

WESTERN MEADOWS IRRIGATION DISTRICT

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Rules and Regulations

THE MUNICIPAL IRRIGATION DISTRICT OF WESTERN MEADOWS was formed June 23, 1978, consisting of 279 acres as recorded in Section 27, R4N, R2E, G&SRBM, County of Maricopa, State of Arizona, United States of America, identified as:

Western Meadows, Book 108 of Maps, page 21

Western Meadows, II Book 114 of Maps, page 41

Western Meadows, III Book 116 of Maps, page 13

Western Meadows, IV Book 121 of Maps, page 12

PROPERTIES BORDERED BY 35th Avenue, Union Hills Drive, 43rd Avenue, and Yorkshire Drive shall be controlled by these rules and regulations. This area is within the jurisdictional boundaries of the City of Phoenix, despite having Glendale postal service addresses.

The district consists of a series of open and closed ditches with a system of valves and headgates to distribute water to each property.

AS A MUNICIPAL DISTRICT ALL PROPERTY OWNERS, whether living on the property or not, irrigators or non-irrigators, are responsible for the following:

- 1) **OPEN DITCHES** – Open ditches must be kept mowed, raked, and free of debris (oranges, leaves, etc.) Any trees or hedges growing near the irrigation ditch must be kept trimmed. Leaves and other debris must not be allowed to fall into the irrigation ditch.
- 2) **CEMENT DITCHES** – Cement ditches must also be maintained. The property owner is responsible for maintenance on these ditches. If there are cracks in the surface the property owner must repair it. In some cases grass grows in the cracked area then it must be mowed and raked. A flat shovel can be used to remove dirt build up on the bottom of the cement ditch. Debris also finds its way into the ditches. Please make a visual check on a regular basis to see that this debris is removed.
- 3) **DRIVEWAY UNDERGROUND PIPE** – Under drive piping must be cleaned out on property that has front ditches. Dirt builds up on pipe openings which diverts the water onto the street and is in violation of Phoenix City Code *Section 23-33*
- 4) **MOWING LAWNS NEAR DITCHES** – When mowing near open ditches, especially cement ditches, NEVER allow cut grass to fall into the ditch. This is an obstruction and must be removed by the property owner immediately.
- 5) **FENCES ACROSS DITCHES** – If there is a fence across your ditch it must have a gate and if locked the district needs a key. There is an (8) foot utility easement on each property and the Irrigation District has access through this utility easement at all times.
- 6) **OPEN DITCH SPECIFICATIONS ON DEPTH AND WIDTH** - All open ditches must be at least 18” wide, no greater than 24” wide, and must follow the lay of the land with no visible obstructions. The ditch must be deep enough such that water does

not overflow its sides and flow is not obstructed within your property. The bottom of the ditch must not fall more than 2" per 100' (ft).

- 7) **UNDERGROUND PIPING** must have at least 14" and no more than 18" inside diameter (ID). The pipe must be buried deep enough to meet the flow across your property with a minimum of 10" dirt covering the top.

HEADGATES AND DISTRIBUTION VALVES – Headgate tins must not leak. It is your responsibility to insure these do not leak. If irrigation water is on your property and you are not scheduled for water, you will be fined for stealing water. The fine can be up to \$100 for the first offense, \$200 for the second, \$300 for the third and so forth.

- 8) **BERMS** must be in place around your property lines and ditch banks to ensure that irrigation water stays within your property.
- 9) **CONTROLLING WATER** that has been assigned to your property during the time and date that is indicated on the irrigation schedule is your responsibility. If you do not take your water on time or release it at the scheduled time, you could be fined a maximum of \$100 for the first offense, \$200 for the second offense, \$300 for the third offense and so forth. If you do not take your water at the assigned time and miss the entire irrigation you must not try to take your water during someone else's appointed time. This will be stealing your neighbor's water and you are subject to the fines noted above.
- 10) **KNOWING WHERE YOUR WATER IS** is your responsibility. If your water is not at your property at the scheduled time, it is your responsibility to locate the problem.
- 11) **RELEASE YOUR WATER ON TIME** - Open your valves and close your valves at the designated time noted on the schedule. If you receive your water late you must still release the water at the scheduled time. Be there when the water is to reach your property. That way, you are aware if it is on time. If your water is not at your property then check the irrigation sign up board to be certain there are no changes posted. If you do not release the water on time you could be fined up to \$100 for the first offense, \$200 for the second, \$300 for the third and so forth.
- 12) **CLEANING CHARGES – IT IS YOUR RESPONSIBILITY AS A PROPERTY OWNER IN WESTERN MEADOWS IRRIGATION DISTRICT TO KEEP YOUR DITCH CLEAN AT ALL TIMES. THIS INCLUDES CEMENT DITCHES, GRASS DITCHES, IRRIGATORS AND NON-IRRIGATORS ALIKE.** If your ditch needs cleaning and it has not been cleaned within 6 days of notification (see A.R.S SECTION 45-205) by the District, you will be billed \$100 for the first offense, \$200 for the second offense, \$300 for the third offense and so forth for that cleaning. If that bill is not paid within thirty (30) days, a lien will be placed on your property. All charges and assessments are a charge to the land and go with the land, as do the water rights. In the event the land is rented, leased, or a vacant lot, the owner is responsible for any charges for delivery of water, cleaning charges, or any other assessments.

ARIZONA REVISED STATUTES

A.R.S. SECTION 13-2917 PUBLIC NUISANCE

It is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal, for anything to unlawfully obstruct the free passage or

use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin, or any public park, square, street or highway.

Any person who knowingly maintains or commits a public nuisance or who knowingly fails or refuses to perform any legal duty relating to the removal of a public nuisance is guilty of a class 2 misdemeanor.

A.R.S. SECTIONS 13-1601 AND 13-1602 CRIMINAL DAMAGE

A person commits criminal damage by recklessly defacing or damaging property of another person; or tampering with or damaging the property of a utility.

Criminal damage is a class 4 felony if the person recklessly damages the property of a utility in an amount of five thousand dollars or more or if the person recklessly causes impairment of the functioning of any utility.

"Tamper" means any act of interference.

"Utility" means any enterprise, public or private, that provides gas, electric, irrigation, steam, water, water conservation, sewer or communications services, as well as any common carrier on land, rail, sea or air.

A.R.S. SECTION 45-205 RESERVOIRS & CANALS

Failure of owner to clean canals and make repairs, lien for work done, release of lien, and liability.

When a person owning or controlling a canal, flume or other means for carrying water permits them or the head gates at the dam or other appliances for securing the water head, to become in a state of disrepair or reduced in capacity to an extent that they will not carry the amount contracted to be delivered to the users thereof, and does not within a reasonable time repair, clean or restore the canal, flume, or other means of carrying water, the users may, after six (6) days' notice in writing to the owner or person in control thereof, enter in and upon the canal, flume or other means, and make repairs, clean or restore any thereof.

The cost of repairs, cleaning or restoration shall be a lien in the canal, flume or other carrying means enforceable as liens upon real property. Within thirty (30) days after completion of the repairs, cleaning or restoration, a verified notice of the lien claimed, stating the expenditures actually made, itemizing the amounts expended and the purpose for which each was expended and stating the facts upon which the lien is claimed, shall be filed in the office of the county recorder in which the work was done, and recorded in a book kept by him for that purpose.

When any lien established by this section has been satisfied the lienholder shall, within thirty (30) days after satisfaction, issue a release of the lien to the person against whom the lien was claimed. Such release shall be a recordable document. Failure to grant such a release shall subject the lienholder to liability in the amount of one thousand dollars (\$1,000) and also to liability for actual damages.

CITY OF PHOENIX CODES AND ORDINANCES

23-33 Escape of water prohibited.

It shall be unlawful for any person to willfully or negligently permit or cause the escape or flow of water from any source in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, to create a condition which constitutes a threat to the public health and safety, or to cause damage to the public streets or alleys of the City of Phoenix. Each violation of this section, and each day on which a violation occurs, shall be considered a separate offense.

THESE LAWS ARE DESIGNED TO PROTECT THE WATER USER. ANYONE CAUGHT IN VIOLATION OF THESE STATUTES WILL BE PROSECUTED TO THE FULLEST EXTENT BY THE DISTRICT.