

Farmers Irrigation District

Water Rights Policy

GENERAL

The District manages water rights on the lands within the District. Water users are billed for the water rights on his or her property.

BILLINGS

Billings for each year are established by the District Board of Directors (Board) by the November board meeting. Users are billed by December 15 of each year with payment due by April 15 of the following year. A discount is provided for early payment. Billings are based on the primary irrigation rights of each property. The District may bill for other water uses and reserve funds as determined necessary.

DELINQUENCY

Accounts are considered delinquent if they are not paid by April 15 of the billing cycle. Users with delinquent accounts may have their water delivery discontinued, and a notice of claim of assessment lien may be filed by the District against all property owned by users whose accounts are three months or more delinquent. The District may discontinue water service to a delinquent user after providing the user with a ten day notice. All billing amounts, including service charges, accrued interest, attorney fees, and other expenses assessed against the delinquent user must be paid in full to avoid disconnection. Written notice shall be provided by addressing the notice to the user at the last address provided to the District by the user for billing purposes. A \$100 reconnection fee may be charged to restore service after discontinuance of water service. Interest will be charged on all delinquent accounts at the legal rate established for past due charges and billings by irrigation districts as allowed by Oregon law. Contacting the District office may make provisions for a promissory note to provide payments.

All accounts that are delinquent for one year or more shall be foreclosed unless a promissory note is in place between the user and the District. The District pursuant to the procedures set forth in Oregon law may foreclose all crop liens. In any foreclosure proceeding, the District shall seek, and may obtain, a judgment for its costs of foreclosure, legal interest on the delinquent account, and attorney fees incurred by the District in obtaining the foreclosure decree.

FORFEITURE OF RIGHTS

Any user who no longer wishes to be served by FID may choose to have the District transfer the rights from the property. Abandoned rights do not benefit the former user,

the District, a potential user within the District, or in-stream flow. Transferred rights enable the District to divert the same water under the old right to a new applicant.

NEW OR ADDITIONAL WATER RIGHTS

Requests for new or additional water rights may be submitted to the District. If the request is granted, the property for which the water is requested is placed on the official district waiting list. As water rights become available, the individual belonging to the property to which the request pertains is notified. The District must make sure that the property and the person can put the water to beneficial use within two years of the date that the transfer is made. Water rights are moved under the state law allowing the District to manage its own water rights. This is done once per year near the end of the year.

Transfers completed outside of the district water rights management law are completed at much greater expense and complexity. A Certified Water Right Examiner must first survey the property receiving the water right. This may be done by the State of Oregon, by a licensed private water right surveyor, or by the District's water right surveyor. The State charges a significant fee and does not guarantee a timely survey. The District also charges for the survey, but it will be done in a timely manner. Once surveyed, the application is sent to the State for action. A flat fee is assessed for the first ten acres per transfer and a fee per acre is assessed for each additional acre. The water right recipient pays this fee to the District, which then pays the State. These fees are set by the Oregon Water Resource Department and are subject to change. The District's Waiting List Policy is as shown below:

FARMERS IRRIGATION DISTRICT POLICY FOR WAITING LIST

This policy is intended to protect, enhance, and support the community of agriculture in the Hood River Valley and preserve water rights for both in-stream flow and agriculture. Available water rights are distributed under the following guidelines:

- ** The waiting list for both the upper and middle areas of the District, by decision of the Board of Directors, is closed to additional waiting list requests.
- ** Waiting list requests will be taken for water being applied to agricultural land only.
- ** Requests for less than 2.00 water right acres will be accepted only if there are current water rights on the property.
- ** No water right requests will be taken for land within the Urban Growth Boundary.
- ** When water rights become available for transfer, the District via certified mail will notify the property owner on the waiting list.

- ** If, upon notification to the landowner that water rights are available, the owner chooses not to accept the water right at the time, and then the landowner must reapply.
- ** The Board of Directors must authorize all waiting list applications before placement on the waiting list. Staff shall review the application prior to Board approval and shall notify the applicant of the outcome upon Board review. The application must be in proper form prior to submittal to the board.
- ** All waiting list landowners must accept and comply with the requirements and deadlines as set forth by the District including, but not limited to, flow regulators, beneficial use, and water application within the prescribed conditions of the transfer.

CHANGES OF OWNERSHIP

The District uses Hood River County records as its source for ownership records. Each billing year uses November 1 as the cut-off date for changes. Billings are made to the property ownership as of that date. In case of discrepancies, the District office personnel are available to assist the appropriate party.

CITY ANNEXATION

Subdivided lands annexed by the City of Hood River may be excluded from the District and the water rights returned to the District for redistribution.

PARTITION AND SUBDIVISION REQUIREMENTS

As a condition of continued service and pursuant to state law and District policy, all Partitions/Subdivisions within the boundaries of the Farmers Irrigation District are hereby required to comply with the following conditions:

Partition/Subdivision requirements to be completed by Owner/Developer/Applicant:

- 1) The owner/developer/applicant shall provide water service to all created parcels within a fully enclosed pressurized system, from a single point of delivery as determined by the District System Supervisor. The owner/applicant shall also provide the District with a copy of the survey, which includes the irrigated portion of the land and where the proposed irrigation line(s) will be located.
- 2) Flow regulation and gauging consistent with State law and District policy is also required and an on-site inspection, by District staff, of the flow regulator or gauging device must be made prior to water delivery. Flow regulation device(s) at the point of delivery or at each parcel, OR BOTH, are to be purchased, installed and maintained by the property owners included in the user group at the owner's expense.

- 3) The District cannot give the permission of other property owners to allow use of a District-specific easement. All easements regarding placement of the user group’s irrigation system are the sole responsibility of the property owner(s).
- 4) All owners/developers/applicants who create 4 or more parcels are required to form a user group/association, complete with bylaws, articles of incorporation or unincorporated association, or LLC. and enter into a Memorandum of Understanding with the District Board of Directors.
 - a) The deadline for a change in billing status from individual billings to a group billing is February 1. Therefore, the information, including a recognized Memorandum of Understanding, which is to be provided to the District in order to obtain the “Small User Group” billing, must be completed and submitted for review to the Board of Directors prior to the third Wednesday in January.
 - b) *Pursuant to ORS 545.101 (b) the subdivider shall install underground pipe from the District’s designated point of delivery to each lot or parcel in the subdivision as shown on the plat approved by the appropriate governing body. Also pursuant to ORS 545.101 (c) the subdivider provide adequate easements for the delivery system and make provisions for the maintenance and repair of the delivery system.*
- 5) Completion of the District requirements, verified by an on-site inspection prior to final approval, is requested and required.
- 6) District’s required application fee shall be paid in full.
- 7) Owner/developer/applicant shall meet with District staff and distribute the water rights on the new parcels according to the irrigated area on each parcel.
- 8) Owner/developer/applicant shall receive an Acknowledgment Form from the District to be presented to the planner assigned to the application acknowledging completion of these requirements.

ADMINISTRATIVE FEE SCHEDULES FOR LAND USE MATTERS

All Land Use actions (notification required)	\$ 30.00
Minor Partition (Dividing into two parcels)	\$ 250.00
Major Partition (Dividing into three parcels)	\$ 400.00
Subdivision (Dividing into more than three parcels)	\$ 1125.00
Subdivision (Dividing into more than three parcels) with complete removal of District water rights due to connection to the City of Hood River’s domestic water.	\$ 0.00

Applicable fees are to be paid at the time of application. Application must be made to the Farmers Irrigation District prior to approval of any of the above stated land use actions.