

AUTHORITY

The following rules and regulations have been adopted by the Board of Directors (Board) of the Hermiston Irrigation District (HID or District) by resolution dated December 5, 1991, readopted on June 9, 2000 and September 14, 2006 under the authority of the Oregon Water Laws governing irrigation districts. ORS 545.221 states generally that the Board shall manage and conduct the business and affairs of the District, make and execute all necessary contracts, employ and appoint such agents, officers, and employees as may be required and to prescribe their duties, establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, and generally to perform all such acts as shall be necessary to fully carry out the purposes of the Irrigation District Laws.

These Rules and Regulations have been adopted by the Board under the authority of the Irrigation District Laws of Oregon and contractual obligations to the United States Department of Interior, Bureau of Reclamation (USBR). In any case where these Rules and Regulations conflict with or are in derogation of the Laws of the State of Oregon or the United States, the latter shall control.

HISTORY

In 1903 the USBR began investigating the possibility of irrigating lands along the lower Umatilla River by gravity flow. During 1903 and 1904 the Umatilla River and its tributaries were surveyed and the most feasible reservoir sites were mapped. Subsequent investigations were made to find a reservoir site on the irrigable lands east of the Umatilla River. These studies resulted in the establishment of the Umatilla Project and identification of the Cold Springs Reservoir site.

The original Umatilla Project was authorized in 1905 under the 1902 Reclamation Act. Most facilities were constructed between 1906 and 1927 to supply water to a total of about 30,000 acres. HID is one of four irrigation districts that make up the Umatilla Project. The Umatilla Project was designed to supply water through a network of canals and pipelines to nearly 25,000 acres. The source of water is the Umatilla River and Cold Springs Reservoir. Construction of HID's facilities began in 1906. The first water delivery from Cold Springs Reservoir was made on March 8, 1908.

During the construction period and up until 1926 the system was operated by USBR as the east division of the Umatilla Project. In 1926 HID was formed and took over operations and maintenance of the system with a repayment contract with USBR. Since the 1926 contract the District has entered into modified contracts with USBR to establish a new payment schedule in 1954 and a boundary adjustment contract in 2003. In addition to these contracts the District has a repayment contract with USBR for the safety of dams' work that was required on Cold Springs Reservoir during the mid 90's, this contract took effect in 1997.

A project called the Umatilla Basin Plan was introduced in 1988 which provides infrastructure and the ability to exchange Umatilla River water for Columbia River water for the benefit of the fishery in the Umatilla River. This is a bucket for bucket exchange with the pumping costs from the Columbia River being paid by Bonneville Power Administration. Although the Umatilla Basin Plan and Exchange do not provide any additional amount of water to HID it does provide a more reliable supply of water and a great benefit to the community.

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DISTRICT INFORMATION

HID serves approximately 1,200 water users and irrigates about 10,000 acres with 90 miles of canals, ditches and pipelines. In addition to the delivery system there is a 26 mile feed canal used to fill Cold Springs Reservoir which has a holding capacity of 38,000 acre feet. The irrigation season runs from early April into September or until the water supply has been used. The feed canal runs from November 1st until Cold Springs Reservoir is full or Umatilla River flows drop below the target flow for the fishery, usually sometime in April or May. The operation and maintenance of the entire system is carried out by 9 full time employees with some occasional seasonal help for specific duties. All activities of the District are directed by a 5 member Board of Directors.

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IRRIGATION SEASON

The normal irrigation season shall be from April 1st to October 1st of each year. These dates are subject to change in relation to seasonal weather conditions and the available water supply. The Board may shorten or lengthen the irrigation season within those parameters as established by the District's water rights or as required by law.

INTENTION

It is the desire and intention of the Board to carry on the business of the District in a business-like and economical manner and to distribute the water equitably and as near as may be satisfactory to water users. There must be general rules and general practices to secure the best service to the water users, and to this end every person in the District should feel a personal responsibility in helping to carry out such rules and practices in order that the water may be used in the most conservative manner.

Adoption of Rules: By the adoption of these rules and regulations it is hoped that they will give every water user a clearer understanding of the duties and intentions of the operating officials.

General Meeting: A general meeting of all water users will be held annually in the month of February.

Election of Directors: An election shall be held on the second Tuesday in November of each year, at which one or more directors shall be elected. Openings for the Board of an irrigation district shall be advertised in a newspaper of general circulation within the boundaries of the District for which the candidate would be elected or posted in three public places within the District at least 60 days prior to the election.

All nominations shall be filed with the secretary of the Board not more than 75 nor less than 35 days before the date of election. If, after expiration of the date for nomination, only one qualified candidate has been nominated for the office to be filled, it shall not be necessary to hold an election. (Reference ORS 545.137)

Public Participation at Board Meetings: At the discretion of the Board Chairman, guests will be given the opportunity to speak to the Board during the Board meetings. The Chairman may set a limit on the amount of time for each guest to speak depending on the available time and agenda for each meeting. Requests made to the Board will be heard, but except for emergency situations, no action will be taken on requests until a following meeting. In order to have organized meetings, guests wishing to speak at Board meetings are encouraged to contact the District office before the meeting to have their name added to the agenda.

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PAYMENT OF ASSESSMENTS

Yearly irrigation water assessments are established by the Board and are assessed on a calendar year basis. Assessments are based on the costs of operation and maintenance of the system and have no bearing on amount of water available or used.

Assessments are mailed out in February and are due by March 1 of each year. The Board does allow patrons to pay their assessments in two installments when needed. Under this payment arrangement the first half of the assessment is still due by March 1 however, the second half may be paid by July 1 without any penalties or interest.

Any assessments not paid in full by July 31 are considered delinquent and are subject to collection procedures as follows:

March 31 Begin charging a \$2 per month statement fee plus 1.33% interest monthly, 16% annually, on all accounts that do not have at least the first half of assessment paid.

July 31 Begin charging 1.33% interest monthly on full assessment balance.

August 1 Send out Fair Debt Act Letter with statement. Any patron in dispute must submit their dispute in writing by August 31 or will be subject to further collection procedures.

September 1 Notice of Claim of Lien is filed with the Umatilla County Court. A minimum \$165 fee is added to each parcel on the account.

January 1 A "No Water List" is issued to all District employees. Any patron with an outstanding account balance from the previous year is put on the list and is not entitled to use water until the account is paid in full. Any use of water will be considered theft of water and handled accordingly.

Accounts sent to the District's Attorney for collections or foreclosure will be charged a minimum of the following: A \$150 initial attorney contact charge, \$325 for title search request fees, delinquent statement charges and interest, along with all other charges incurred by the District.

If you are unable to pay the assessment in the timeline given, PLEASE call the bookkeeper and make acceptable payment arrangements. We do not want to see anyone have to go to collections. It is costly for yourself and the District.

DITCH RIDERS

Ditch riders are the best contact for water users when they have questions about delivery of their water or scheduled times for use. They may be reached by cell phone or by personal contact as they ride the canals and ditches. Their duties require them to regulate and distribute water through out the District which can become a difficult balancing act to perform. Your cooperation in notifying them of your needs well in advance will give them a much better opportunity to meet your needs. A ditch rider's responsibility for your water ends at the point of delivery, from that point on it is your responsibility to use, control and manage the water appropriately.

If you have questions or complaints about your water or that of others, contact your ditch rider. Neighborly disputes that do not directly relate to your irrigation water are not the duty or responsibility of the ditch rider. Remember the ditch rider is not a police officer; do not ask him to be one.

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DUTIES OF WATER USERS

Hours: It shall be the duty of the water user to use the water continuously night and day until their scheduled time is finished. Water users shall not turn the water back into the ditch during their scheduled time without notifying the ditch rider a minimum of 12 hours in advance.

Wastewater: No one may dump either live or waste water into a District system without the prior written approval of the Board and USBR.

Flooding: Water users are required to insure that no flooding or other damage occurs to public or private property as a result of the user's improper use of their water or the user shall be liable for all damages others may sustain by reason of the user's improper use. Water users shall not allow run off or tail water to leave their property.

Schedules: Schedules and arrangements for irrigating will be furnished to all water users by their ditch rider. The District will notify all patrons of their ditch rider prior to the irrigation season.

Pumps: All water users using pumps for the purpose of lifting water from the canals and laterals of the District will be subject to these rules and regulations. Any pump user with a pump over 5 hp must notify the ditch rider a minimum of 12 hours in advance of starting or stopping the pump. All such installations must be approved, in writing by the District Manager. Pumping rate should not exceed 8½ gallons per minute per acre.

Non-liability: Pumping by water users of District water is done at the user's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of a water shortage, excess of water or other causes.

WATER USE

Main Purpose of Water: The District was organized for the purpose of supplying irrigation service for farm crops. The water quality and District facilities are not suitable for domestic use, raising fish, watering livestock, or use for industrial or commercial purposes, etc.

Unauthorized Uses: Any person who takes water out of their turn, and without the knowledge and permission of the ditch rider, shall forfeit his right to water for the next scheduled turn and furthermore may be subject to criminal prosecution.

Use on Land Without Water Rights: It is unlawful for water users to place their allotted share of water on lands which does not have water rights. Use of water on land not authorized for irrigation by the District may result in prosecution for theft or other legal action brought against the user.

Swimming and Recreational Use Prohibited: It is dangerous and the District prohibits swimming or other recreational use of the waterways.

Transfer Prohibited: No transfer or sale of District water is allowed without the prior written approval of the Board and OWRD.

CONSERVATION AND WASTING WATER

Conservation: The District wants to bring to the attention of all water users the great need for conserving the District's water supply. This need is increasingly becoming more apparent with each year and with the increased competition from all sources of water users.

Wasting Water: Water must not be wasted. Careless and wasteful use of water will be sufficient grounds for the ditch rider to reduce the size of the water delivery amount to what he believes the irrigator can handle economically. If after reduction of the water delivery amount, the irrigator is still careless and wasteful the water will be shut off from such user until they are prepared to make better use of the water, to the satisfaction of the ditch rider or Manager.

Every water user shall be responsible for their runoff, and all damages caused by their intentional, negligent or careless acts. Persons wasting water on roads or vacant land either willfully, carelessly or because of defective ditches, poorly prepared land, poorly maintained sprinkler systems 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 may be refused the use of water until such conditions are remedied.

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STOCK, SPRAY, DUST AND FROST CONTROL

The District has no responsibility for delivering water through its system for frost control. Water delivered through the system is not authorized for use as stock water, spray purposes, dust control, etc.

BENEFICIAL USE

"Beneficial use" is the use of irrigation water to produce a crop, grass, or landscape area. This means that the irrigation water will be used on land that has been designated for this purpose. Water may not be used on rock piles, driveways, roadways or under structures.

Landscape areas, such as lawns or shrub beds, commercial crops such as shrubs, trees or growing of plants for resale is allowed. The land must be under production or cultivation to qualify as beneficial use. The placement of water on land that is not cleared, seeded or under some type of cultivation is not beneficial use. The use of irrigation water on anything that would grow naturally without the benefit of irrigation water is not beneficial use.

TAIL WATER AND WASTE

You should only use the water that you need. If you irrigate to the point that water "runs off" of your land onto a neighboring parcel, that is called tail water. By Oregon statute, tail water is the responsibility of the person whose land it runs off of, and is not necessarily welcomed by the receiving parcel owner. Tail water may also be considered a waste of water and subject to your water right to examination by the District and/or OWRD.

The District is becoming more developed and the parcel sizes are becoming smaller. This creates situations where a neighbor may not desire tail water as in years past. Please be conscious of your responsibilities with managing your water rights properly.

ACCESS TO LANDS AND DITCHES

Any officer, agent, employee or authorized personnel of the District shall have free access at all times to the private ditches and lands being irrigated for the purpose of determining whether or not the ditches are in satisfactory condition to handle water, and whether the water is being used economically and efficiently.

DISTRICT EASEMENTS AND RIGHT-OF-WAYS

Ownership: The irrigation facilities within the District such as the Cold Springs Dam and Reservoir, Maxwell Diversion Dam and Canal, Feed Diversion Dam and Canal, drain ditches and other associated canals and laterals were constructed by the USBR and are still owned by the United States and managed through the United States Department of Interior, USBR. The District is the contractor for the United States and is responsible for operating and maintaining the District's canal system.

Rights of Use: The canals, pipelines and improvements within the District are either on United States owned property or on property of which the United States has a right-of-way or other right of use. The right-of-way for ditches and canals includes the right of the District to clean, operate, maintain, build and conduct all other work appropriate to operate, maintain and improve the water delivery system.

Width of Right-of-Ways: There is a right-of-way on both sides of most of the District's canals, laterals, drain ditches and pipelines. They vary from 20 feet to 100 feet on each side (measuring from the center of the canal). The other portions of the District's improvements are owned by the United States. Major canals such as the Feed Canal, A Canal, Maxwell Canal and C Canal have rights-of-way that range from 25 feet up to 50 feet on each side. A landowner may determine the right-of-way width by contacting the District. The District has maps which show the width of the District's improvements (canals, pipelines, etc.) on or near property within the District.

Building on Rights-of-Way Prohibited: Nothing may be built or placed on or within the rights-of-way without consent of the Board and the USBR. No trees or shrubs may be planted within the rights-of-way. The District may, with consent of the USBR, authorize public utility facilities, pedestrian or vehicle bridges, or pipelines across or within the rights-of-way. A person requesting use must make written application to the Board. The Board then evaluates the request and forwards it to the USBR for their review and approval or disapproval. Applicants must pay the required fee to the USBR and administrative fees to the District as set by the Board.

Before you Build: You must contact the District prior to placing any structures including fences, irrigation systems, out buildings, etc. near a District ditch, canal, pipeline or other facility. The District will make a field inspection and confirm with you the location and width of any District right-of-ways or easements.

Existing Structures: The District is aware that there are many structures including barns, outbuildings and fences built within the District's rights-of-way without prior approval. These are considered trespassing structures. If the unauthorized structures do not interfere with the maintenance and access to the canals and pipelines it is normally the District's policy to not require immediate removal of the structure. However, the District and the USBR has he right to require removal at anytime of any unauthorized trespassing structures. No new fences, outbuildings, barns, sheds or other improvements may be built on or within the rights-of-way.

Canal Roadways: The rights-of-way authorize the District's and USBR's employees, representatives and agents vehicle and equipment access along all ditches, canals and pipelines. No gates or barriers may be placed on any of the canal roads without the written consent of the District and USBR. The employees must have immediate and unrestricted access to all canals and pipelines for maintenance and especially for emergencies, such as breaks, which could result in flooding.

Private Property Rights/Trespassing: Many of the District's canals, roadways and facilities are on private lands over which the District has rights-of-way. The rest is on property owned by the United States. As a result most canal roadways are on private property, and no persons other than District employees, officers, or agents are authorized to use the roadways without the consent of the landowner. Use without the consent of the landowner and the district may result in a trespass action being brought against the offender. Property owners may only restrict access to roadways and District rights-of-ways with written consent of the Board and the USBR. Such consent may be given for emergency purposes or during hunting season where continuing trespass problems are occurring.

WHAT IS A WATER RIGHT

A water right gives you permission and an obligation to beneficially irrigate a very specific area (generally measured in acres or a portion thereof). The District and the State of Oregon keep very detailed records of what lands can be irrigated. HID water rights have priority dates of 1904 and 1905. Your water right has a "duty of water" which is the maximum volume of water you

can receive during the irrigation season. The duty is measured in "acre feet" and is stipulated by an Oregon Court Decree. The duty is not guaranteed and the actual amount of water received during the irrigation season may vary from year to year depending on snow pack and natural stream flows. This water can only be applied to lands with a water right.

Your water right also has a "rate" which is the amount of water that flows to your land measured in gallons per minute or cubic feet per second (CFS) during the irrigation season. To receive a higher rate or duty of water is a violation of the water right and can lead to forfeiture.

A water right remains valid as long as an irrigator beneficially uses the water at least one year out of every five years. Failure to beneficially use a water right may force the District to confiscate the water right or it will be forfeited to the State and lost from the District. Converting land to another use (road, parking lot, building, etc.) can also result in the forfeiture of a water right. Prior to converting land to another use, please see the water transfer section.

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TRANSFER OF WATER RIGHTS

If you wish to purchase or sell a water right or a portion of a water right, or if you plan on converting any land to another use, please contact the District office. A transfer requires an application to Oregon Water Resources Department (OWRD) and must be filed in conjunction with the District. A fee is required to process the transfer.

If your land mass is five acres or more, you will be required to "map" the water right "on" or "off" of your property. If you are purchasing a water right, you will also be required to have your land prepared to receive the water at the time the transfer is processed. Oregon State law requires that lands with a new water right be irrigated in the specific areas mapped within the first year of transfer, and at least one year out of every five years thereafter. If your water right is mapped, you can only use the water on the specified areas.

CHANGE OF OWNERSHIP

The District is required by law to keep detailed records of water rights and landowners. To keep our records current, if a water user sells all or a portion of their property, please notify our office. Having your escrow agent or yourself provide HID with a copy of the recorded document helps to keep expenses down.

APPORTIONMENT OF WATER TO PARCELS OF LAND

Whenever a parcel of land lying within the District is subdivided into parcels the owners of those parcels shall be responsible for apportioning water among those parcels. If the owners fail to

properly apportion the water to the various parcels in the subdivision, the District may employ a competent person to distribute and apportion water for such parcels. The reasonable cost of such services shall be apportioned and charged by the District as a special charge against the subdivided parcels. The special charges so levied and apportioned shall be a lien upon the subdivided parcels of land and shall be collected in the same manner as all other charges are levied and collected by the District.

RESPONSIBILITY FOR WATER DELIVERY AND MAINTENANCE FOR PRIVATE DITCHES

The responsibility of the District for the water delivery ends at the District's point of delivery, measuring weir or head gate. The water then becomes the responsibility of the water user or users on that ditch or delivery system.

This is one of the most common misunderstandings. Many small acreages have received their allotment as a portion of a larger water delivery made to an older farm which has been subdivided. In such cases the user may be some distance from the weir or gate that marks the termination of the District's responsibility. The users along such private ditches have both a right and a responsibility to work with their neighbors to maintain these private ditches. When problems occur, the District is able to assist the water users to clarify issues or suggest solutions, but the responsibility ultimately lies with the water users along that ditch.

With increasing urbanization, it is important that users have recorded easements for their private ditch deliveries. Often prescriptive rights exist; that is, rights acquired due to continued use over time. However, such rights may not clearly define the right to access, repair and maintain, or the full scope of such easements, such as width of easement or even the actual location of the easement. All easements should specify the actual width. The District requires that all easements be recorded with the County for any land use action, such as a land partition.

Private ditch users are cautioned to protect easements. Be aware of encroachments on your ditch, such as crossings, buildings, trees and vegetation, or fences being constructed too close to the ditch to allow for proper access and maintenance.

PRIVATE LATERAL AND PIPELINE

All water gates on private ditches shall be subject to District access and inspection when used by more than one water user. Nevertheless, the District will not construct, maintain, or control 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. The District shall not permit delivery of water into facilities that 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 with the District having access.

When more than one water user is on a private lateral, each water user shall provide their own diversion facilities at its high point and provide their own distribution system. Water users must not build earth dams in private laterals.

It shall be the duty of each user of a private lateral to patrol said lateral from their point of delivery to the main lateral as many times each day as necessary to remove obstructions and stop all leaking while 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 the irrigation so the ditch rider can turn the water back to the main canal.

Oregon Revised Statutes state, "In all cases where ditches are owned by two or more persons the one or more persons and one or more of such persons fails or neglects to do a proportionate share of the work necessary for the proper maintenance and operation of the ditch, or to construct suitable head gates or measuring devices at the points where water is diverted from the main ditch, the owner desiring the performance of such work may, after having given 10 days' written notice to the other owner who has failed to perform a proportionate share of the work, perform such share, and recover therefore from the person in default the reasonable expense of the work".

Water users that lift or divert the District's water supply from natural stream courses or depressions, do so at their own risk. The District accepts no liability for damages to irrigation equipment, stream or creek relocation, maintenance or Endangered Species Act issues on these private facilities. The District, in most cases, delivers water from its storage and delivery systems for use by the District water users from various stream systems. The District does not do any maintenance of natural streams.

FAILURE TO MAINTAIN PRIVATE LATERALS AND PIPELINES

When privately maintained laterals and other facilities are not maintained in good condition so as to prevent loss of water and permit regular flow, the Board may construct, repair or maintain such private laterals and pipelines or may stop delivery to the private delivery system. The Board is authorized pursuant to the Oregon Revised Statutes to levy and collect charges upon all tracts of land specifically benefited by the improvements in order to defray the whole or any portion of the cost and expense incurred in maintaining private laterals or pipelines (ORS 545.287).

PRIVATE CROSSINGS

Any person wanting to cross the District's canals, laterals, easements, etc. with fence, bridge, pipe or construct anything around the District's facilities needs to acquire a crossing permit from the District and the USBR. Contact the District office well in advance of the proposed crossing project so that the paperwork can be completed and sent to the USBR, along with the applicable fees required by USBR and the District. HID accepts no liability for any type of private crossing.

PONDS FOR IRRIGATION PURPOSES

Ponds, in rare instances, may be allowed by the District. The District requires all water users in the District to fill out a Pond Application and pay the applicable fee prior to the installation of any pond. Part of the Pond Application process includes the requirement that the water user must also contact the OWRD prior to filing the application with the District.

Each Pond Application will be reviewed on a case-by-case basis. For the District to approve a Pond Application and to make water deliveries to a pond, the pond must meet the following criteria:

1. Involve a usage plan that is clearly an improvement over the existing method of applying water to the property.
2. The pond must be properly sealed so that it does not leak.
3. The use of the pond must be for irrigation purposes only. A pond used for aesthetics or maintained at full capacity all the time is not considered a beneficial use of water.
4. The District does not have the authority to allow a private pond to store or carryover water from one year to the next. This authority resides with the OWRD and must be applied for separately to them.

All liability for ponds rests solely with the landowner. To obtain a Pond Application and find out the current fee schedule for filing the application, please contact the District office.

NON-LIABILITY OF DISTRICT

Delivery of Water: Most of the water furnished by the District flows through miles of open ditches, and is subject to pollution, shortages, fluctuation in flow, and interruption in service. District employees are forbidden to make any agreements binding the District to serve an uninterrupted, constant supply of water. All water furnished by the District will be on the basis of irrigation deliveries and every consumer putting the water to other use does at his own risk. Water users assume all liability for, and agree to hold the District, and its officers, and employees free and harmless from liability and damages that may occur as a result of the defective water quality, shortages, fluctuation in flow, and interruptions in service.

POINT OF DELIVERY AND EASEMENTS

General: The District has certain established points of delivery. These points of delivery are subject to relocation or modification by the Board if it is in the best of interest of the District. It is the policy of the District to encourage preservation of access to delivery points to all irrigable land of the District. The District, however, cannot insure that private landowners within the District have easements or access to delivery points which are on private land over which the District has no established rights-of-way. Access to delivery points on another's land is the responsibility of the water user.

Private Easements and Access Required: Any person(s) or their successors in interest, dividing land currently on the District's assessment roll, is responsible for providing necessary easements for irrigation water to any part of the original tract. All existing encroachments must be removed.

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 or the original undivided tract. All private delivery systems from the original point of delivery are the sole responsibility of either the developer or the individual land owners. The District's obligation to deliver water shall cease at the point or points of delivery for the property prior to subdivision.

Approval Required: State and county laws require that before a parcel of land lying within the District may be subdivided or partitioned the owner must first obtain approval of the District. The approval will be based upon the rules set forth in the following section of this document.

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LAND DIVISIONS, PARTITIONS AND SUBDIVISIONS

1. Owner(s) must pipe to meet District specification from HID's point of delivery to each parcel or lot created, to include an outlet on each parcel or lot.
2. Owner(s) must provide and record an easement of at least 10-feet on each side of the pipe, 20-feet overall minimum. No easements may be split by parcel property lines.
3. Owner(s) must pay material and installation costs for installation or modification of a diversion box or pipeline to accommodate the new pipeline.
4. For land with full water rights, the owner(s) must sign a Consent of Transfer to allow for a minimum of ½ acre less water right than the acreage in each parcel or lot of 1 acre or more. For lots of less than 1 acre ½ or less or the area may retain a water right.

5. For land with a partial water right, owner(s) must designate irrigated acreage to be placed on each parcel or lot and sign a Consent of Transfer and a Request for Transfer to allow the transfer to be completed.
6. All associated fees must be paid including the mandatory state filing fee, the District's transfer fees, the review fee and the current irrigation assessments.
7. Owner(s) of land with private ditches or pipeline, which serves others down stream of the property, must record a minimum of a 20-foot easement to protect down stream water users.
8. One of the following options to provide protection of easements must be selected and carried out:
 - A. Installation of a 6' chain link fence or other fencing approved by the District, on the edge of the easement on all property being divided or built upon within the Hermiston urban growth boundary. No PVC fencing will be allowed. Lands outside of the urban growth boundary will be required to fence at the edge of the easement with appropriate fencing to keep livestock out of canals and ditches.
 - B. Lots one acre or less in sized where a buried pipeline exists may have fencing on the easement provided that no post is closer than 8 feet from the centerline of the pipe and a minimum of a 16 foot opening which is 90° perpendicular to the pipe is available when a swinging or rolling gate or gates are open. No locking devices which prevent free access by district personnel may be used on gates.
 - C. Sign and record an easement agreement for areas where a buried pipeline exists and landowners do not wish to fence the easement through their property.

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FACILITIES MANAGEMENT

Management: All canals and works of the District including structures in District canals are under the general management of the Board and under the exclusive control of the employees of the District. No person shall have any right to interfere with said canals and works of the District without express permission of the District Manager.

Water Regulating Devices: The District, at its option, may lock any or all water regulating devices and District employees only will be allowed to open head gates or valves, adjust or place flash boards in checks. Any person who, in any way, interferes with the setting or adjustment of such water regulating devices shall be held strictly liable for any damage resulting from such operation. The ditch rider may grant permission for a specified time to a water user to allow them to regulate their water.

Laterals: The District will maintain laterals to last District established point of delivery. The District will absorb all water losses in the lateral to each point of delivery, unless rate of flow is low enough to create excessive losses. The water user must provide access to laterals adequate

for maintenance and water delivery. The water user must also provide a separate head ditch as irrigating from laterals will be prohibited.

Damage to Laterals: A water user is responsible for any damage to a lateral as a result of the water user violating the above rules pertaining to laterals and water regulating devices and is liable to the District for the cost of necessary repairs.

Control of Animals: The District may require a landowner to construct a fence along the District's right-of-way to prevent damage to the District's facilities by animals on or in the District's rights-of-way or canals.

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VOTING RIGHTS

Land owners in the district have voting rights in any matter requiring or allowing a vote of the owners of land or the electors of a district.

An owner of land or elector may vote according to the total amount of acreage within the district owned by the owner or elector that is subject to the changes or assessments of the district on the basis of (A) one vote for up to 40 acres; (B) two votes for 40 acres or more but not more than 160 acres; and (C) three votes for more than 160 acres. (Reference ORS 545.007)

The district is divided into 5 divisions for the purpose of election of directors. Following is a listing of the areas in each division. The division boundaries are also shown on the map which is the center fold of this booklet.

Division 1: 4N28 sections 2, 3, 4, 8, 9, 10 and 11
5N28 sections 15, 16, 21, 22, 27, 28, 33 and 34

Division 2: 5N28 sections 23, 24, 25, 26, 35 and 36
5N29 sections 19, 29, 30, 31 and 32

Division 3: 5N29 sections 21, 22, 23, 26, 27, 28, 33, 34, 35 and 36
5N30 section 31

Division 4: 4N28 sections 14, 15, 16, 17, 19, 20, 21, 22, 23 and 30

Division 5: 4N28 sections 1, 12 and 13
4N29 sections 1, 2, 3, 4, 5, 6, 7, 8 and 12

CERTAIN UNLAWFUL ACTS

The District may bring civil action for damages against any person who knowingly and willfully commits the unauthorized use of water or tampers with any of the Districts facilities. Pursuant to

the Oregon Revised Statutes, the District may recover from the defendant the amount or actual damages incurred, plus punitive damages. The District may also recover the cost of the suit, reasonable attorney fees and expert witness fees. These remedies are in addition to, and not in lieu of, any and all other remedies, civil and criminal, provided by law. Unlawful acts include without limitation, the following:

Discarding any glass, cans or other trash, rubbish, debris or litter on land within 100 yards of any waters of the state, as defined in the Oregon Revised Statutes, other than in receptacles provided for the purpose of holding such trash, rubbish, debris or litter.

Any person, including a person in the possession or control of any land, discarding any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious or offensive substance into or in any manner befoul, polluting or impairing the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern or pond of water.

Intentionally damaging or destroying property of the District directly or by intentionally interfering with, obstructing or altering in any manner, the service of the District; or intentionally using, manipulating, arranging or rearranging the property of the District.

Intentional Damage or Theft: The laws of Oregon prohibit any person from intentionally or willfully cutting, breaking down, injuring, destroying or removing any water ditch, canal, flume, drain pipe or reservoir or any other thing used for conveying, receiving or holding water used or designed to be used for irrigation, or any dam, reservoir, gate, flume, flashboard, cable, lock or other appurtenance used or designed for any of said purpose. Nor may any person without authority obstruct, draw off, or use any portion of the water flowing through or contained in any water ditch, canal, trench, pipe, dam or reservoir, or other receptacle used for containing such water. Such conduct may constitute criminal mischief and/or theft. Any such action may also allow the District to pursue civil action against the offender under Oregon laws prohibiting the unauthorized taking of or tampering with utility services.

Dumping: It is illegal to dump sewage, lawn clippings, shrubbery, rubbish, garbage, or other refuse, including all containers both empty and full, and specifically those that will contaminate water, or animal matter into any ditch, canal or canal right-of-way or upon District property. Such conduct may result in the filing of a criminal or civil complaint against the offender.

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GOVERNMENT REPORTS

Crop Reports: At the close of each irrigation season, under the direction of the Manager, the District may obtain from every landowner a crop report covering the number of acres of each kind of crop grown as nearly as can be determined, together with such other information relating to the District's agricultural condition as required by the USBR.

Reclamation Reform Act of 1982: All water users who own or lease property which is served by a USBR water project and which property separately or combined has more than 40 acres of USBR project water must comply with the reporting requirements of the Reclamation Reform Act of 1982. Water users in the District who are subject to the Act may pick up the required reporting or certification forms at the District office. Water users should contact the District office if uncertain that the Act pertains to user's circumstances. Any water user who fails to file the required forms will be denied District water. Water users should also be aware that there may be substantial penalties for not complying with the Act. These individual forms are confidential.

RULES AND REGULATIONS EFFECTIVE

Effective Date: These rules and regulations shall be in effect on and after December 5, 1991, and are subject to change by the Board at any time to suit special conditions such as shortage of water or other unforeseen conditions.

Adopted: The foregoing rules and regulations were adopted by Resolution of the Board of the Hermiston Irrigation District this 5th day of December, 1991, in regular session.

Readopted: The forgoing Rules and Regulations were revised and readopted by Resolution of the Board of the Hermiston Irrigation District this 9th day of June, 2000, in regular session.

Readopted: The forgoing Rules and Regulations were revised and readopted by Resolution of the Board of the Hermiston Irrigation District this 14th day of September, 2006, in regular session.

Chuck Wilcox, District Manager

Charles E. Miller, Chairman

Craig Coleman, Director

Michael Bergstrom, Director

Len Jeppeson, Director

John Lybrand, Director

Annette V. Rambel, Secretary

CONVERSIONS

1 square mile = 640 acres

1 acre = 43,560 square feet

1 cubic foot of water = 7.4805 gallons = 62.37 pounds of water

1 acre foot = enough water to cover 1 acre of land 1 foot deep = 43,560 cubic feet = 325,850 gallons

1,000 gallons per minute = 2.23 CFS 4.42 acre feet per day

1,000,000 gallons = 3.0689 acre feet

1,000,000 gallons per day (mgd) = 1,122 acre feet per year

1 cubic foot per second (CFS) = 1.9835 acre feet per day
448.83 gallons per minute
26,930 gallons per hour
646,315 gallons per day