

OWYHEE IRRIGATION DISTRICT

WATER USER POLICY HANDBOOK

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Introduction

This handbook is intended to inform Water Users in the Owyhee Irrigation District of the District's regulations and operation procedures. Also, we have included some general information which we hope will be useful. It is not the District's intention to answer every question in this handbook and we hope that our water users, if they need clarification of issues raised in the handbook or issues which are not included, will feel free to contact the District office at 541-372-3540.

We would appreciate all users to read and be familiar with the contents of this handbook.

This handbook is published under the authority of the Board of Directors of Owyhee Irrigation District, a quasi-government district in the State of Oregon. This handbook is for information purposes only and does not constitute a contract or warranty of services.

Statement of Objectives

The Owyhee Irrigation District Board of Directors has adopted rules, regulations, and policies over the years. This Policy Handbook seeks to put most of those policies, rules, and regulations into one cohesive document.

The policies, rules, and regulations contained in this Handbook were adopted or re-adopted during a regular meeting of the Board of Directors of the Owyhee Irrigation District by resolution under the authority of the Irrigation District Laws of Oregon, pursuant to ORS 545.221(1)(c). This will be a changing document that may be updated periodically to stay current with Oregon laws, and federal regulations and management techniques.

District Overview

The Owyhee Irrigation District was created by an election of landowners on May 26, 1910. In 1988, six smaller irrigation districts lying to the north of Owyhee Irrigation District merged into Owyhee Irrigation District. Owyhee Irrigation District ("District") distributes water to landowners in Malheur County from Adrian, Oregon to Vale, Oregon, and Annex, Oregon. Water comes from the Owyhee Reservoir and the Snake River. Water is released from the Owyhee Reservoir through

a tunnel which splits the water between the Owyhee Irrigation District and irrigation districts to the south. Owyhee Irrigation District water then runs through a main canal to the north all the way to Annex, Oregon and west to Vale, Oregon. Smaller canals and laterals branch off of this main canal to service water users throughout the valley. Two pumping plants on the Snake River pump water out of the Snake River and into the District's irrigation system.

The Owyhee Dam was constructed in 1935 by the U.S. Bureau of Reclamation ("the Bureau"). At that time, the canals and laterals throughout the District were built by the Bureau of Reclamation. The Owyhee Dam and the irrigation works are owned by the Bureau of Reclamation which operated the Dam and the irrigation works until the 1950s. In the 1950s, the operation and maintenance of the Dam and irrigation works were turned over to the irrigation districts receiving water from the Dam. The districts operate and maintain the irrigation works within their respective district, however, the Owyhee Dam is now managed and maintained by the Joint Committee of the Owyhee Project which consists of representatives appointed to it by the irrigation districts receiving water from the Owyhee Dam. The Joint Committee makes the decisions on the length of the irrigation season and operation of the pumping plants.

There are three hydroelectric power plants on the Owyhee system. One power plant operated by the Joint Committee is at the base of the Owyhee Dam and generates power when water is released down the river to supply water to the Old Owyhee Ditch Improvement District which is an entity separate from Owyhee Irrigation District. There is another power plant in the tunnel operated by the Joint Committee which supplies water to Owyhee Irrigation District and the districts lying to the south. Owyhee Irrigation District also operates a power plant in its canal works near Mitchell Butte. Net revenue from the Mitchell Butte Power Plant is used to fund District operations and helps to reduce the annual charges which water users pay. Net revenues from the Owyhee Dam and Tunnel Power Plants are currently being paid to the State of Oregon towards the financing of construction of the power plants. Once the financing is paid off, a portion of the net revenues should be available to Owyhee Irrigation District to further reduce the annual water charges.

Since the Owyhee Dam and the irrigation works are still owned by the Bureau of Reclamation, the federal government has a say as to how the facilities are managed. When the Owyhee Dam and the irrigation works were constructed by the Bureau of Reclamation, the landowners within the District agreed to pay the construction costs through Owyhee Irrigation District. These costs are in the millions of dollars and for a number of years each landowners' annual bill from the irrigation district included an amount for the construction charges. The contract with the Bureau of Reclamation provides that when the cost of wholesale power for power supplied to the pumping plants reaches a certain amount that the construction charges are put on hold and do not have to be paid until the power rates drop back down again. The power rates hit the threshold level in the 1980s and since that time construction charges have not been paid to the Bureau of Reclamation.

Owyhee Irrigation District is divided into five divisions and each division elects a director who serves on the Board of Directors which oversees the operations of the District. The directors hire a manager who runs the day to day operations of the District.

Duties and Responsibilities of the Project Manager

The maintenance and operations of all facilities of the District are under the exclusive management and control of the manager, who is appointed by the Board of Directors. No other person, except the manager's employees and assistants, shall have any right to interfere with the facilities in any manner, except with express permission of management.

- A. The manager will operate within legal authorizations and conform to all Federal, State, and local statutes and ordinances, provision of governmental contracts, and policies of the District.
- B. The manager (or the manager's assistant in the manager's absence) shall hire all employees other than the secretary/treasurer who is appointed by the Board.
- C. The day to day management of the District shall be the responsibility of the manager and the manager's subordinates.
- D. The manager (or the manager's assistant in the manager's absence) shall carry out the policy and instructions of the Board of Directors and shall be

responsible for the hiring, supervision, and dismissal of the District employees.

- E. The manager shall receive directions from a Quorum of the Board of Directors and/or from the written policy of the Board.
- F. The manager has authority to supervise:
 - 1. The distribution, storage, and measurement of the irrigation water. The manager shall instruct employees to make adjustment to head gates as needed at any time.
 - 2. The maintenance of the District's accounts and records.
 - 3. The operations and maintenance of the District's facilities, equipment, and real property.
 - 4. The preparation and submittal of an annual budget.
 - 5. The purchase of equipment and supplies within the expenditure limit set by the Board.
 - 6. The initiation and implementation of the District's public relations.
 - 7. The planning and development of a comprehensive safety program.
 - 8. The need for additional positions, transfers, reassignments or elimination of positions.
 - 9. Performance of personnel and assist them to develop and improve.

Distribution of Water

Water is apportioned to each division by the water master and/or manager, and the ditch riders. The ditch rider is the water user's contact for water distribution, including diversion of water to private ditches, and for the operation of District laterals and structures in the ditch rider's respective area.

All deliveries of water from the District's system is on a rotation basis to be determined by the water master and/or manager.

Water is distributed among the water users in the District according to their needs under a demand system. When canals or laterals are loaded to capacity, water may

delivered under a reduced flow rate to water users in certain areas. Water is delivered at the discretion of the manager and water master. The demand for water shall not be made more frequently than determined by the water master and/or manager. The District does not abandon or relinquish any of the waste water or seepage on the return flow waters attributable to the irrigation lands to which water is supplied. All waters are reserved and intended to be retained for the use and benefit of the District as a source of supply for the land of the project.

Shortage of Water

Generally each acre of ground with a water right in the District is entitled to four acre feet of water during the irrigation season. In the case of water shortage, water is distributed equitably for use on the assessed acreage. Any person who takes water out of turn and/or without the knowledge and permission of their ditch rider will be subject to water being shut off immediately until the issue is resolved. The water user shall also be subject to the Laws of the State of Oregon concerning unauthorized appropriation of water. It is the policy of the District not to make any special deliveries of water for livestock or spray purposes, except for prior contractual obligations presently outstanding, or unless a water user obtains a special use permit.

Quantity of Water

Generally each acre of ground with a water right in the District is entitled to 4 acre feet of water during the irrigation season. Water measurements are generally described using rate and volume. When referring to a rate to be diverted, the terms commonly used are cubic feet per second (cfs) or gallons per minute (gpm). When discussing volumes of water, such as amount applied to land, reservoir storage, capacity, or yearly consumption, the term used is acre-feet (af).

Rates of Flow:

Twenty (20) Miners Inches = 1 acre foot in a 24-hour period

One (1) cubic foot per second (cfs) is a rate of water flow that will supply one cubic foot of water in one second and is equivalent to flow rates of:

1 cfs = 7.48 gallons per second

448.8 gallons per minute

646,272 gallons per day

1.98 acre-feet per day

Volume Measurement:

One (1) acre-foot is the volume of water that will cover one acre to a depth of one foot and is equal to:

1 af = 43,560 cubic feet

325,851 gallons

Wasting Water

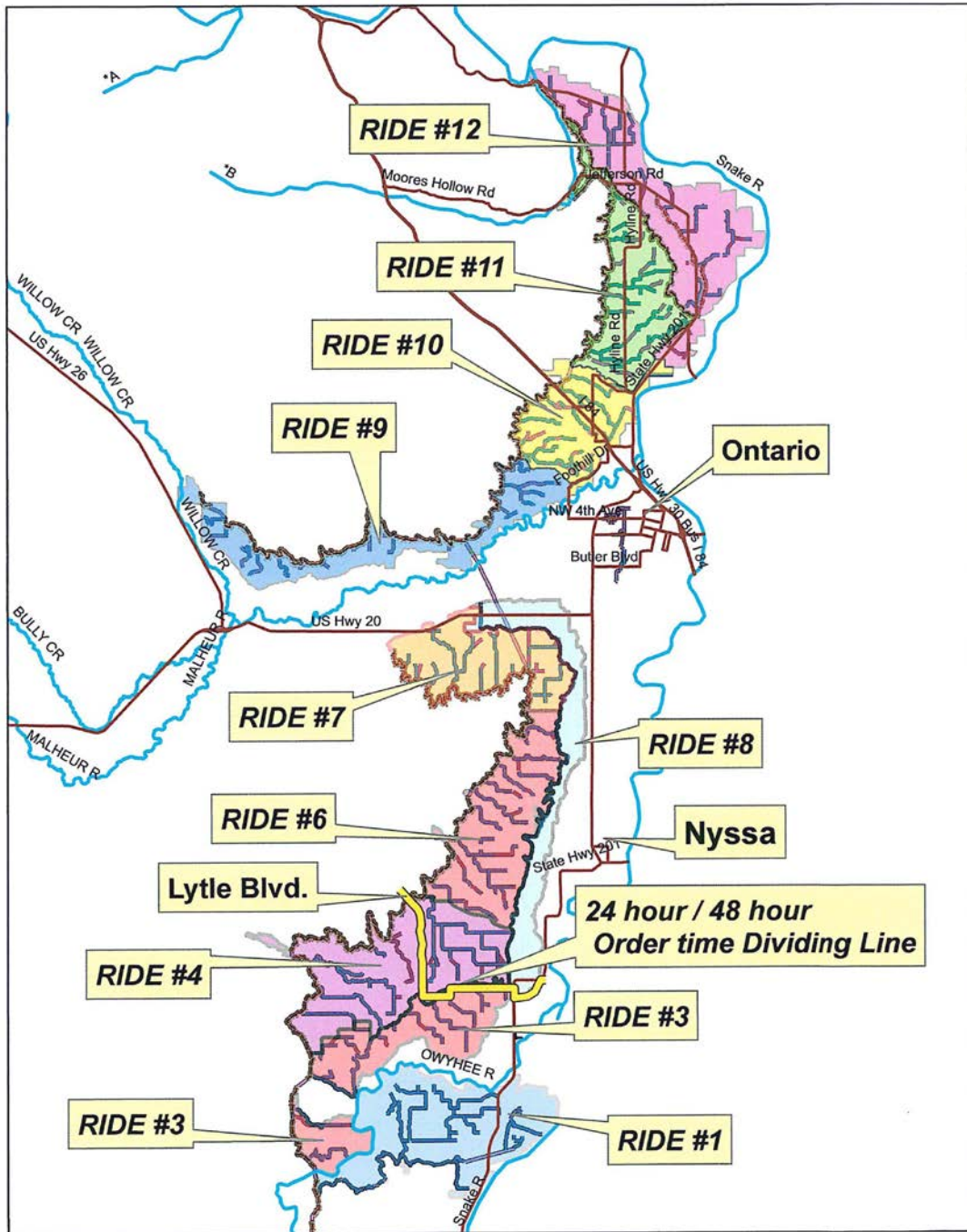
Water must not be wasted. Careless and wasteful use of water will be sufficient grounds for the ditch rider to contact the water master about this situation. If the irrigator is still careless and wasteful the water may be shut off. The irrigator will then need to prepare and show the District how the irrigator will better use the water to the satisfaction of the water master, ditch rider, and/or manager. It is illegal to use project water to irrigate marijuana. Persons wasting water on roads or vacant land either willfully, carelessly, or because of defective ditches or irrigation equipment, or poorly prepared land, or who flood certain portions of land to an unreasonable depth to properly irrigate other portions, or who use water on land not authorized for irrigation by the Board of Directors, may be refused the use of water until such conditions are remedied.

Water Orders

The District is broken up into areas known as rides: Each ride is served by a ditch rider as shown on the following map. North Canal water users ordering water should notify their ditch rider as follows: rides 1 through 4 and 8, at least twenty-four (24) hours; and rides 6 through 11, at least forty-eight (48) hours before the time the water is desired and for rides 1 through 4 and 8, at least twenty-four (24) hours, and rides 6 through 11, (forty-eight) 48 hours before finishing with the water. The Dunaway Pumping Plant (Ontario-Nyssa ride 8) and Dead Ox Pumping Plant, ride 12 water users, should notify

their ditch rider twenty-four (24) hours prior to water being delivered and shut off. Water is typically delivered within twenty- four (24) hours to forty-eight (48) hours of the time requested, but some delays can occur. The finishing hour should be such as to allow the time requested and to allow the ditch rider to give the water to another user in time for them to set up their irrigation before dark. No standing orders are permitted. No orders of more than three days prior to delivery date are honored. Water is delivered to each water user in rotation, based upon the time and date each water order was received by the ditch rider in the case of a shortage of water. Water changes are not done on Sundays under normal circumstances.

“Ride Map”



An interactive map and contact information is available at www.owyheerirrigation.org

Duties of the Water Users

Water orders received after 7:00 a.m. are added to the next day water orders and that order is considered the normal water delivery day. It is the duty of the water user to use the water CONTINUOUSLY NIGHT AND DAY, SUNDAYS, AND HOLIDAYS until that particular irrigation is completed. Water users who turn the water back into the ditch at night or on Sundays or holidays are considered to have used the water in a 24 hour period. No water user shall dump either live or waste water into the District's system without management approval. If any water user or their employee shall shut off or turn on their water without first giving notice to the District, they may be liable to the District and downstream landowners for all damages sustained by reason of the increased or decreased flow of water upon their lands.

Debris on Canal Banks and Rights-Of-Way

No tree or vine prunings, brush, weeds, grass, manure, rubbish, garbage, refuse, dead animals, or material substances that is or will become offensive to the senses or injurious to health or affect the quality of water, obstruct the flow of water or result in the scattering of seeds of noxious weeds, plants or grass, shall be placed or dumped in any District canal, ditch, conduit, or reservoir or placed or left so as to roll, slide, flow or be washed or blown into any District canal, ditch, conduit or reservoir. The people of the District are especially urged to cooperate in enforcement of this rule. Every irrigator/water user is responsible for all damages caused by their neglect or careless acts.

Lock and Close Program for the District

Management, the water master, and the weed supervisor set the application times and dates for chemical applications to District waterways. They notify the foremen and ditch riders of application times and dates. If necessary, they notify water users but normally ditch riders notify water users.

The water users of the District that wish to be notified, or locked out while Magnacide H, Xylene or Cascade application will be going by their head gate, need to

notify the District in writing each year, requesting they be put on the Lock & Close or notification list. The list is reviewed each year and revised. At the start of each new water season the ditch riders receive the new list. If water users only want to be notified, the District notifies them of the arrival times at their head gate. But the District does not have any other responsibility to the water user. If the water users wish to be locked out while the application is being made the ditch rider locks out the head gate. All tagged gates can only be opened by Owyhee Irrigation staff.

The District has identified sensitive area spillways that will be on the “Lock & Close” list.

Non-Liability of District

The District is not liable for any damages resulting directly or indirectly from any unauthorized uses or trespassing on District property or facilities or from any private ditch or the water flowing therein. Most of the water furnished by the District flows through many miles of open ditches and is subject to pollution, shortages, fluctuation in flow, and interruption in service. The District does not make any agreements which bind the District to serve an uninterrupted constant supply of water. All water furnished by the District is to be for irrigation or incidental stock purposes. Any water user putting the water to other uses does so at their own risk, and by doing so assumes all liability therefore and agrees to hold the District, its officers and employees free and harmless from any liability and damage that may occur. Pumping by water users is done at users risk and the District assumes no liability for damages as a result of turbulent water, shortages of excess or water, or other causes. Any person who sells, contracts to sell, leases, purchases, or contracts to purchase any part of an existing tract shall not look to the District to provide right-of-way or water transmission facilities.

The contract which was entered into with the Bureau of Reclamation when control of the irrigation works was turned over to the District provides that the District and its employees are not liable to the water users for shortages in water delivery due to drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of facilities of the project works, whether or not attributable to negligence of officers, agents, or employees of the District, or other causes.

Damage

It shall be the duty of every landowner to use due care to avoid damage to District canals, drains, and all District facilities. The landowner shall be liable for any damage, whether intentional or due to negligence, including damage from livestock under their possession or control. The District has the right to take immediate corrective action to stop damage to District canals, drains, and all District facilities. The offending party will be assessed for damages incurred and be required to reimburse the District for the damages.

Point of Delivery

The land use and area ownership situation is greatly diverse within the District, therefore, the points of delivery are established as conveniently to all users as possible. Each tract within the District has at least one original point of delivery, at which point, water is turned onto the land by the District. At this point the water user accepts the responsibility for the efficient use of the water. The original point of delivery is maintained for each tract even though there are many subdivisions of the original subdivision tract.

Sub-Divisions

Any owner or owners, sub-divider, or seller of any tract or tracts of lands lying whole or in part within the boundaries of the District and who are subdividing a tract or tracts of land and currently on the District's assessment roll will be held responsible for the delivery of the District's water to any subdivided portion of the original tract or tracts, and for said tract to each of the portions of the subdivided tract. The District's

obligation to deliver water shall cease at the point or points of delivery as shown on the sub-divider's plat.

The sub-divider shall show on the sub-division plat all existing easements, right-of-way, and facilities and shall further show any roads or crossings, new or existing, which cross any of the District's ditches, laterals, canals, or existing easements. In every case, prior to the construction or reconstruction of a road or crossing of any ditch, lateral, canal or easement owned or controlled by the District, the sub-divider must secure from the District, the District's approval for the construction or reconstruction of any such road or crossing. The sub-divider shall further develop their property in such a manner as not to adversely affect any of the District's facilities or subsequent user's rights.

Any person who sells, contracts to sell, leases, purchases or contracts to purchase any part of an existing tract shall not look to the District to provide right-of-way, water transmission facilities or maintenance of said facilities from the original point of delivery of the original tract. All private delivery systems from the original point of delivery are to be the sole responsibility of either the sub-divider or the individual tract owners.

Oregon revised Statute 540.420 provides that in all cases where ditches are owned by two or more persons and one or more of such person fails or neglects to do their proportionate share of the maintenance necessary for the proper operation of the ditch, the owner desiring the maintenance may, after having given 10 days written notice to the other owner who has failed to perform their proportionate share of the work, perform such share and recover from the person in default the reasonable expense of the work.

Apportionment of Water to Small Tracts of Land

Whenever a parcel of land lying within the District is subdivided into tracts of four acres or less and the owners fail to properly apportion the water to the various tracts in the subdivision, the District may employ a competent person to distribute and apportion water for such tracts.

The reasonable cost of such services shall be apportioned and assessed by the District as a special charge. The special assessments so levied and apportioned shall be

a lien upon the tracts of land and shall be collected in the same manner as all other assessments are levied and collected by the District.

Resolution Procedure for Water Distribution Works In Subdivisions

Whenever the District shall deem it expedient or necessary to construct, repair, or maintain ditches, flumes, dikes, aqueducts, or other improvements or to employ the services of some competent person to distribute and apportion water for any subdivision, the District shall declare such necessity by resolution.

The resolution shall be posted in three public places for five days. Within 10 days from the date when the resolution is posted the owner of the property within the tract may file a written remonstrance against the proposed improvement or employment.

After a hearing on the remonstrance, the District in its discretion, may overrule any remonstrance and by a resolution order construction, repair or maintenance of the improvements and apportion costs and assessments upon each tract benefitted. The assessments shall be final and conclusive.

Pumping

Unless you have a water right within the District boundaries it is unlawful to pump water from drains, canals, ditches, or laterals. Just because a ditch or lateral goes by your property does not mean you have a water right.

All landowners using pumps to lift water from the District's canals will be subject to these rules and regulations in the same manner as if they were gravity deliveries. All such installations must be approved by management and there must be a valve control gate in the delivery line on the outside of the pump house. This requirement will apply to old as well as new installations. All such installations shall be placed in such a manner that no checking of the canal or lateral will be required to deliver water to them.

Management may permit landowners using pumps to pump out of rotation when it is in the best interest of the District and for the conservation of water. No pumping out of rotation shall be permitted which shall interfere with other irrigators using water from

such lateral or canal having a full supply of water on a rotation basis.

Pumping of the District water is done at the water user's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of turbulent water, fluctuation in-flow, or other causes. No pump systems shall be installed in a District canal, lateral, or drain without the District's approval and meeting all District requirements. First requirement is to obtain a Special Use Permit.

Control of Facilities

Only District employees are allowed to operate head gates, turnouts, valves, or other control devices or to adjust or place check boards in checks. The District, at its option, may lock any or all head gates, turnouts, spillways, or other control devices. Any person who, in any way, interferes with the setting or adjustment of such head gates, turnouts, valves or checks shall be held strictly liable for any damage resulting there from. The ditch rider may, with the consent of management, grant permission under certain conditions to a water user/irrigator to shut off or turn on water in order to facilitate water delivery and conserve water.

The District may require a water user to install and maintain a lockable and controllable head gate or other water control device at a point of delivery of water to the user's property or to install a measuring device at the point of delivery as necessary to assist the District in determining the amount of water to be delivered. When practicable, water control and measuring devices will be constructed on property for which the District holds existing easements.

No new bridges, fences, fence-crossings, or stock gates, unless the same shall have been provided for in right-of-ways or easement agreements, shall be built across the rights-of-way of the District without the express permission of management. All plans to construct a new structure must be submitted to the District for approval and be built under the specifications of the District under the direction of the manager. Such structures must be maintained by the property owner to the satisfaction of the District.

Right to Enter Upon Lands

In an emergency or under normal duties any officer, employee, ditch rider, or other authorized personnel of the District may enter upon the land of a water user of the District for inspection, maintenance, and regulation of the District's ditches, pipelines, gates, pumps or other water works. If there is not an emergency the District will strive to give adequate and appropriate notice prior to entering upon the land of the water user where a District easement does not exist.

Access to Lands and Ditches

There has been increased use of Reclamation's and District's operation and maintenance (O&M) roads for driveways and personal roads. Those uses are incompatible with canal and drain operation and maintenance. Reclamation has an estate of land, acquired easements, and reserved rights-of-way for its facilities. Most Owyhee Irrigation District facilities were located under authority of the Act of August 30, 1890. That act reserved in the patent for lands that left the public domain after that date, "...a right-of-way thereon for ditches or canals constructed by the authority of the United States" (26 Stat. 391; 43 U.S.C. 945). Within these rights-of-way Reclamation, the District, and our contractors operate and maintain the canals. The federal reservation is the dominant tenement.

Any officer, employee, ditch rider, or other authorized personnel of the District, after reasonable prior notice, shall have access to the private ditches and lands being irrigated for the purpose of determining whether the ditches are in satisfactory condition to handle water and whether the water is being used economically and efficiently.

Right-of-Way Obstructions

No fences, ditches, or other obstructions shall be placed across or upon any District canal bank without special permission of management and then only with the understanding that suitable openings or gates will be provided to enable District employees to travel said canal banks without hindrance. Management shall have the right to remove all fences or obstructions constructed contrary to these provisions.

Maintaining weed control on the right-of-way will be at the discretion of the District. Obstructions are not permitted on District canals, right of way, and facilities. The following are some obstructions that are not permitted;

Drip systems

Diesel fuel

Stacking hay

Chemical storage box tanks

Junky equipment

Buildings

No parking of equipment

Landscaping, trees, brush, nor lawns should be grown on District canals laterals, or right of way.

Irrigation Season

The Joint Committee of the Owyhee Project determines the dates of the water season each year. The contract with the Bureau of Reclamation and water right certificates limit water deliveries from April 1st to October 15th of each year. The turn on and the turn off dates are subject to change in relation to seasonal weather conditions and availability of water supply. The Joint Committee of the Owyhee Project may shorten or lengthen the irrigation season as required each year subject to the water right certificate and federal contract.

The District will not supply water for stock water or spray purposes except during the irrigation season and then only when same can be supplied without making special delivery for such purposes.

Private Laterals

All gates on private ditches or pipe lines shall be under the control of the District when used by more than one water user, but the District will not construct or maintain private delivery systems.

Privately maintained laterals and other facilities served by the District must be in good condition so as to prevent loss of water and permit regular flow. Management will not permit delivery of water into facilities which are not adequately prepared and maintained. The District will not be responsible for defects in privately maintained facilities. The owners of private ditches shall provide suitable locking devices on all private gates and checks. When more than one water user is on a private lateral, each water user shall provide their own diversion facilities at their high point and provide their own distribution system. Water users must not build any dams in a private lateral.

It shall be the duty of each user of a private lateral to patrol the lateral from their point of diversion to the main lateral as many times each day as necessary to remove obstructions and stop all leakage while he is irrigating.

Water users shall not turn water down a private lateral without first making satisfactory arrangements with the water users next in rotation to receive the water. The last one on the private lateral should notify the District's office when all water users on the private lateral have completed their irrigation so the ditch rider can shut off the private lateral.

Oregon revised Statute 540.420 provides that in all cases where ditches are owned by two or more persons and one or more of such person fails to or neglects to do their proportionate share of the maintenance necessary for the proper operation of the ditch, the owner desiring the maintenance may, after having given 10 days written notice to the other owner who has failed to perform their proportionate share of the work, perform such work and recover from the person in default the reasonable expense of the work.

Failure to Maintain Private Laterals and Works

When privately maintained lateral and other facilities are not maintained in good conditions so as to prevent loss of water and permit regular flow, the Board of Directors may construct, repair or maintain such private lateral and works. The Board of Directors is additionally authorized pursuant to ORS 545.287 to levy and collect assessments upon all tracts of land specially benefitted by the improvements in order to defray the whole or

any portion of the cost and expense incurred in maintaining private lateral or works.

Wading or Swimming in Canals

No person shall wade, swim, or bathe in the canals, lateral, pipelines, or works of the District and all members of the District are asked to notify the District's office if they observe any person wading, swimming, or bathing in the District facilities.

Delinquencies in Payments

The District must withhold delivery of water from any tract of land until the charges and assessments are paid, whether such charges and assessments are for operation and maintenance, delinquent payment, repairs, construction, or other purposes. Interest shall be charged and collected on the assessment or unpaid charges at the rate of one and one-third percent (1.33%) per month, or fraction of month until paid. In case of inability to meet this requirement, landowners shall present their case to the Board of Directors.

Unlawful Acts

The District may bring a civil action for damages against any person who knowingly and willfully commits the unauthorized use of water. Pursuant to ORS 30.184, the District shall recover from the defendant the amount of actual damages incurred plus punitive damages. The District shall also recover the cost of the suit, reasonable attorney fees and expert witness fees.

The remedies provided for in ORS 30.180 to 30.186 are in addition to, and not in lieu of, any and all other remedies, civil and criminal, provided by law. It is illegal to use project water to irrigate marijuana.

Excess Water

The District assumes no responsibility or guarantee of water supply being available nor of the quality of the water for excess water. Excess water will be delivered to the water user only after all the four (4) acre feet per acre is exhausted. Payment of any excess water used is due in the District office on or before December 15th following each irrigation season. Failure to pay excess charges, as herein required will result in termination of all further deliveries until all said charges have been paid in full. Prior to

excess water deliveries the landowner must sign an “Excess Water Authorization” form. If the landowner refuses to sign this form the renter can make arrangements with the District office to pay for excess water in advance of the delivery of the excess water.

Temporary Transfer Criteria

If there are 4 acre feet and excess water available there will not be any water transfers granted. When water allocation is less than 4 AF and the landowner and or renter would like to transfer water they must fill out a form in the District office. Person(s) must be the owner, renter, or leaser of the property that they want to transfer the water from and to. If a renter is requesting a transfer, the temporary water transfer forms will need to be signed by owner and renter. The form may be mailed or faxed to the District office, fax number is 541-372-2437. The transfer form must be submitted 30 days prior to processing the transfer. When the form has been submitted it will be reviewed and approved by the water master and/or management, this process could take up to 7 days before the transfer would take effect. At this time the ditch rider and the office will be authorized to transfer the water. Transfer fees may be assessed and if so assessed payment is due at the time of submitting the form. If fees have been assessed but water is not transferred during the water season there will not be any reimbursement of the assessment. No transfers on Ontario-Nyssa Canal (Shoestring) and no transfers on Dead Ox pumping system can be applied for.

Pumping Out of Drains

To pump out of a drain you must apply for a special use permit, which can be obtained at the District office. The following terms must be met in order to pump out of drains:

- A. There must be a way to measure the amount of water being taken out.
- B. There cannot be any harm or injury to another user.
- C. Pumps, pipes and equipment will not block the District right-of-way.
- D. The District reserves the right to reuse any drain waters as may be needed.

The District assumes no responsibility for maintenance of natural drainages.

District Power Lines and Power Facilities (power house and sub-stations)

Do not use District poles for personal use or have any object attached to the poles. No landscaping, trees, brush, nor lawns may be grown on or around the poles. There will be no trespassing or encroachment due to public safety.

Public Records Policy

A. Compliance

The District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.

- **Specificity of Request:** In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought.
- **Access:** The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the District Manager may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained. ORS 192.440(2).

B. Fees for Public Records

Fees must be limited to no more than \$25.00 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the public body to proceed.

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District:

- **Copies of Public Records; Certified Copies:** Copies of public records shall be 25 cents per copy for standard, letter size copies. Copies shall be certified for an additional charge of \$3.50.
- **Copies of Sound Recordings:** Copies of sound recordings of meetings shall be 25 cents per copy.
- **Copies of Maps and Other Nonstandard Documents:** Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.
- **Research Fees:** If a request for records requires District personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$50.00 per hour and additional charges shall be in 1/4 hour increments. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.
- **Additional Charges:** If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.

- **Reduced Fee or Free Copies:** Whenever it determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board or District Manager may so authorize. ORS 192.440(4).

C. **Authorization Required for Removal of Original Records**

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or Manager of the District.

D. **On-Site Review of Original Records**

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with the Fees for Public Records section, above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Records

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.

Beneficial Use and Confiscation Procedures and Policies

Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District procedures addressing non-use of a water right are as follows:

- A. Survey of entire District will be conducted and documented each year. Throughout the season, District staff shall document the use of all water rights as fully used, partially used, or not used. If partial use, an estimate will be made of actual acres irrigated. Current aerial photos may be used when

available.

- B. The surveys will be completed no later than October 15th of each year and will be kept as a permanent record.
- C. The survey results will be entered into a database. Staff will compile a list of all appurtenant water rights reported as partially used or not used.
- D. All users with a documented 4 years of non-use shall receive a notice from the District clearly stating the ORS and OAR, the options they have to protect their water, and the District's right to petition OWRD to remove the water if not used in the 5th year. Notice shall be mailed to users by November 15th by certified mail and copy by first class mail. Copy of notice shall be sent to any security interest holders of record. The District shall provide the Oregon Water Resource Department with a copy of each 4th year notice sent to users within 30 days of the mailing date of the notice.
- E. During the season of the 5th year, the user must do one of the following:
 - 1. lease instream (application must be filed with District by February 15th)
 - 2. transfer off
 - 3. exercise the right on land
- F. If any of the above options are not exercised, the District will file a transfer application with OWRD to remove the non-use water from the property. No later than November 15th a Notice will be sent by certified mail and a copy by first class mail to the water user stating District intent to transfer the water off. Copy of notice shall be sent to any security interest holders of record. The District shall provide the Department with a copy of each 5th year Notice sent to a user within 30 days of the mailing date of the Notice. User has 30 days from the mailing date to advise the District in writing of their objections.
- G. District Manager shall attempt to resolve the objection with the user. If unable to resolve, a hearing will be held before the District Board of Directors within 30 days. The Board shall determine whether to submit the application

to the OWRD Director.

- H. If the District does not receive a written objection in 30 days, the District will submit the transfer application to the Director requesting approval.

Application must be submitted to OWRD before the last working day of December of the 5th year of non-use.

Board of Directors

Acting as a board member can be a rewarding experience, which brings pride in the knowledge that the community depends on the efficient operation of the district services. A well-informed board member should pay attention to the needs of the district they serve, and be aware of their many and important responsibilities.

- A. **Qualifications of a Board Member**

To qualify as a Board Member, an individual must be a bona fide owner of land situated within the boundaries of the division for which election is sought and be a qualified elector therein.

- B. **Policies, Objectives, and Plans**

The Board of Directors has authority to:

1. Approve policies for the organization.
2. Approve specific important projects.
3. Approve contracts binding the organization.
4. Review and approve annual budget.
5. Select and employ a competent manager, whose employment is subject to the approval of the Secretary of the Interior.
6. Pass District resolutions or adopt ordinances.
7. Select and employ a competent secretary/treasurer.
8. Select the district chairman and other officers.
9. Select legal counsel and consultants for the board.
10. Approve the form and amount of reimbursement for board members.

- C. **Board Rules and Regulations**

1. The Owyhee Irrigation District (“District”) Board of Directors shall operate directly under the general provisions for irrigation districts and special districts established by the State of Oregon, and the following general operating procedures.
2. These rules and regulations are intended to provide a general understanding and a uniformity in the practices and procedures for the operation of the District.
3. These rules and regulations express the judgement and will of the District Board of Directors and are binding on all employees.
4. In the event that any part or parts of these rules and regulations are found to be in conflict with the law, then only such part or parts so found shall be null and void and the remainder thereof shall remain in full force and effect.

D. Amendment or Suspension of Rules

1. The rules and regulations of the District Board of Directors may be amended or suspended by a majority of the Directors at any Board meeting, provided that each Director shall have been notified in writing of the proposed amendment or notice of the proposed suspension at least forty-eight (48) hours in advance of the meeting.
2. Where a new regulation replaces or amends an existing regulation, the Board shall repeal the older one by direct action.
3. The District Manager may, in case of emergency, suspend any part of these rules and regulations which may be in conflict with handling an emergency; provided, however, that the District Manager shall report the fact of, and the reason for, such suspension at the next meeting of the Board; and provided further that the suspension shall expire at the time of said report unless continued in effect by the Board.

E. Duties of the District Board

The Board of Directors considers its major responsibilities to be:

1. To select and employ a professionally trained and experienced executive (manager) to administer the District.
2. To provide for the preparation and subsequent adoption of an annual budget.
3. To provide District facilities, equipment and supplies for implementing the District's programs, operations and maintenance.
4. To determine questions of policy.
5. To consider and act upon recommendations of the District Manager in all matters of policy, salary schedules or other personnel matters of significance.
6. To require reports by the manager concerning the conditions, efficiency and needs of the District.
7. To inform the public concerning the progress and needs of the District and to solicit and consider public opinion as it effects the programs and services provided by the District.

F. Organization

1. At the first Board meeting in January of each year, there shall be elected a President, Vice-President, and Secretary of the Board. Each officer so elected shall take office immediately and shall serve until the first Board meeting of the following year, or until his/her successor is elected and qualified to serve. In order for a member of the Board to be eligible for nomination for the office of President, he/she shall have served one previous year on the Board of Directors.
2. If the President should resign or for any reason be unable to fulfill his/her obligation during his/her term of office, the Vice-President shall automatically fill the position of President. In the event any other office becomes vacant, the position found vacant shall be filled at the next regular meeting of the Board of

Directors by nomination and vote of the remaining Board members.

3. The duties of the President shall be to preside at all meetings/work sessions of the Board, to sign all documents which require a formal signature of the Board, to create standing and special committees, and to appoint Board members to those standing and special committees. Board concurrence will be requested on the creation of committees and the appointment to those committees.
4. The Vice-President shall preside in the absence of the President and shall perform such other duties as may be assigned by the President.
5. A recording secretary who need not be a member of the Board of Directors may be hired to take the minutes of all Board meetings and all informal minutes when requested by the President to do so.

G. Meetings

1. Dates of regular Board meetings, if not set by resolution of the Board at the organizational meeting each year, shall generally be held on the Tuesday following the third Monday of each month. Meetings will be during the day November through March and in the evenings April through October.
2. Special meetings may be called by the President or manager at any time. Notice thereof shall be given to every member not less than (2) days in advance, if possible, unless such notice be waived by the members. No business shall be transacted at any special meeting which does not come within the purpose or purposes set forth in the call for the meeting, unless all the members of the Board are present and agree to the consideration of the additional items.
3. All regular meetings of the Board shall be subject to the State of Oregon Public Meetings statutes. Notice of regular meetings or special meetings will follow Oregon statutes. An agenda may be adopted and followed.

4. A quorum shall consist of a majority of the Board. If the scheduled meeting time arrives and a recognized quorum is not assembled, the meeting may be officially cancelled after a fifteen (15) minute waiting period.
5. Minutes of each meeting shall be written in permanent form and shall include: date, place, and time of meeting. A record will be kept of the Directors and other persons who attended the meeting, as well as the Directors who were absent. A brief statement of all matters pertaining to the business of the District brought before the meeting and all motions considered by the Board should be recorded together with the vote taken.

H. Minutes of Meetings

1. The official minutes of the Board meeting signed by the attorney for the District shall be kept in a safe place by the attorney and shall be made available by him/her to citizens desiring to examine them, subject to the State of Oregon Public Records statutes and Administrative Policy.
2. Copies of the minutes shall be prepared as soon as practical after each meeting and shall be distributed to all Board members.

I. Committees

1. Special committees may be created by the President, with concurrence by the Board. Committee members will be appointed by the President, with concurrence by the Board. Whenever desirable, the Board will function as a committee of the whole. Other committee members may be selected from the public when deemed desirable. The President will set time lines for each committee.
2. The functions of a committee shall be those designated by title. It shall be the responsibility of a committee to study topics referred to it and to make recommendations to the Board for final action.

3. The District Manager shall be eligible to attend any meetings of any standing or special committees except when his or her employment is under consideration.
4. Standing committees may be created by the President, with concurrence by the Board. Committee members will be appointed by the President, with concurrence by the Board.
5. All special and standing committee meetings will be subject to the State of Oregon Public Meetings and Public Records statutes.

J. Authority of Members

1. The Board shall not be bound in any way by any statements or action on the part of any individual Board member or employee, except when such statement or action is pursuant to specific instructions by the Board.
2. All business must be conducted at legal meetings. If a proposition or complaint comes to a Director, he/she should be courteous, but should not commit the Board. Routine matters should be referred to the District Manager. Matters of policy should come before the Board.
3. All District business brought to the attention of an individual Board member shall be handled in the following manner: Be courteous to the constituent and determine whether the stated business shall be referred to the District Manager or to the Board. Then direct the constituent to either call the District Manager or to appear at the next Board meeting and discuss the matter with the entire Board. No District business decision is ever to be made by an individual Board member outside an official Board meeting.

K. Training, Education, and Conferences

1. It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, and lodging as a result of training, educational courses, participation with

professional organizations, and attendance at state, regional, and national conferences associated with the interests of the District.

2. The District Manager is responsible for registration and lodging arrangement for Board members attending state, regional, and national conferences. Board Members will make their own travel arrangements. Expense reporting forms will be forwarded to each Board Member attending a conference.
3. When a Board Member requests to attend a training or educational course and that request is approved by the Board of Directors, the District Manager shall be responsible for the registration of the Board Member.
4. Upon returning from conferences, seminars, workshops, etc., each Board Member will either prepare a report or make a verbal report during the next Board meeting detailing what was learned at the session(s) that will be of benefit to the District.

L. Legal Counsel

An attorney/law firm shall be selected by the Board. The District Manager and the President of the Board may request any legal advice that may be needed in handling or in dealing with matters pertaining to the welfare of the District. Individual Board members should direct requests through the District Manager and/or the President.

M. Auditor

An auditor shall be selected and appointed by the Board and retained on a yearly retainer fee. The auditor must be a Certified Public Accountant and a member of the State Board of Accountancy roster authorized to conduct municipal audits. The District Manager and the President of the Board may request advice on any financial matters pertaining to the financial welfare of the District. Individual Board members should direct requests through the District Manager and/or the President.

N. Insurance Agent(s) of Record

An Insurance Agent(s) of Record shall be selected and appointed by the Board. The District Manager and the President of the Board may request any advice that may be needed in handling or in dealing with insurance matters pertaining to the welfare of the District. Individual Board members should direct requests through the District Manager and/or the President.

O. Board of Director Rules

The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its Patrons. In order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed.

1. We, as Board of Directors, value confirming the dignity of each individual Board member. We also recognize the importance of respecting the style, values, and opinions of one another. We encourage responsiveness and attentive listening in our communication.
2. We, as a Board of Directors, shall place the needs of the District patrons first.
3. We, as a Board of Directors, recognize that our primary responsibility is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the agency.
4. We, as a Board of Directors, shall commit ourselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, talking behind people's backs, and other negative forms of interaction.
5. We, as a Board of Directors, commit ourselves to focusing on issues and not personalities. We will encourage the presentation of others' opinions. We will avoid cliques and voting blocks based on personalities rather than issues.

6. We as a Board of Directors, commit to supporting Board action. The role of the Board member is not to place barriers once a decision has been made by the Board and is ready to be implemented. We acknowledge the right of individuals to disagree with ideas, without being disagreeable. Different points of view are healthy in contributing to the decision-making process.
7. We, as a Board of Directors, shall practice the following procedures in: 1) seeking clarification on informational items; 2) handling complaints; 3) handling items related to safety; 4) presenting items for discussion at Board meetings and in other forums; and 5) seeking clarification for policy-related concerns.
8. We, as a Board of Directors, when approached by professional staff members concerning policy within the District, shall direct inquiries to their supervisor. The chain of command should be followed.
9. We, as a Board of Directors, recognize the work of the District as a team effort. All individuals shall work together in collaborative process, assisting each other and the President, in conducting the affairs of the District.
10. We, as a Board of Directors, when responding to patron requests and concerns, shall be courteous, responding to individuals in a positive manner and routing their concerns and interests through appropriate channels.
11. We, as a Board of Directors, are encouraged to work with the District Manager at our convenience, to discuss current issues, concerns and District projects.
12. We, as a Board of Directors, shall each operate as part of the whole. Issues will be brought to the attention of the Board as a whole, rather than to individual members selectively.
13. We, as a Board of Directors, are responsible for monitoring the District's progress in attaining its goal and objectives, while pursuing its mission.

14. We, as a Board of Directors, shall be prepared by reviewing District materials and will engage in a program of development directed toward improving our legislative decision-making capabilities.

P. Manager

The manager shall receive direction from a quorum of the Board and from the written policy of the Board. No individual member of the Board is authorized to exercise any direct supervisory function, and shall not in any manner attempt to direct the activities of the manager or other employees of the District.

Q. Employee Relations

The Board of Directors may:

1. Approve any employee benefit plans.
2. Personnel complaints should go through a proper chain of command. If not resolved, only then should the board get involved.

R. Informational Items

Board members may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

S. Handling Complaints from Patrons of the District

Complaints made to members of the Board of Directors should be directly referred to the Manager of the District.

T. Safety

Concerns for safety or hazards should be reported to the District Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance.

U. Agenda Items

Board members wishing to have items placed on the Board meeting agenda or at other Board functions should present these to the District Manager and/or the President.

V. Policy-related Concerns

Policy-related questions, especially related to personnel, legal action, land acquisition and development, finances, and programming should be directed to the District Manager and/or to a Board member when advisable.