

BYLAWS
IRRIGATION WATER DELIVERY DISTRICT #27
WINDSOR SQUARE

Section 1: Organization

1.1 Name

The name of the District is Windsor Square Irrigation Water Delivery District 27

1.2 Fiscal Year

The fiscal year of the District shall be July 1 through June 30.

1.3 Purpose, Initial Business and Powers

- 1.3.1 These bylaws are formed and adopted by the District to govern and facilitate its business as a provider of irrigation water to District lands pursuant to Chapter 20, Arizona Revised Statutes Title 48.
- 1.3.2 The character and affairs that this District intends to conduct in the State of Arizona is to operate and maintain a water distribution system to carry and deliver water purchased by District members within Windsor Square Irrigation Water Delivery District 27.
- 1.3.3 The District may determine the plans or specifications for and construct ditches, pipe lines, conduits, valves, head gates and/or other facilities of the irrigation system necessary to ensure safe operation and appropriate levels of service to District members.
- 1.3.4 The District will exercise exclusive control over the laterals, pipelines, ditches, rights-of-way, and other property of the District. The District shall prevent encumbering thereof, abate and remove all encumbrances and obstructions thereon, make improvements thereto, and protect District rights-of-way from encroachment and injuries.
- 1.3.5 The District may do and perform such acts as necessary or appropriate in carrying out the forgoing purposes of the District.
- 1.3.6 The District shall maintain two accounts.
 - 1.3.6.1 A warrant account, funded through taxation of District members for repairs and improvements to the water delivery system, as well as reconnecting or connecting lands within the District with SRP water rights to the District's water delivery system.
 - 1.3.6.2 A water delivery account of monies collected from District members, used to contract physical delivery of water to District members and covering administrative expenses of the District.
 - 1.3.6.3 Trustees set policies regarding District management, including water delivery charges, billing, member liability for willful or unintentional infrastructure damage, and water distribution.
 - 1.3.6.4 In addition to other funds available to the District and other receipts of the District, the Trustees may provide for the

necessary funds for the District either by taxation, assessments, or charges for water service or by any combination of these means.

- 1.3.6.5 An annual audit shall be made of the District books, as required by state law.
- 1.3.6.6 All records of the District shall be public records, open to inspection by any person during regular business hours, except as otherwise provided by law.
- 1.3.7 The secretary, within the time and in the manner prescribed by law, shall prepare, make and file all required statements, estimates of District obligations and reports to the appropriate offices, to create and levy District taxes upon the lands within the District and to comply with other legal reporting requirements.
- 1.3.8 The Board of Trustees shall adopt an operating and maintenance budget itemized under appropriate categories, including estimated receipts and revenues and the source thereof, and the expenditures, together with such other data as the Trustees may deem necessary.
- 1.3.9 The District shall render to each landowner the greatest practical service consistent with its nature and restrictions. but not at the general expense of the District and/or other landowners.

Section 2 Board of Trustees

The management of the affairs of this District shall be exercised by a Board of Trustees as set forth in ARS 48, Chapter 20, Article 3.

2.1 Meetings

Meetings of the Board of Trustees shall be held no fewer than three times a year. Unless otherwise stated in the notice thereof, any and all business may be transacted at a meeting.

2.1.1 Meetings of the Board of Trustees shall be public and conducted pursuant to ARS 38, Chapter 3, Article 3.1. The Board may call for executive sessions as prescribed by the laws of the State of Arizona.

2.1.2 The District shall maintain a public records retention and destruction policy that is consistent with applicable laws.

Section 3 Secretary

The secretary shall be appointed by the Trustees. The secretary shall keep the minutes of all proceedings, prepare all budgets and reports necessary for the transaction of District business and, as required by law, maintain the District's books and records and service notices for the District. Such person shall, in general, perform all the duties incident to the office of the secretary, subject to the control of the Board of Trustees. The Trustees shall set the secretary's compensation, which shall be paid monthly from the water delivery account.

Section 4 Conflict of Interest

Any trustee of the District who has, or whose relative has, a substantial interest in any contract or purchase of service to the District shall make known that interest in the official records of the District and shall refrain from voting upon or otherwise participating in any manner as a trustee in such contract or purchase.

Section 5 District Policies and Rules

5.1 Water Delivery

- The District's contracted water delivery contractor is the only entity authorized to deliver water to homes within District boundaries. District members may elect to self-irrigate, subject to water being delivered on a separate schedule.
- The District's water delivery contractor will be insured and will provide the District with a copy of its insurance policy, naming Windsor Square/IWDD27 as a named insured.
- District contractors who perform maintenance and repair services on District infrastructure will be licensed, bonded and insured.

5.2 Billing and Payment

- Irrigation members who are more than ninety (90) days past due on payments to the District for water delivery shall not receive irrigation until their account is paid in full.
- Irrigation members must have an account in good standing with SRP in order to receive water delivery.
- Irrigation is an annual commitment. Subscribers are billed in four equal installments depending on the size of the property as determined by SRP. The number of water deliveries per quarter is not equal. Due to the delivery schedule, a calendar quarter may have as few as two or as many as 7 water deliveries. Subscribers agree to pay for 18 water deliveries per calendar year. Any subscriber who requests to skip one or more deliveries for any reason is still required to pay the full amount.

5.3 Repairs and Liability

- The District will contract for and cover costs for all maintenance and repairs to the infrastructure, to the point of delivery, when such maintenance or repair is due to aging infrastructure and/or normal operation of the system.
- Whenever the District shall find it necessary for maintenance, repairs upon, or improvements to the water delivery system, it may temporarily suspend the delivery of water. The District shall, where possible, give notice of the interruption to affected District members and make every effort to provide a supplementary water delivery. In the event this cannot be done, members will be credited for the missed delivery.
- District members are responsible for the maintenance of berms and grading of the property. Failure to do so may result in suspension of service until any issues have been corrected. There will be no refunds for service during such suspension.
- No landowner or operator, water user or other person shall interfere with, modify, destroy or damage any lateral, pipeline, drain, ditch, head gate, valve, or other water delivery facility of the District. If such interference, destruction or damage occurs, the

person responsible shall cause the same to be repaired immediately, in a workmanlike manner using materials and equipment at least equivalent to those utilized by the District for maintenance and repair of its facilities. If not repaired immediately, the District may, in its discretion, immediately repair any such facility. If any damage or expense is sustained by the District by any acts or omissions by any landowner, operator, water user, or private person that interferes with, destroys or damages District facilities or works, such damage and expense shall be charged to the person causing such damage or expense.

5.4 Illegal Water Use

- No landowner or water user or other person, without authority of the District, shall open, close, change or interfere with, or cause to be opened, closed, changed or interfered with, any pipeline, lateral, drain, ditch, head gate, valve, or other water delivery facility of the District. Exception is granted to self-irrigators who may open and close valves or gates as necessary to bring water to their property.
- If a person takes, or causes to be taken, water to which he is not authorized, then, without waiving any other legal rights, the District may send the person a written notice at the address where the water was taken advising the person of the laws and rules governing water delivery and requesting the person to cease and desist from future unauthorized water diversions. The letter shall advise the person of the option to become a subscriber to the District or to otherwise act as a self-irrigator with a water delivery schedule separate from that of the District. If the person continues to take water without District authorization, the District reserves its right to seek all legal remedies, including but not limited to injunctive relief and recovery of the District's costs, damages and attorneys' fees in either the justice court or the superior court.

5.5 Complaints

- Complaints as to service, lack of water or other unsatisfactory matters or conditions shall be made to the Board of Trustees in writing. Such complaints and reports shall be taken up at the next Trustees meeting. The decision of the Trustees shall be final.

5.6 Irrigation Restoration

- The District will cover up to \$500 of the following costs to reconnect a homeowner who is a member of the District and who had irrigation in the past but no longer has the proper infrastructure to receive water:
 - Installation of valves
 - Connection to existing pipes or ditches
- Homeowners will cover all other costs including grading and berms.

Section 6 Amendment and Repeal

- These bylaws, except as otherwise provided herein, may be amended or repealed, or new bylaws adopted by the Board of Trustees in such instances as the Trustees may determine to be advisable.

The secretary of Windsor Square Irrigation Water Delivery District 27, hereby certifies that the foregoing is a true and correct copy of the bylaws of the above-named corporation, duly adopted Oct. 30, 2019 and amended Jan. 12, 2021 by unanimous vote of the Trustees.