

VALE OREGON IRRIGATION DISTRICT

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BYLAWS AND POLICIES

**1. PREAMBLE & STATEMENT OF OBJECTIVES**

The Vale Oregon Irrigation District (the District) reaffirms its acceptance of the transferred works from the Bureau of Reclamation (the Bureau). The District, under the direction of the Bureau, will care for, operate and maintain the transferred works in a way that they will remain in good efficient condition, and kept in equal capacity for carrying and distributing irrigation waters without cost to the Bureau.

A. The District, under the direction of the Bureau will:

1. Promote the wise and efficient use of available water and the conservation of project soil.
2. Hold to a minimum, system seepage and operational waste.
3. Be constantly alert to technical advancement and adopt new practices which will improve system operating efficiency.
4. Maintain the total irrigation system to the degree necessary to preserve the capacity and condition of the facilities in a manner to ensure adequate storage and delivery of irrigation water when required by the water users with a continual program of preventive maintenance.
5. Maintain sound fiscal policies, including adequate reserves.

(a) The reserve fund will accumulate until it equals sixty thousand dollars (\$60,000.00). Thereafter, such further annual amounts shall be levied whenever, as of the time the annual operation and maintenance assessment or toll charge against the water users is fixed by the District, the fund has been reduced below that amount. The fund shall be replenished at the rate of \$6,000.00 per year, unless a lesser sum will serve to establish or replenish the fund.

(b) The fund shall be available only:

(i) To meet those costs of operation and maintenance which are in excess of the District's normal operation and maintenance costs and only after advance notice in writing has been given to the Secretary (as hereafter defined) as to the proposed use. Where this statement uses the term "Secretary", this shall be deemed to include in all cases the Under Secretary or any Assistant Secretary or other officer of the Department of the Interior of equal authority. Where these Bylaws or any District contracts authorize action by the Secretary, such action may also be taken for or on behalf of the Secretary by representative duly authorized therefore in writing.

(ii) To meet other operation and maintenance costs when the use of the fund therefore is approved in advance by the Secretary.

B. The Bureau gives the District the right to withhold or stop deliveries to water users who waste excessive amounts of their allotment. The Secretary also reserves the right to have water turned out on any part of the transferred works if it is in unfit condition for service. The District will withhold or stop deliveries to water users who waste excessive amounts of their allotment.

C. In case of neglect or failure of the District to make repairs, the Bureau may enter the transferred works for the purpose of making necessary repairs and may charge the cost to the District.

D. All policies will be written in booklet form and made available to all water users.

E. Title to the transferred works shall remain in the Bureau until otherwise provided by Congress.

F. These policies may be amended from time to time by resolution of the Board of Directors.

## **2. BOARD OF DIRECTORS**

A. Qualifications - A member of the Board of Directors shall be a resident of the State of Oregon, and a bonafide "owner of land" situated in the division from which he is elected. "Owner of land" is defined in ORS 545.002.

B. Functions:

1. The Board is responsible that its actions and the actions of the Manager conform to all Federal, State and local statutes and ordinances, provisions of government contracts, and written policy of the District.

2. The Board shall formulate policy from time to time as is necessary for the efficient operation of the District.

3. 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.

4. The Board shall furnish the manager a clear and complete statement of all duties, responsibilities, and authorities that are delegated to him. The statement shall be reviewed by the Board periodically and amended when necessary.

5. Review and approve budgets in a timely manner.

6. Process payments on District obligations promptly.

7. Select and employ a competent manager, whose employment is subject to the approval of the Secretary of the Interior.

8. Select and employ a competent secretary/treasurer.

9. Each board member shall have the right to ride with each ditchrider during the irrigation season without monetary reimbursements. The board member shall not interrupt or interfere with the ditchrider's regular routine.

C. Limitations:

1. No changes shall be made in the District, either by inclusion or exclusion of lands, by partial or total consolidation or merger with another district, by proceedings to dissolve or otherwise, except with the consent of the Secretary evidenced in writing.

D. Meetings:

1. Regular meetings shall be held on the second Thursday of each month.

2. Special meetings may be called at any time by the Chairman, the manager, or a majority of the Board of Directors. Announcements of special meetings will follow Oregon statutes.

3. An agenda will be adopted and followed, unless modified by consensus of the Directors present.

4. Minutes of each meeting shall be written in permanent form and shall include:

(a) Date, place, and time of meeting.

(b) A record of the Directors and other persons who attended the meeting, as well as the Directors who were absent.

(c) A brief statement of all matters pertaining to the business of the District brought before the meeting.

(d) All motions considered by the Board should be recorded together with the vote taken.

5. An annual meeting of the water users will be held each year. Adequate notice of the date and location will be provided to each water user. At the annual meeting, the Board shall present a current financial report and a report of the delivery and losses of water for the preceding year, as well as a water outlook for the coming year.

E. Accountability:

1. When called on, the Board shall be ready and willing to assist the manager with major decisions.

2. The Board shall share with the manager in these responsibilities for the end results of any action involved in a joint decision by the Board and manager.

### **3. DIRECTOR SERVICE AREAS**

The District is divided into 5 Divisions. The Division areas are as follows:

- Division 1: Harper - Little Valley area and down the canyon to Larkin Point
- Division 2: Larkin Point to West side of Greenfield Rd.  
Greenfield will run North & South from the main canal to Bully Creek.
- Division 3: East Side of Greenfield to the South side of 6<sup>th</sup> Ave
- Division 4: North side of 6<sup>th</sup> Ave to the South side of 10<sup>th</sup> Ave.
- Division 5: North side of 10<sup>th</sup> Ave to the end of the project North of Jamieson.

Each division is represented by a board member - director. These directors are elected by qualifying water users for a term of 3 years. To have voting rights in the District, a landowner must be 18 years of age or older; must own or be purchasing land situated within the District and subject to the charges or assessments of the District; and may be a resident or non-resident landowner. An owner of land or elector may vote according to the total amount of water acre rights as follows:

- A. One vote for up to 40 water acre rights
- B. Two votes for 40 water acre rights or more but not more than 160 water acre rights; and
- C. Three votes for more than 160 water acre rights.

If an elector is an owner in two or more divisions and resides in one of them, the elector shall vote in the division of residence. If an elector is a nonresident of the district, the elector may choose to vote in any one division in which the elector is an owner of land. When a non resident landowner chooses to vote in any one division, the landowner shall file with the secretary of the board a notice of the choice of division where the nonresident landowner chooses to vote. A nonresident landowner's choice to vote in a certain division is permanent and remains permanent until the nonresident landowner's ownership status changes in any way or until the nonresident landowner becomes a resident owner.

### **4. DUTIES AND RESPONSIBILITIES OF THE MANAGER**

A. The manager will operate within legal authorizations and conform to all Federal, State, and local statutes and ordinances, provisions of Governmental contracts, and bylaws and policies of the District.

B. Other than the secretary/treasurer who is hired by the Board, the manager shall hire all other employees. The manager shall consider the recommendations of the assistant manager in the hiring of employees that will be under the assistant manager's direction.

C. The day to day management of the District shall be the responsibility of the manager and his subordinates.

D. The manager shall carry out the policy and instructions of the Board of Directors and shall be responsible for the hiring, supervision, and dismissal of the employees assigned to him.

E. The manager shall receive his directions from a Quorum of the Board of Directors and/or from the written policy of the Board.

F. The manager shall supervise:

1. The distribution, storage, and measurement of the irrigation water. The manager shall instruct his employees to make no adjustment to headgates after regular district hours without first notifying the water user.

2. The maintenance of the District's accounts and records.

3. The operation and maintenance of the District's facilities, equipment, and real property.

4. The preparation and submittal of the 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.

G. The manager shall determine the need for additional positions, transfers, reassignments or elimination of positions.

## **5. DUTIES AND RESPONSIBILITIES OF THE ASSISTANT MANAGER**

1. The assistant manager shall report for duty each workday and discuss with the manager the work schedule for the crew.

2. The assistant manager shall supervise:

(a) The repair and construction of the District's facilities and real property.

(b) The day to day duties of the crew; maintains a daily log on the location of the equipment operators; and insures each member of the crew reports for duty.

(c) The operation, maintenance and repair of the District's equipment.

3. The assistant manager shall assist the manager in patrolling and policing of lands within the district.

4. The assistant manager shall assume the duties of the manager in his absence.

## **6. PERSONNEL**

A. The personnel policies are contained and set forth in the Vale Oregon Irrigation District Handbook and are available to the public upon request.

## **7. WATER USERS**

The following rules and regulations have been established by the Bureau, the Oregon Department of Water Resources, and the Board of Directors to give each water user a clear understanding of his rights and responsibilities.

A. When land is sold resulting in the division of a water right, it shall be the responsibility of the land owners to determine the accurate water rights attributable to each respective parcel of property and to inform the District, on forms provided by the District, of the amount of water attributable to each parcel to be owned by each respective owner. The District shall not accept responsibility for any increased costs of water delivery resulting from any subdivision of property. The District may refuse to deliver water to purchasers of subdivided lands who interfere with the District's delivery of water to downstream or other lands. Water will not be delivered to land that does not have a water right as established by the Oregon State Department of Water Resources. Water users irrigating lands without a water right risk termination of all water deliveries to all their lands within the District until the District is satisfied that no further violations will occur.

B. The construction or placement of roads, pipelines, transmission lines, telephone lines, bridges, flumes, fences, pumps, or any other structures on a project right-of-way will be allowed on terms and conditions that are deemed to be adequate to protect the interest of the Bureau and the project for which the particular lands are being administered and to be compatible with the purposes for which the right-of-way was acquired. Construction may not be undertaken until after such time as the Bureau has issued a license for the erection and maintenance of the structure. Any structures erected without the Bureau and District's approval will be removed and all costs charged to the owner. No water will be delivered until all charges are paid.

C. Any changes made in the operation of a workable weir on this project shall not be allowed without the Board's approval in advance as reflected in writing or in the minutes of a Board meeting. The Board shall not approve any changes of a workable weir unless there is an alternate method of measurement to be used.

D. Controlled pasturing of the project rights-of-way will be allowed. Damage to the project facilities caused by overgrazing will be repaired by the District and charged to the water user responsible.

E. No fences or gates will be allowed to obstruct the free operation and maintenance of any right-of-way during the water season. From March 1 through the end of the irrigation season each year, District personnel shall not be responsible for closing gates or restoring fences across any rights-of-way, and it shall be the landowner's responsibility to prevent the escape of livestock across a District right-of-way. Cattle guards (of adequate width) will be acceptable year round at the expense of the land owner, and the land owner shall be solely responsible for maintenance of cattle guards.

F. Private ditches will be allowed on the right-of-way with prior written permission only.

G. Each water user will be responsible for his tail water. If the tail water crosses the right-of-way, it must do so in a pipe.

H. No trees, gardens, buildings, lawns, hay stacks, or equipment of any type shall be allowed on the right-of-way.

I. Only persons engaged in authorized project business, are permitted on the District rights-of-way that are easements across private property. Any other persons must have authorization from the land owner.

J. The District will NOT be responsible for the damage or loss of gated pipe, equipment or any such material located on the District's right-of-way, particularly in the spring when District personnel are burning weeds.

K. Any obstructions that are not removed when requested will be removed by the District and the cost of removal will be charged to the land owner. No water will be delivered until the charges are paid in full.

L. It is unlawful, without authorization, to draw off or use any portion of the water flowing through or contained in any water ditch, canal, trench, pipe, dam, or reservoir owned by the Bureau.

M. It is unlawful for any person to maliciously or wantonly cut, break down, injure, destroy, or remove any ditch, canal, trench, pipe, dam, reservoir, bridge, road, or other property owned by the Bureau.

N. It is unlawful to dump on Bureau right-of-way any sewage, animal matter, rubbish, garbage, or other refuse including all containers, both full or empty, including those that hold or did hold chemicals.

O. It is unlawful to irrigate land that does not have the benefit of a water right.

P. Water users are prohibited from placing in the Main Canal or any lateral any unauthorized objects, equipment, diversion structures or obstructions, including but not limited to checks, boards, pumps, hay bales or plastic sheets. The District will remove all such objects with or without notice to the water user and will charge the user for the removal costs.

Q. Any water user diverting pressurized water from a District pipeline must install a valve and/or headgate approved by the District to avoid damaging the pipeline. The District reserves the right to take any steps necessary to prevent excess pressure or water hammering on the pipeline.

R. Water turn in date and turn out date in the main canal will be set by the Board of Directors.

S. Water requests shall be made in writing by the water user on a water card form supplied by the District. Main Canal water users should notify the ditch rider by 6 a.m. at least:

- Ride 1: 48 hours prior notice
- Ride 2: 48 hours prior notice
- Ride 3: Laterals 227 thru 279 - 72 hours prior notice  
Laterals 280 thru 308 - 96 hours prior notice
- Ride 4 96 hours prior notice
- Willowcreek 96 hours prior notice
- Bully Creek 24 hours prior notice

At the beginning of the water season, an additional 24 hours may be required when ordering water. This will allow for ordered water to reach the end of the system in a timely manner.

When the demand for water exceeds the capacity of any specific portion of the delivery system, the District has the right to limit water deliveries to ½ inch per acre (½ c.f.s. per 40 acres) to that specific portion.

T. If annual crop reports are required by the Bureau, they will be taken each fall at the close of the irrigation season. These reports are confidential. A report of acreages, yields and crops is sent to the Bureau. No names are on that report. Individual reports will not be made public. The cooperation of Water Users in helping the District obtain this information will help to keep the expense at a minimum.

U. No person(s) shall use district equipment, tools, or the shops for personal use.

V. Excess Lands. (Under the Reclamation Reform Act of 1982)

1. The District is subject to the provisions of the Reclamation Reform Act of 1982, including the acreage limitations imposed by the Act. In general, the Act limits the number of acres that can be held by a landowner on a “westwide” basis. “Westwide” means the 17 Western states in which Reclamation projects are located. The Act is binding on all persons owning irrigated land within the District, whether or not those persons also own lands outside the District.

2. Under the Act, a “qualified recipient” is entitled to irrigate a maximum of 960 acres of owned or leased land westwide. An individual landowner is a “qualified recipient” if the landowner is a U.S. citizen or resident alien. A husband, wife and all dependents are considered one “qualified recipient.” A corporation, partnership or other legal multi-ownership arrangement is a “qualified recipient” if it benefits no more than 25 natural persons. A charitable or fraternal organization may be a “qualified recipient” if it meets certain conditions, including the condition that none of its net earnings benefit any private individual.

3. Under the Act, a multi-ownership arrangement benefitting more than 25 persons is a “limited recipient”, which is entitled to no more than 640 acres westwide.

4. Excess lands are those which are in excess of the acreage limitations permitted by the Act. Owners of excess lands must designate them on forms provided by the Secretary. Owners of excess lands may not receive Project irrigation water, with certain exceptions. One exception is



that the owner of excess lands may enter into a “recordable contract” with the Secretary of the Interior in which the owner agrees to dispose of the excess lands within five years at an appraised price approved by the Secretary.

5. Leaseholders are also subject to the acreage limitations imposed by the Act. Landowners and leaseholders are required to pay the “full cost rate” established by the Secretary for irrigating lands in excess of those permitted by the Act.

6. This is a brief summary of the provisions of the Reclamation Reform Act of 1982. District patrons with specific questions as to the application of the Act should contact the District office.

W. All water users who purchase or supply pipe for irrigation systems within the rights of way of the District shall use pipe designed with 80% of the pipe rating or less. All pipe installed shall be rated 100 lbs. p.s.i. or greater. Any exceptions must be approved in advance by the Board of Directors and shown in the Board minutes.

X. No water user shall install a pivot or sprinkler system without notifying the District in advance and informing the District of the design and location of the system so that the District can address potential impacts on the District’s water delivery system. The District retains the right to require modifications in any pivots or sprinkler systems that adversely affect the District.

Y. Anyone renting out their ground or renting someone else’s ground, and desires to move the water allotment between accounts, must fill out a “Temporary Water Right Allotment Transfer Agreement Form” signed by both parties and turned into the office before June 15<sup>th</sup> of the irrigation season.

Z. Livestock water will not be delivered free of charge. When ordered, it will be charged against your regular allotment or billed as flood water.

## **8. WELL CONSTRUCTION AND OPERATION**

Any persons constructing or operating wells within the District do so at their own risk, and must notify the District before beginning construction. Any water user intending to construct a well within one hundred feet of any District waterway must have the well reviewed by the District Board before construction. Approval of a well by the District Board does not give the well user the right to interfere with surface water rights. It is the policy of the District to take aggressive action to oppose any interference with its surface water rights. No District officer, employee or director has the authority to waive the right of the District to protest the construction or operation of any well within the District.

## **9. PUMPING POLICY**

A. If gated pipe, sprinklers or any other type of irrigation system is installed by an individual water user, any overflow will be the sole responsibility of the water user.

B. No water user shall interfere with the operation of any measuring device. A water user pumping water whose measuring device becomes flooded and whose water cannot be accurately measured shall take reasonable steps, with the cooperation of the irrigation district, to correct the problem, and shall have no recourse against the irrigation district. If an existing measuring device becomes flooded, district personnel will estimate the flow of water through the measuring device

and charge water based on that estimate.

C. A water user altering or redesigning his water delivery system must take care to insure that measuring devices are accurate. If a measuring device becomes flooded or otherwise inoperable because of water delivery system changes made by a water user, the irrigation district has the right to shut off all irrigation water to the user until the problem is corrected.

#### **10. WATER RIGHT TRANSFER POLICY**

Water transfer requests within the Vale Oregon Irrigation District are subject to the approval of the Board of Directors of the Vale Oregon Irrigation District, the State of Oregon Water Resources Department, and the United States Bureau of Reclamation. The Board will handle each transfer request on a case-by-case basis. When the District receives a request for transfer of water rights it will perform a preliminary review to determine if the request is feasible. The Board reserves the right to deny any application for the transfer of a water right. All decisions by the Board of Directors are final.

When the applicant for a water right transfer has not designated specific land upon which all of the water right is to be transferred, the Board has the authority to approve water right transfer requests to a District Water Right Transfer Pool. Landowners requesting additional water rights within the District may submit requests to the District Water Right Transfer Pool, which shall be considered by the Board in the order received. In considering transfer requests from the Water Right Transfer Pool, the Board shall consider all relevant factors set forth below. In addition, the Board may give preference to transfer requests from the Water Right Transfer Pool that are closest in proximity to the original point of diversion, and that result in the least number of transfers from the Transfer Pool.

Applicants for water right transfers, including requests for transfers from the Water Right Transfer Pool, shall pay the Irrigation District a nonrefundable fee of \$100 as part of the transfer request. The Board may waive the fee if the Board determines that a waiver is in the best interests of the District.

In considering a water right transfer request, the Board shall consider all relevant factors, including but not limited to the following:

- 1) Whether the original water right is valid, and whether it is a supplemental or primary right subject to transfer.
- 2) Whether there have been any requests to receive transferred water from the same source.
- 3) Whether the original lands and the lands designated to receive the water right are within the Irrigation District boundaries.
- 4) Whether the property has been classified as irrigable by the United States Bureau of Reclamation.
- 5) Whether the property is considered eligible for water according to the State of Oregon Water Right Certificate.
- 6) Whether the transfer is in the best interest of the District as a whole.

7) Whether there is capacity in the canal lateral to serve the property.

8) Whether the transfer will require a new point of delivery. Generally, if a new point of delivery will need to be established, it shall be at the landowner's expense.

9) Whether the water right is to be delivered through a stream, such as Willow Creek. If so, the landowner is responsible for meeting all environmental, fish and wildlife concerns, such as screening passage, etc.

10) Whether the delivery of transferred water will result in any increased expense to the District.

All accounts concerning the water right must be current before a transfer request is approved, unless this requirement is waived by the Board. Generally, the Board will require either the original landowner or the landowner to whom the water is transferred to bring all accounts current before a transfer is approved.

The applicant must satisfy all mapping requirements imposed by the Oregon Water Resources Department in connection with water right transfers, and provide all necessary maps to the Board prior to its consideration of the transfer request. At a minimum, the applicant shall submit an accurate map showing the lands to which the water right shall be transferred, unless all of the water right is to be transferred to the District Water Right Transfer Pool. The Board shall have the right to determine whether the map must be prepared by a certified water rights examiner or other professional, in order to insure the accuracy of the map. The applicant shall be responsible for the preparation of all necessary maps.

## **11. OWNERSHIP OF WEED SCREENS AND MEASURING DEVICES**

The Vale Oregon Irrigation District owns all weed screens and measuring devices installed by the District within its boundaries. The District may charge a water user a reasonable fee for the cost of constructing a weed screen or measuring device installed for the benefit of the water user. The payment of a construction fee by a water user does not give the water user any ownership interest in the weed screen or measuring device. A water user may not move, modify or dispose of a weed screen or measuring device installed on the water user's property by the District.

## **12. LOCKING OF HEADGATES**

It is the policy of the District that all headgates are to be locked during the irrigation season except as provided herein. If a ditchrider determines that unlocking a particular headgate will promote the efficiency of the system without causing water shortages for any water user, the ditchrider shall justify in writing to the manager why any headgates are unlocked. The manager shall periodically review all records of unlocked headgates, and may override a ditchrider's decision at any time.

### **13. EFFECT OF WATER ALLOTMENT**

The District Board generally sets a water allotment at the beginning of each irrigation season. This is intended as a good faith estimate, not a guarantee, of the number of acre-feet per acre that the District will deliver during the irrigation season. Depending on conditions, the District Board may modify the allotment during the course of the irrigation season. Water users are prohibited from exceeding the allotment, except by purchasing flood water from the District when it is available, or by using supplemental water rights in accordance with state law. The District will not allow water trades or other arrangements among water users that result in any water users exceeding their allotment during the irrigation season.

### **14. WATERING TROUGH CONNECTIONS ON PIPELINES**

After the date of the adoption of this policy on December 11, 2008, no connections for stock water troughs shall be allowed on District pipelines except below the headgates of the water users.

### **15. SUBDIVIDED TRACTS**

A. Water Delivery to Subdivided Tracts. Any person who sells, contracts to sell, leases, purchases, or contracts to purchase any part of a subdivided tract shall not look to the District to provide rights-of-way, water transmission facilities, or maintenance of said facilities from the original point of delivery of the original undivided tract. All private delivery systems from the original point of delivery are the sole responsibility of either the subdivider or the individual tract owners. The District's obligation to deliver water shall cease at the point or points of delivery as shown on the developer's plat as finally approved by the Board of Directors and filed in the District's office as set forth in the procedure below. For any subdivision within the District, including subdivisions made before the adoption of this Policy on Subdivided Tracts, the District shall not be responsible for making any changes in the delivery system that existed prior to the subdivision unless the changes are specifically approved by the Board.

B. Subdivision Approval Required. Anyone subdividing a tract or tracts of land currently on the District's assessment role or making changes to a subdivision which is on a tract or tracts of land currently on the District's assessment role is responsible for:

- (1) notifying the District of the proposed changes and obtaining District approval of the design for the delivery system before making any changes to a subdivided tract;
- (2) delivery of the District's water to any subdivided portion of the original tract or tracts;
- (3) providing the necessary easements and delivery system from the original point of delivery for said tract to each of the portions of the subdivided tract and inside the subdivision as needed.

Before making any changes to a subdivided tract that may affect District facilities, the developer must submit an application and obtain the authorization of the Board of Directors to alter District facilities. This includes the relocation, construction, or reconstruction of any District facility or of any road or crossing of any ditch, lateral, canal, easement or right-of-way owned or controlled by the District. The application shall include a subdivision plat showing all existing easements or rights-of-way. The application must be submitted with the fee set forth in the District's fee schedule.

In addition to the application fees, the developer shall be solely responsible for all costs related to the relocation, construction, reconstruction, or crossing of any District facility, including necessary attorney fees incurred for the negotiation or review of any documents or agreements.

The developer shall develop the subdivided property in such a manner as not to adversely affect any of the District's facilities, or downstream users' rights. In approving any proposed change in facilities or operations, the District will preserve access to delivery points for all irrigable lands.

The design for the delivery system must comply with the District's specifications and requirements. It is District policy to require relocated facilities to be placed underground and to require the installation of fences along District facilities.

The above policies and bylaws were most recently amended by the Board of Directors of the Vale Oregon Irrigation District on January 12, 2017.



Warren Chamberlain  
Chairman, Vale Oregon Irrigation District