

ORDINANCE 2025-0-

AN ORDINANCE AMENDING AND READOPTING ORDINANCE 2007-03 ADOPTING RESTRICTIONS ON IRRIGATION WATER AND PROVIDING FOR ENFORCEMENT THEREOF.

WHEREAS, prior to incorporation of the Town of Bear River, restrictive covenants were adopted by the owner or owners of property comprising the Town, which provided, among other things, restrictions on the use water for and manner of irrigating property now incorporated in the Town; and

WHEREAS the town council for the Town of Bear River, Wyoming desires to adopt an ordinance regulating irrigating water within the corporate limits of the Town,

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF BEAR RIVER, WYOMING THAT:**

Section 1:

1-1. Regulation of Irrigation Water.

Water has been provided for irrigation through designated irrigation ditches located throughout the town. No ditch shall be blocked, restricted, or dammed to cause the water to overflow the banks of the ditch or cause flooding on any lot. Lot owners are prohibited from changing the course of any irrigation ditch or adding a new ditch. Irrigation water may be taken from such ditches by pumping or siphoning **only**. Each lot owner shall be responsible for providing a pump or other irrigation equipment that he/she may desire to utilize for such purposes. Each lot owner shall be responsible for maintaining each irrigation ditch crossing his/her lot or any other portion thereof. Reasonable access to each irrigation ditch shall be reserved to each lot owner for the sole and exclusive purpose of allowing reasonable maintenance of such ditches. Should any lot owner fail to adequately and reasonably maintain that portion of any irrigation ditch touching or crossing his/her lot, the town, after reasonable notice to such owner, may perform such maintenance and the expense thereof shall be assessed against the owner of said lot and shall be, until paid, a lien against such lot enforceable as any mechanic's lien as provided under Wyoming law. Irrigation water is available if there is water in the Bear River and the State Engineers Office has not placed restrictions on the Town of Bear Rivers water rights.

Section 2:

2-1. Penalties - Generally.

Unless otherwise provided in this Ordinance, any person convicted of violating any section of this chapter or of failing to meet any duty imposed herein may be subjected to a fine of up to \$750.00.

2-2. Irrigation Fees.

An annual fee is assessed for irrigation use based on a per acre assessment. Any unpaid annual fee or late irrigation fees shall be subject to penalties as set by resolution annually. A lien may be placed/filed against the property for fees that are unpaid and/or delinquent.

2-3. Authority to Amend.

The fees and charges stated herein may be changed as necessary by subsequent resolution of the Town Council and this resolution shall remain in effect, as a whole or in part, until specifically altered and amended by the Town Council.

PASSED AND APPROVED ON FIRST READING THIS ____ DAY OF _____, 2025.

Clyde Kofoed, Mayor

ATTEST:

Barbara Couture, Clerk/Treasurer

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2025.

Clyde Kofoed, Mayor
ATTEST:

Barbara Couture, Clerk/Treasurer

PASSED AND APPROVED ON THIRD READING THIS _____ DAY OF _____, 2025

Clyde Kofoed, Mayor
Attest:

Barbara Couture, Clerk/Treasurer