250.00). In the event a landowner purposely damages District facilities or interferes with the operation of District facilities a second time, in addition to payment of costs for repairs and the District's expenses, the landowner shall pay an administrative fee of One Thousand Dollars (\$1,000.00). After a second instance of intentional damage to or interference with the District facilities or structures, the Board in its discretion may withhold water deliveries to the landowner. Any further instances of a violation of this section, will subject the landowner to termination of water deliveries.

4. PAYMENT OF COSTS AND FEES: For the following but not limited to; the repair costs, management expenses and the administrative fee shall be due and payable when the District submits an invoice for the costs to the landowner. Any unpaid costs, expenses or fees (other than the yearly assessment) must be paid at the District office in order for the landowner to receive water from the District. If an invoice is not paid within 90 days, it can go to collections.

5. CRIMINAL PROSECUTION: The remedies set forth in this Section G are civil in nature. The imposition and/or payment of costs, expenses and fees will not relieve the landowner from the imposition of criminal penalties or sanctions which arise from the intentional damage or destruction of District facilities or structures, interference with the operation of District facilities or theft of water. The District, in its discretion, may refer any matter covered by this Section G to the authorities having jurisdiction for criminal prosecution.

J. EXPRESS EASEMENTS

The Benton Irrigation District will require express easements (easements in writing) in the Districts name for any new pipelines and deliveries. These easements are required in order for the District to maintain and or repair any irrigation lines that would be installed. The easements would be all inclusive to just the Benton Irrigation District and will not be

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shared with any other utility company unless approved by the Board, and the owner of the property where the easement is located.

K. RIGHTS OF WAY FOR OPERATION & MAINTENANCE OF FACILITIES:

The District will have the right of prudent and reasonable use of an easement for the operation and maintenance of all pipelines, deliveries. In case of an emergency, Benton Irrigation District personnel will have right of access to all facilities  
None of the gates or fences on the easements will be locked unless the District has given its approval and a key is provided to the District.

L. PRIVATE LINES: It is the responsibility of the property owners to, back flush their lines and keep their filters clean and in place. All private lines are the responsibility of the water user.

**SECTION 13: WATER COMBINATION/TRANSFER**

A. Water Deliveries Combined or Transferred

When available, water may be purchased as per the current Benton Irrigation District (BID) assessment schedule. Water deliveries may be combined or transferred between irrigable tracts for the purpose of delivering more water to any tract. The District will not be involved with the purchase/sale of water. This agreement will have to occur between the private parties. The agreement for and consent to combine or transfer water records and water deliveries form is available at the Benton Irrigation District Office.

- a. A fully completed Water Combination/Transfer Agreement (available at the District Office) must be submitted to the Office Manager.
- b. Office Manager will verify that they have irrigable acres, and then turn over to the Operations Manager for approval.
- c. If approval is granted there will be a \$50.00 fee paid to the District for each transfer of water.
- d. The Water Combination/Transfer Agreement will be strictly between the landowners involved.
- e. All costs of equipment change is at the cost of the water user

B. Water Deliveries for Beneficial Use

Water delivered under water delivery combination/transfer applications should be for beneficial use of agriculture only.

1. Water shall be applied only on those lands listed in the Agreement.
2. Lands under lease may qualify under this policy.
3. If applicant is a lessee, applicant shall provide District with a copy of lease

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4. demonstrating control of irrigation water.  
Water shall be applied only to land in the District.

C. Final Approval

The final approval is at the discretion of the Board of Directors based on the approval of the Operations Manager and that all of the circumstances, including but not limited to, whether the existing physical system adequately allows for the transfer of water.

**SECTION 14: WASTEWATER, RETURN FLOW**

Each water user is responsible for their own wastewater disposal. The District may reduce or shut off a water user's delivery of irrigation water if the quantity or qualities of water users return flow or wastewater is, in the District's sole discretion, unacceptable, endangers or damages District property.

If the quantity or qualities of the users return flow or wastewater endangers or damages other property, the District may reduce or shut off the water to the user who is endangering or damaging other property.

**SECTION 15: ALTERATIONS TO FACILITIES**

A. PERMITS: Any activity or structure, which will be done on District facilities, easements, or rights-of-way, must be approved by an applicable District permit approved by the Directors. Permits are not transferable to subsequent owners of interest. BID will charge a permit fee: 1-5 parcels \$100.00, 6-15 parcels \$500.00, 16 parcels or more \$1,000.00. Examples of such structures or activities are, but not limited to:

1. Fences and cattle guards on rights-of-way.
2. Installation of additional deliveries in the BID irrigation line.
3. Modification of delivery devices
4. Elimination of turnouts

Any such activity must comply with current District specifications, which will be outlined on each permit. The Board of Directors may revoke permits for failure to comply with the District Bylaw, Rules and Regulations or specifications.

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All activities pertinent to the granted permit will be carried out in the reasonable length of time, as set forth in the permit.

B. FENCES: A permit must be obtained for any permanent fence on District right-of-way. No permanent fences will be built across access points. An adjacent road and a gate must be provided to permit passage of all equipment. A permanent fence, by definition, is a fence that will remain in place during the irrigation season.

#### **SECTION 16: EQUIPMENT**

All property belonging to the District will be used solely for District purposes. The employees of the District will be responsible for the proper use, care, and safeguarding of the District property.

Equipment, materials, and supplies belonging to the District will only be used for purposes approved by the District Board of Directors. District employees shall only operate the District's equipment.

The District may perform services on privately owned property on District owned infrastructure when it is in the best interest of the District. The District may want to assure that the work is properly done, the work is related to the operation of the District, and the water user has agreed to pay the District for the services.

#### **SECTION 17: WORKING CONDITION BENEFIT**

Due to possible natural disasters, the unknowns of the system, employees will be required to be on call all year with the use of a District Service vehicle and will be required to carry personal tools on the District Service vehicles. If an employee is found to have used District Service trucks for personal business or abuse of the service vehicle they may lose the benefit of driving the service vehicle out of the District boundaries or termination.

#### **SECTION 18: NAME AND ADDRESS OF WATER USERS**

It is the responsibility of landowners to supply the District with the current name and address. The District is not responsible for interest and costs accruing on delinquent Tolls and Charges, which occurred or may have occurred as a result of the Tolls and Charges statement sent to an incorrect address.

#### **SECTION 19: DISTRICT EMPLOYEES**

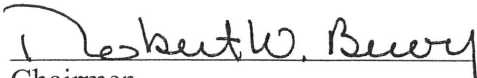
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- A. The district will strive to hire the most competent employees available consistent with the particular skills required for each position.
  - B. Board of Directors will annually review the wages and benefits of all employees.
  - C. Any employee using alcoholic beverages, nonprescription drugs or under the effects of such substance during working hours that may impair their judgement, will be subject to immediate dismissal without further notice. The District may have a drug and alcohol test performed on all employees at any time. If an employee at any time refuses or fails a drug or alcohol test will be terminated.

PROVISIONS OF THE ABOVE BYLAWS, RULES AND REGULATIONS MAY BE ALTERED, AMENDED OR SUPERSEDED BY REPOSITION OF THE BOARD OF DIRECTORS AT ANY REGULAR MEETING. THESE BYLAWS, RULES, AND REGULATIONS ARE SET FORTH AS PER RCW 87-03-115. THIS POLICY WILL BE IN FORCE IN-SO-FAR-AS IT DOES NOT CONFLICT WITH WASHINGTON STATE OR FEDERAL LAWS. IN CASE OF A CONFLICT, STATE AND/OR FEDERAL LAWS TAKE PRECEDENCE.

BYLAWS, RULES AND REGULATIONS

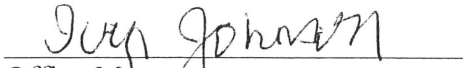
Adopted/Amended by the Benton Irrigation Board of Directors

This 23<sup>rd</sup> Day of October 2018

  
Chairman

  
Director

  
Director

  
Office Manager