

# ORDINANCE 2025-03

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## **AN ORDINANCE AMENDING AND READOPTING ORDINANCE 2007-03, ADOPTING RESTRICTIONS ON IRRIGATION WATER, LEVEES, AND DITCHES, 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 of water and the 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 regulation of irrigation water within the corporate limits of the Town.

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

### **Section 1. Regulation of Irrigation Water, Levees, and Ditches.**

#### **1-1. General Regulations.**

Water has been provided for irrigation through designated irrigation ditches located throughout the Town. No ditch or levee shall be altered, blocked, restricted, or dammed in such a manner that causes water to overflow the banks of any ditch or levee, or that causes flooding on any lot.

#### **1-2. Prohibited Activities.**

Lot owners are prohibited from:

- Changing the course of any irrigation ditch;
- Reducing the height of any levee; or
- Adding or constructing a new ditch.

#### **1-3. Withdrawal of Water.**

Irrigation water may be taken from such ditches by pumping or siphoning only. Each lot owner shall be responsible for providing any pump or other irrigation equipment necessary for such purposes.

#### **1-4. Maintenance Responsibilities.**

Each lot owner shall be responsible for maintaining any irrigation ditch or levee crossing his/her lot, or any portion thereof. Reasonable access to each irrigation ditch shall be reserved to each lot owner for the exclusive purpose of allowing maintenance of such ditches.

#### **1-5. Town Enforcement.**

Should any lot owner fail to adequately and reasonably maintain that portion of any

irrigation ditch or levee touching or crossing his/her lot, the Town, after providing reasonable notice to such owner, may perform such maintenance and the expense thereof shall be assessed against the owner of said lot. Such assessment shall, until paid, be a lien against the lot enforceable as a mechanic's lien under Wyoming law.

#### 1-6. Availability of Irrigation Water.

Irrigation water shall only be available when there is sufficient water in the Bear River and when the Wyoming State Engineer's Office has not placed restrictions upon the Town of Bear River's water rights.

#### 1-7. Protection of Adjacent Landowners.

No person shall alter, block, dam, restrict, divert, or otherwise interfere with the flow of irrigation water or natural spring flood runoff in a manner that adversely affects any adjoining property owner. Any alteration that causes damage, flooding, erosion, or loss of irrigation access to another lot shall be deemed a violation of this Ordinance. Affected landowners shall have the right to file a complaint with the Town, and upon verification, the Town may order the responsible party to restore the ditch, levee, or watercourse to its prior condition at their sole expense.

### **Section 2. Enforcement and Fees.**

#### 2-1. Penalties – Generally.

Unless otherwise provided in this Ordinance, any person convicted of violating any section of this chapter, or failing to meet any duty imposed herein, may be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00). In addition to any fines imposed, the Town shall have the authority to require any person who alters or restricts the flow of irrigation water or spring flood runoff in violation of this Ordinance to restore the ditch, levee, or watercourse to its original condition. If the responsible party fails to comply, the Town may perform the restoration and assess all costs incurred against the responsible party, which costs shall constitute a lien against their property enforceable as provided under Wyoming law.

#### 2-2. Irrigation Fees.

An annual fee is hereby 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 the Town Council resolution annually. A lien may be filed against property for any unpaid or delinquent fees. Irrigation fees collected shall be deposited into an enterprise account and used exclusively for repairs and maintenance of the irrigation system.

#### 2-3. Authority to Amend.

The fees and charges established herein may be amended by subsequent resolution of the Town Council, and such resolutions remain in effect, as a whole or in part, until specifically altered or repealed by the Town Council.

PASSED, APPROVED, AND ADOPTED ON FIRST READING THIS \_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Clyde Kofoed, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Couture, Clerk/Treasurer

PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS \_\_ DAY OF \_\_\_\_\_, 2025.

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Clyde Kofoed, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Couture, Clerk/Treasurer

PASSED, APPROVED, AND ADOPTED ON THIRD READING THIS \_\_ DAY OF \_\_\_\_\_, 2025.

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Clyde Kofoed, Mayor

ATTEST:

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Barbara Couture, Clerk/Treasurer