

Ash Park User Association Codes

Approved March 27, 2002 and January 11, 2003

Codes cover the North, Middle and South ditch.

Section 1. DITCH FEES

1. Charge for not cleaning and/or repairing the ditch is \$30.00 to cover administration cost
 - A. First warning
 1. Provide oral notice to the property owner that ditch must be cleaned by April 1 or within two days of oral notice
 - B. Second warning
 1. Second notice to be in writing and inform property owners that ditches will be cleaned within 24 hours or the Ash Park Water Users' Association will hire a contractor to provide the necessary cleaning and /or repairs and bill the property owner. Association must be repaid within thirty days.
 - a. Failure to repay Association.
 1. A tax lien on the owner property, cost \$300.00
 2. \$75.00 to release the tax lien
2. Yearly user fees.
 - A. \$5.00 annul fee
3. Ash Park Water Users' Association will purchase a fire permit each year to cover members' ditch burning
3. Unpaid Users Fees
 - a. Any water user fees not paid for three years or more
 1. The water user loses the right to vote on Association policies until the year following the paid up water user fees

Section 2. DITCH IMPROVEMENTS

1. Requirements for all new developments that affect water use or drainage:
 - A. Pipe and clean-out boxes
 1. a 15-inch ID pipe requirement for all main ditches
 2. 2 inches per 100 feet of pipe length drop
 3. Minimum cover of pipe to be 18 inches
 - a. Recommend 24 to 36 inches
 4. 15-inch ID HDPE (High Density Polyethylene) pipes on all new projects
 - a. A joint lubricant available from the manufacturer is to be used on the HDPE pipe gasket and bell assembly
 5. The use of C-10 Canal Gate or AC-9 Slide Gate on main ditches
 6. Minimum of 4 feet by 4 feet for clean-out boxes to provide the necessary room for large equipment to access pipe for cleaning
 7. A stainless steel or aluminum drop-in grate to cover clean-out boxes. Minimum grate load capacity is 1000 pounds.
 8. Placement of clean-out boxes for 10-wheel truck access. Truck has to have enough room and clearance to backup to the clean-out box and clean in either direction of pipe
 9. Clean-out boxes have to have a 6-inch clearance between the bottom of incoming pipe OD and the bottom of the clean-out box
 10. Clean-out boxes have to have a 10-inch clearance between the bottom of outgoing pipe OD and the bottom of the clean-out box
 11. Maximum distance between clean-out boxes is 500 feet
 - a. Where feasible, Association recommends that main ditches and clean-out boxes be placed to the outside edges of projects

12. A clean-out box is required at any 90E change in direction
 13. Bends less than 90E require a combination of fittings, no fitting can exceed a 45E bend and a 10-foot section of pipe between each fitting
 14. Walls and floor of clean-out boxes should be at least four to 6 inches of concrete
 15. Height of clean-out boxes
 - a. Height is to be 6 inches above the side walk, which is located at where the North, the Middle, and the South ditches intersect at the first headgate near North Cole Road
 16. All pipes re-entering a main canal or waste ditch require an F-10 cast-iron drainage gate
 17. 10 inch ID lateral pipes to a single property owner must meet all the requirements set for a 15-inch ID pipe
 - a. Exception
 1. Property owners can use the C-8E-10 HDPE slide ditch gate as a replacement
 18. Requirements are not imposed on existing an installation or open ditch(es) on current property owner(s) property in place as of 03/27/2002. Property owner(s) may upgrade at their own choice. Property owner(s) are responsible for the flood damage to their own property (or any other property) from improper installation, maintenance, and/or design of the property owner(s) water system located on private property or public right way on their property.
 - a. All new repairs or replacement must meet current code as of March 27, 2002.
 19. All pipe must be laid in a trench and the bottom of a said trench must be compacted. Any settling of the pipe due to a loose fill will be corrected by the person(s) and/or firm(s) installing the water pipe.
- B. Waste water drainage
1. New projects must maintain all drainage rights of all current property owner(s)
 2. Failure to maintain or provide drainage to current owner(s):
 - a. A \$300 fee per day payable to Ash Park Water Users' Association until the issue is resolved

Section 3. CONTRACTOR REQUIREMENTS

1. Contractor Requirements
 - A. \$1000.00 deposit to cover miscellaneous cost in the event project is not finished to the requirements of Ash Park Water Users' Association
 - B. \$50,000.00 bond to cover the cost to finish the water project in the event the contractor or subdivider becomes insolvent
 - C. A project must have a signed release from two officers of Ash Park Water Users' Association
 1. Deposit will be returned by registered U.S. mail after release has been signed
 - D. Contractors must provide water flow to all users during construction, unless a signed wavier by all water users affected by construction is obtained
 1. A contractor is subject to claims of damage if water use is interrupted for more than three days
 - a. Damages can include, but are not limited to:
 1. Damages to shrubs and trees
 2. Lawn damage
 3. Cost of replacement feed for livestock during construction and until pastures recover from stress
 4. All attorney(s) fees the association incurs to enforce the continuance of the flow of water or suits brought against association for the actions or lack of action by the contractor
 2. If a contractor refuses to provide water to users within three days, and does not have a signed wavier:
 - a. Ash Park Water User Association will enforce Idaho Statues against the contractor.
 - b. Ash Park Water User Association will hire a contractor to finish the project and bill the nonperforming contractor. Association must be repaid within thirty days
 - c. Failure to repay Association:
 1. A tax lien on the owner(s) property, cost \$300.00
 2. \$75.00 to release the tax lien

Section 4. EASEMENTS AND RIGHT-AWAYS

1. All lateral ditches have a thirty-foot (30') easements for access, cleaning, repair and etc. Easements are fifteen feet from the center of the ditch in both directions

A. No person shall prevent free access of authorized personnel on rights-of-way or construct any obstruction on rights-of-way in an effort to adversely possess said right-of-way.

B. The right-of-way shall include, but is not limited to, the right to enter the land across which the right-of-way extends, for the purposes of cleaning, maintaining and repairing the ditch, canal or conduit, and to occupy such width of the land along the banks of the ditch, canal or conduit as is necessary to properly do the work of cleaning, maintaining and repairing the ditch, canal or conduit with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The right-of-way also includes the right to deposit on the banks of the ditch or canal the debris and other matter necessarily required to be taken from the ditch or canal to properly clean and maintain it, but no greater width of land along the banks of the canal or ditch than is absolutely necessary for such deposits shall be occupied by the removed debris or other matter.

C. The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, or conduit has the right-of-way and incidental rights confirmed or granted.

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