

**MEDFORD IRRIGATION DISTRICT
RULES, REGULATIONS & POLICIES**



**Effective 5/8/2024**

1. Purpose: This policy prescribes Medford Irrigation District (MID) rules, regulations, policies, and patron responsibilities under law, regulations, and government policy. The main objective of this policy is to standardize operational procedures, resolve miscommunications, and inform patrons.

2. Explanation of Terms:

- a. Landowner: As used in this policy, the word, “landowner” includes the owner of the land to which irrigation water is delivered, the owner’s employees, contractors, tenants, and all other people in possession of the land or applying water to the land; also referred to as water user.

The following Rules & Regulations have been adopted by the Board of Directors at the Medford Irrigation District by resolution of the above date under the authority of the Irrigation District Laws of Oregon. ORS 545.221, which states that:

3. The Board shall:

- a) Manage and conduct the business and affairs of the district.
- b) Make and execute all necessary contracts, employ, and appoint such agents, officers, and employees as may be required, and prescribe their duties.
- c) Establish equitable bylaws, rules, and regulations for the distribution and use of water among the landowners.
- d) Generally, perform all acts necessary to fully conduct the purpose of the Irrigation District Law.

These Rules & Regulations have been adopted by the Board of Directors under the authority of the Irrigation District laws of Oregon and contractual obligations to the Department of Interior. In any case where these Rules & Regulations conflict or are in derogation of the laws of the State of Oregon, the latter shall control.

It is the desire and intention of the Board of Directors to execute the business of the Medford Irrigation District in a business-like and economical manner and to distribute the water as equitably as may be reasonably satisfactory to the water users. As the water requirements and facilities for handling water differ greatly with soil conditions and crops grown, 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 conservative and economical manner.

The adoption of these Rules & Regulations will not change the manner of the distribution of water from that which has been in practice for decades. Still, it is hoped that they will give every water user a clear understanding of the duties and intentions of the operating officials and bring to the attention of all water users the great need for conserving the district’s water supply and related resources, facilities, and equipment.



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GENERAL

1. **MANAGEMENT.** All canals, laterals, pipelines, and works of the Medford Irrigation (“District”), including structures in or over the district’s canals and laterals, shall unless otherwise ordered by the Board of Directors (“Board”), be under the management, control, and supervision of the District Manager (“Manager”). No person shall have the right to interfere with said canals, laterals, or works of the district without express permission from the Manager. The cost to repair any damages to District facilities, including without limitation those involving the canal banks as a result of livestock, shall be paid by the responsible landowner(S) upon being billed by the district.
2. **DISTRICT EMPLOYEES.** The Manager shall have the authority to employ ditch riders and other personnel as may be necessary for the proper operation and maintenance of the system and distribution of water. The Manager may hire or assign a supervisor as necessary to oversee the operation of the district. All personnel shall be responsible to the Manager or the assigned supervisor.
3. **DISTRIBUTION OF WATER.** It shall be the duty of the Manager to distribute water to the irrigated lands by Oregon Water Law and District policies, and these Rules & Regulations. Operations of the laterals, canals, and structures of the district shall be the responsibility of the Manager. Unless otherwise ordered by the Board, all deliveries of the water from the system of the district shall be on a rotation or crop demand basis to be fixed and determined by the Manager. Water schedules will be provided to the water users and monitored by the ditch riders as needed. In the case of a water shortage, water will be prorated based on water supply and acreage unless otherwise ordered by the Board.

Water will be apportioned to each division by the Manager and the ditch rider will be held responsible for the economy of water distribution, for the operation of laterals and structures in his or her respective section, including the diversion of water to private ditches.

4. **MAINTENANCE OF CANALS AND LATERALS.** It shall be the responsibility of the district to maintain the canals and laterals through which the water is delivered to points of diversion for the original parcel unless otherwise ordered by the Board. Such maintenance shall occur annually and as necessary for conducting water. Priority for repair and maintenance shall be set by the manager and based on the seriousness of the problem and available funds.

QUANTITY OF WATER. The unit of measure for water will be cubic feet per second (“CFS”). One CFS flow for twelve (12) hours is equal to approximately one-acre foot of water. The rate and duty of water distribution shall be by the existing certificates for such application.

5. **NON-LIABILITY OF THE DISTRICT.**

- A. All water furnished by the district will normally be for irrigation purposes only, except as may be expressly stated otherwise in these Rules and Regulations or ordered by the Board. The district’s irrigation responsibilities shall cease when water is turned into the irrigator or other user by Oregon State Statutes and District policies. Any service by the district for purposes other than irrigating for agricultural purposes must meet the water rights criteria and provisions binding upon the district.



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- B. The district will not be liable for any damage resulting directly or indirectly from any private ditch or the water flowing therein, but its responsibilities shall cease when the water is turned therein according to these Rules & Regulations.
 - C. Most of the water furnished by the district flows through many miles of open ditches and is subject to pollution, shortages, fluctuations in inflow, and interruptions 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 based on irrigation deliveries unless otherwise ordered by the Board and every consumer putting the water to other uses does so at his or her own risk and doing so assumes all liability for, and agrees to hold the District, and its officers, agents, and employees free and harmless from any liability and damages that may occur as a result of defective water quality, shortages, fluctuation of flow, interruptions in service, and other foreseeable cause or results.
 - D. The district does maintain the water delivery system but is not a guaranteed service and will not be liable for the defective quality of water, shortage of water either temporary or permanent, or for failure to deliver such water.
 - E. Pumping by consumers of District water is done at the consumer’s risk and the district assumes no liability for damages to pumping equipment or other damages because of debris, turbidity, turbulence, shortage/excess of water, or other causes. Screening may be required by the Manager on private pumps and turnouts.
 - F. 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 the right of way, water transmission facilities, or maintenance of said facilities over that provided to the property being irrigated directly or by runoff methods, or the water is put to another user (s).
 - G. Wading, swimming, drinking, or bathing in canals, laterals, pipelines, or works of the district is strictly prohibited and the district accepts no liability because of such action.
6. **STOCK AND FROST PROTECTION WATER.** The district’s water rights do not allow it to supply stock water. Frost protection water can be conveyed through the district’s system only after a prior written agreement is obtained by the district. Each season it shall be the responsibility of the person desiring to use the district’s conveyance system, before April 1st, for such purposes, to notify and have an agreement on file at the district office. Each user must first have and supply the district with a true copy of a frost protection permit through the Oregon Water Resources Department (OWRD). Additional charges do apply for this extra service.

ANNUAL CHARGES & COLLECTIONS TO LANDOWNERS

Annual Rate. Each parcel of land shall be charged for specific irrigatable acreage. Annual assessments and charges per acre are approved by the MID Board and shall be sent to landowners, with irrigation water rights, on January 1st of each year. Annual charges are due to MID on the last day in February per District Bylaws. Annual charges are assessed to cover MID operations, infrastructure maintenance, insurance, irrigation system improvements, and other liabilities.

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- A. Delinquency. A delinquency fee of \$45 will be assessed on all unpaid accounts on March 1st of each year. The district will cause a Late Payment Notice sent as per District policy to the last known address the district has for each delinquent account. All charges not paid on or before March 1st of each year shall accrue interest under District policy.
- B. Claim of Lien. An administrative fee of \$300 will be assessed on any unpaid account on April 1st, the second year of delinquency, in addition, a Notice of Claim of Lien will be recorded in the Jackson County Clerk’s office for each such account.
- C. Foreclosure. Any account remaining unpaid on March 1st on the 5th year of delinquency shall be referred to an attorney for foreclosure. The district will send a Foreclosure Notice as per District policy to the last address known to the district for each such account.

ADDITIONAL DUTIES OF WATER USERS/CONSUMERS

- 1. It shall be the duty of the water user to use the water continuously day and night until that particular irrigation is finished. Water users who turn the water back into the ditch at night will be deemed to have used the water during such a period. The water will be passed onto other water users when such a user could have finished had he used the water continuously.
- 2. Any person who has permission to dump either live or wastewater into a District system must provide desilting and other facilities as specified by the district before any such dump is started. The district will not be responsible for pollutants deposited into any part of the system. Flooding and/or damaging of service roads and other facilities of the district will not be tolerated, nor will contaminants of any sort.
- 3. If any water user shuts off his water without first giving reasonable notice, he shall be liable to the lower water users for all damages they may sustain because of the increased water flow upon their lands.
- 4. Any user who takes water out of turn/rotation without prior permission from the district shall forfeit his or her right to water at the next regular irrigation or rotation as a minimum penalty.
- 5. **FLOOD IRRIGATION.** It shall be the duty of flood irrigators to keep their land maintained in such a manner as to utilize their flood irrigation efficiently and to control their tailwaters. The district shall not allocate additional water for land that management deems has not been properly maintained for flood irrigation. Loss of control of tailwater shall be documented, and if not controlled after notice from the district, the water shall be shut off until the problem is fixed. It shall be the duty of the water users to use water allocated to them for flood irrigation continuously until that irrigation is complete. Water users, again, who turn the water back into the ditch or refuse water during their allotted time will be deemed to have used the water during such period and the water will be passed onto the other water users at their designated time. Users themselves are responsible for any damage done to neighboring lands by their water allocation.
- 6. **SPRINKLER IRRIGATION.** Sprinkler irrigators will have water delivered to them on a rotation system set by the ditch rider to best serve irrigators using the same pipeline or delivery system. The management, and the Manager, may set up a rotation schedule as it deems necessary



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considering crop demand. Overuse of sprinkler irrigation may lead Management to shut off delivery.

HOW TO ORDER WATER

1. Water users are to notify the office of the district or the ditch rider at least twenty-four (24) hours before the time water is wanted and notify the office or ditch rider twelve (12) hours before finishing with the water. The finishing hour should be such to allow the ditch rider to make arrangements with another water user to set up his irrigation before 4:00 p.m.
2. No continuous flow deliveries will be made, except where the Manager shall determine that a continuous flow will be to the advantage of the district and no greater quantity of water shall be used than on a rotation basis, or rate and duty.

WASTING WATER

Persons wasting water willfully, carelessly, or on account of defective ditches or poorly prepared land, or who flood certain portions of land to an unreasonable depth to irrigate other portions or use water on land not authorized for irrigation by the Board, or water right, may be refused the use of water until such conditions are remedied, or permanently upon any repeat violations at the discretion of the Manager or Board.

DRAINAGE WATER

No water user shall put or allow runoff water into the district ditch without specific written permission from the Manager. Such drainage water may be subject to a charge by the district, as set by the Board. The Manager may halt such placement of runoff water in the district ditch at any time, without any notice. No District facilities, including but not limited to ditches, laterals, etc., shall be used for runoff or drainage water for any proposed whatsoever without prior authorization of the Board after a specific application is made by the user to the Board for allowance of such water in the district ditch. Stormwater (Acts of God) and the damages they may cause, directly or indirectly, are not the responsibility of the district, as the district has no control over these events. Any assistance in this connection on the district’s part is simply a courtesy to the public and does not suggest or indicate any assumption of future responsibility.

POINT OF DELIVERY

1. The district shall establish a point of delivery by the following principles:
 - A. The land use and area ownership situation being greatly diverse within the district, points of delivery will be established as conveniently to all users as practically possible considering all factors involved at the discretion of the Manager. Formulas for delivery points such as a “high point in the 40 acres” would not be equitable to all parts of the district.
 - B. The district will attempt to preserve access to delivery points and District facilities for all Irrigated lands of the district by every practical use of the authority of the district.
2. Any owner or owners, subdividers, promoters, or sellers of any tract or tracts of lands lying in whole or in part within the boundaries of the Medford Irrigation District are subject to the Rules &



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Regulations of the Medford Irrigation District. Those who are subdividing a tract of land within the boundaries of the district, and their successors in interest, will be held responsible for providing all necessary easements for irrigation water to any subdivided tract of the original tract or tracts as shown on the district’s assessment roll and for avoiding any interruption of, or interference with, delivery of water to District patrons.

3. The district shall not sign the plat on any subdivision that indicates its approval unless the necessary access for irrigation water within the subdivision tract meets the approval of the Board.
4. Any person who contracts to sell, leases, or purchases an existing tract within District boundaries shall not look to the district to provide a right of way, water transmission facilities, or maintenance of said facilities.
5. Any owner of the land within the district who divides a tract, whether by official plat or by land partition, or otherwise, shall be responsible for providing, at their costs, all necessary easements and delivery systems from the original point of delivery. Shut-off valves shall be provided for each parcel being served if any. The district maintains the rights of egress and ingress over all such easements. Please see and carefully review the following specific rules, regulations, and policies adopted for subdivisions. All new systems must now be pressurized delivery systems.

TRANSFER OF WATER RIGHTS

No water rights may be transferred from or by the owner of any land on the district’s assessment roll without prior written District approval (by the Board) and subject to its broad discretion and veto power. Any such transfer shall be conducted only through the district office under its policies and procedures and on its authorized forms as may exist at the time. Transfer policies and procedures are available at the district office.

SUBDIVISION OF FORMERLY IRRIGATED AGRICULTURAL LANDS

This policy applies to the subdivision or partition of irrigated lands in the district.

1. **MANDATORY WATER RIGHTS TRANSFERS/MANDATORY EXCLUSION.** Oregon law (ORS 545.101) requires when a subdivision is platted if there are going to be three (3) or more lots on each acre, the water right shall be transferred from the land, and the subdivision excluded from the district.
2. **EXCEPTIONS TO MANDATORY TRANSFERS/EXCLUSIONS.** There are two exceptions to mandatory transfers/exclusions. A transfer is not required where (1) the district also supplies domestic water approved by the Health Division to the subdivision, or (2) the district agrees to supply water to the subdivision. It is up to the sole discretion of the district whether it will agree to supply water to a subdivision.
3. **SUBMISSION OF SUBDIVISION OR PARTITION PLAT TO DISTRICT.** Oregon law requires that the plat of the subdivision or partition located within the boundaries of the district is submitted to the district and that the district certify whether the subdivision or partitioned land is to remain on the land or transferred from the land. Upon submission of the plat, a meeting shall be held between the landowners/subdivider and District, to (1) determine whether the water is to be transferred, and (2) determine the necessary conditions of transfer. The Board shall be the final authority as to transfer and the service conditions, therefore. There will be a fee for the submission and review of a plat of a subdivision or partition, which fee will be set at the discretion of the Manager or by resolution of the Board.



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4. **TRANSFER/EXCLUSION OF SUBDIVISION AND OTHER LANDS.** The detailed procedures and conditions applying to any water rights transfer and/or exclusion of lands from the district shall be available at the district office.
 - A. **CHARGES AND FEES FOR TRANSFERS.** As a condition of transfer, there will be a transfer fee to cover the cost, including, but not limited to, title review time and fees, recording fees, a reasonable administrative fee included for holding and preserving any water rights, attorney fees, and any other out of pocket costs, if there are any past due charges or assessments of the District attributable to the landowners and/or the water rights sought to be transferred, these shall be paid before the transfer will be allowed. These fees will be set by the resolution of the Board.
 - B. **FURTHER CONDITIONS OF TRANSFERS.** If any District facilities such as ditches, pipelines, headgates, or other waterworks are on the lands with water rights to be transferred, and the use of the land is to be changed, the district may require the landowner/subdivider to provide measures to protect these facilities. Such requirements may include, but not be limited to, the relocation of these works, the piping or other enclosure of ditches or canals, fencing off ditches, canals, or other works, etc. If the record easement status of the district's facilities is unclear or nonexistent, or its existing easements need to be changed, the district may require those appropriate easements to be provided as a condition of transfer. All the costs of satisfying these conditions shall be the responsibility of the landowner/subdivider. The district may also charge the landowner/subdivider for the district's costs, including, but not limited to its legal expenses, in reviewing and providing for these conditions, easements, etc.
 - C. **EXISTING LIENS, AND OBLIGATIONS OF THE DISTRICT.** The transfer of water rights shall not affect, impair, or discharge any contract, obligations, lien, or charge for or upon which the district would be liable or chargeable were the lands not to be transferred. Examples of the foregoing are bonded indebtedness or state or federal contractual obligations of the district, which, maybe a lien or a charge against the lands holding the water right to be transferred. All fees must be paid before the submission of any application/petition for transfer.
5. **TRANSFER OF WATER RIGHTS.** Water rights are held in the name of the district and appurtenant to the lands that the water right is to be transferred from and shall be transferred from those lands upon approval of a petition for transfer. Any proposed transfer by the landowner/subdivider shall be subject to the approval of the district and any conditions the district may deem appropriate and necessary to such transfer.

The District Board of Directors, as well as the Oregon Water Resources Department, have the authority to approve or deny any application for the transfer of a water right, all decisions of the Board of Directors are final and non-appealable. Any transfer application must be in the proper form and accompanied by the applicable documentation according to the district policies and procedures and OWRD requirements in place at the time of the application. A transfer may be approved by the district itself and the district may later sell such a District asset under state law (e.g., ORS 545.367). A transfer to the district may be in the form of a quitclaim deed (and bill of sale for the transfer of any personal property associated with the water rights – pumps, pipes flumes, etc.) or other appropriate documentation.

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In any case, the applicant will be responsible for the annual assessment until approval of transfer is finally accomplished at OWRD and the District.

The accompanying transfer fee will be set by the District Board of Directors at its discretion and will be in addition to OWRD fees. The district fee will reflect the policies and procedures in place at the time, as well as any special considerations applicable on a case-by-case basis. The district itself may transfer/sell water rights held by it as a District asset (ORS 545.367). Without limitation, in determining a fair, just, and appropriate transfer fee and water right sale price the Board of Directors may take into account the character of the use of the water right, any market value factors that may be apparent, the period over which the water right has been held if in the District name and owned by the district at the time of transfer/sale, and the relative legal or practical complexities of the transfer/sale.

6. CONTINUING WATER DELIVERIES TO SUBDIVIDED OR PARTITIONED PROPERTIES. If the District agrees to the continued delivery of water to subdivided lands, it may condition its approval upon the following:

- A. That the landowner/subdivider installs 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 (again, all new or redesigned systems must be pressurized).
- B. That the landowner/Subdivider install a meter or other adequate measuring device at the delivery point to the subdivision and for each lot or parcel in the subdivision.
- C. That landowner/subdivider provides adequate easements for the delivery system and makes provision for maintenance and repair of the delivery system.
- D. That the landowner/subdivider provide any other measures that the district considers necessary for the proper and efficient delivery of water to the subdivision and the efficient administration of such delivery. This may include, but shall not be limited to, provisions for the continuing maintenance and repair of the delivery system to and within the subdivision. ORS 545.101.

7. CHARGES FOR WATER DELIVERED TO SUBDIVIDED LANDS AND LIENS FOR NON-PAYMENT. The district may charge for water deliveries to subdivided lands, or organized user groups representing the subdivided lands, by charging and billing each parcel or by billing a homeowners' association or similar entity, which represents the subdivided or portioned lands or group. The Directors may assess an additional charge for water deliveries to subdivided lands or user groups to cover extra costs to or services of the district on account of such delivery. Before billing is done on an association or group basis, the association or group must enter into a memorandum of understanding with the district concerning such billing. Notwithstanding the billing procedure used by the district, each parcel shall be responsible for the timely payment of water deliveries to the parcel. If the owner of any parcel is delinquent in the payment of water charges for the parcel, the district may file a notice of claim of lien affecting that parcel under ORS 545.494, and procedures after that as provided by law.

8. SUBDIVISION CREATED BY MULTIPLE PARTITIONS. Where lands have gone through multiple partitions with the result that there are three (3) or more parcels on each acre of land, such lands

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shall be deemed “subdivided”. They shall be subject to the requirements and conditions of this policy except for the requirements of transfer and transfer of water rights. Any conditions and requirements by the district regarding the improvement of the water delivery system and works or the administration of water deliveries to such properties shall be deemed in furtherance of the proper and efficient distribution or delivery of water to the parcels as provided in ORS 545.287.

9. ANNEXATION OF LANDS TO, AND DELIVERY OF WATER WITHIN, THE CITY LIMITS. Notwithstanding any provision of this policy to the contrary, where the district has agreed to continue to provide irrigation water to subdivided lands within the district if such lands are later annexed into a city and become entitled to a municipal supply of water, the district may terminate irrigation water deliveries to the subdivided lands and remove the Districts water rights from those lands.

10. GENERALLY, the following requirements will apply relative to the subdivision:

A. Any owner or owners, subdividers, promoter or seller of any tract or tracts of land lying in whole or in part with the District and subject to the Rules & Regulations of the District, and who are subdividing by plat, a tract, or tract of land currently on the assessment rolls of the District will be held responsible for the delivery of the District’s water to any subdivided tract or the original tract as shown in the District’s records.

B. The only obligation that may be met by the district in delivering water to these subdivided tracts will be to the original point of delivery to the original tract. The point of delivery will be specified and shown on the subdivider’s plat of the subdivision and will be subjected to revision or change by a decision of the Board before the approval of the plat, and then authorized by the Manager.

11. THE DISTRICT’S OBLIGATION SHALL CEASE AT THE POINT OF DELIVERY.

A. Before a plat is approved by the district, the subdivider will be required to dedicate easements and have them recorded with the County Recorder of Jackson County. These easements will be dedicated to conveying the district’s water to the subdivided tracts. The design features for the diversion point within the subdivision shall be shown on said plat and will include shut-off valves and backflow devices for each parcel. The subdividers’ compliance with the above-stated conditions, and the following conditions, will not create an obligation on the part of the district, stated or implied, to cause the district to deliver District water as specified on the plat.

B. If the subdivider desires the district to carry runoff or drainage water from the sub-divided lands or any part thereof, an application shall be made to the Manager or the Board of the District for approval of such runoff or drainage collection. The district shall not be required to approve any part of the subdivision plat until all aspects and specifics of the runoff plan, including piping gates, costs, etc. have been ratified and approved by the Board. No runoff or drainage water from subdivided lands is allowed in the canals unless specifically authorized by prior action of the Board and prior approval of the Manager. Any such authorization and approval shall be subject to the owner(s) of the subdivision covering all costs and expenses of such drainage and such authorization and approval.



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C. The district may charge for handling ongoing runoff or drainage by charging individual homeowners or a homeowner's association.

12. CONTROL OF HEADGATES, DIVERSION POINTS, AND CHECKS.

A. Unless specifically authorized by the Manager, District employees are the only people allowed to open or close headgates or valves or to place checkboards in or out of the canals. Due to the rotation schedule commonly used by the district, irrigators are asked to perform these functions to facilitate water delivery and are authorized at the specific time so appointed, but no other. Unauthorized manipulation of, or interference with, the district's structures is subject to a forfeiture of water delivery for a duration at the discretion of the Manager of the Board.

B. The district, at its option, may lock any headgates, turnouts, spillways, or other control devices.

C. No new headgates or turnouts will be allowed in canals unless authorized by prior action of the Manager and by prior approval of the Board. Any such authorization will be at the irrigator's expense.

13. PRIVATE LATERALS. Privately maintained laterals and other facilities served by the district must be in good condition to prevent loss of water and permit regular flow. The Manager may refuse delivery of water to facilities that are not adequately prepared and maintained. Any work performed by the district in maintaining or repairing private laterals or turnouts will be charged to the water user by Oregon Revised Statutes. The district will not be responsible for defects in privately maintained facilities, or the resulting damage to property or person.

14. CONTROL OF FACILITIES. Only District employees will be allowed to operate headgates, turnouts, valves, and other control devices or to adjust or place flashboards in checks. The district, at its option, may lock any or all headgates, turnouts, spillways, or other control devices. Any person who, in any way, interferes with the setting or adjustment of such headgates, turnouts, valves, or checks shall be held strictly liable for any damage resulting therefrom and may be subject to fines and imprisonment under ORS 540.990 (1999). The ditch rider may grant permission under certain conditions to a water user to shut off, turn on the water, or adjust checks to facilitate water delivery and conserve water.

15. CONVERTING TO SPRINKLER SYSTEM OR PUMPS.

A. Water users wishing to convert from flood to sprinkler system must receive approval from the Manager and work with the ditch rider in establishing a distribution system that will not impair other users on the same lateral.

B. All pumping installations must be approved by the Manager and there must be a valve control gate in the delivery line at the place specified by the Manager. This requirement applies to all installations.



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- C. The Manager may permit landowners to use pumps to water continuously and out of rotation only where it is in the best interest of the district and consistent with the conservation of water as determined by the district's board of Directors. No pumping out of rotation, however, shall be permitted, which may interfere with the availability of water to other irrigators of the district.

- D. Pumping of District water is done at the water users' risk and the district assumes no liability for damages to equipment or other damages as a result of inconsistent water flow or foreign material in the water or other causes.

16. PUMPING STATIONS/PRESSURE SYSTEMS.

- A. Irrigators may be asked to work out a rotation schedule among themselves for adequate delivery purposes, which must be approved, by the designated ditch rider or the Manager.

- B. Landowners having pressurized water are subject to additional fees. The power cost and operation and maintenance for the pump are charged to the water user at the end of the season and are prorated according to the total amount and the amount of water right acres, for each landowner. Replacement reserve funds may be charged.

17. ACCESS TO LAND DITCHES/EASEMENTS AND RIGHTS-OF-WAY. Any officer, employee, ditch rider, or other authorized personnel of the District shall have free access at all times to private ditches or land being irrigated or over which District canals, ditches, pipelines, or other systems cross or upon which District facilities or equipment are located, to determine whether the ditches, facilities, and equipment are in satisfactory condition to handle water and whether the water is being used economically and efficiently and, if not, to remedy any condition interfering with the proper functioning of the District's system or facilities.

The district claims a prescriptive easement wherever the district has maintained continuous use for 10 years whether or not there is an applicable, recorded easement.

The district has the right to realign the easement and/or canals, ditches or pipelines, and related structures within an easement to facilitate repair or maintenance and efficient and economical flow and delivery of irrigation water throughout the district system. No landowner within the district shall plant, construct erect, or cause to be planted, constructed, or erected any tree or vegetation, landscaping, or physical structure on or over any pipeline or easement of the district. Any person violating this prohibition shall be obligated to remove such obstruction(s) at his own cost to enable the district to access the pipeline or easement for any needed repairs or maintenance. If upon reasonable notice, such obstruction is not removed, the district may remove same at the landowner's cost.

RIGHT-OF-WAYS

The district exercises its privileges of rights-of-way in the location and construction of the district canals, lateral control works, and other works of the district. It has reserved in perpetuity sufficient right-of-way to operate, maintain, and repair these facilities. The Carey Act of 1892 has always been the legal authority given to the district for the construction and maintenance of rights-of-way. Unless otherwise agreed in writing, the district reserves the right-of-way not less than 50' from the high-water line of the ditch in each direction.

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All landowners, water users, and the public shall refrain from encroachment in any manner upon the rights of way and they are not to be used as public thoroughfares. The public does not have the right to access or use the lateral, canal, or other service roads of the district. However, water users do have a right to access their ditch to the headgate for ditch maintenance. It is highly recommended that water users notify neighbors before walking across their property. District employees shall always have free access to land irrigated from the district delivery system for all legitimate District purposes.

18. DAMAGES TO FACILITIES. It shall be the duty of every landowner to use due care to avoid damage to the district canals, laterals, pumping stations, or other facilities. Every person shall be responsible for any damage caused thereto by the person or by something or someone under his or her control, intentionally or negligently, including any damage caused by livestock.

19. ENFORCEMENT OF RULES & REGULATIONS. Breach of the Rules & Regulations by a water user shall, at the discretion of the Manager or Board, cause the user to be subject to suspension or forfeiture of water delivery for the duration at the discretion of the Manager or Board.

20. BRIDGES AND CROSSINGS. All crossings such as roads, driveways, bridges, culverts, and/or any improvement such as paving, landscaping on, under, or across the easement or right of way of the district ditches are required to have prior, written authorization granted from the district. A crossing agreement and permits need to be secured from the district before installation. If permission is granted for such structures, weight and scope of use and other specifications shall be subject to approval by the District Board or Manager and must be incorporated into the agreement/permit. There will be a \$750.00 minimum charge for any facility crossing, be it a canal, lateral, or another District facility. In no event will there be any crossing either by agreement/permit or otherwise without prior authorization of the Manager. In no event will any interference with water deliveries to District patrons during or after construction be tolerated. The cost of any construction, operation, and maintenance of the crossing, as well as the cost of all damages of any sort resulting from the existence of the crossing, shall be borne by the patron introducing or using the crossing, without cost to the district, and the district shall be indemnified and held harmless by the patron/user from any such damages as part of the crossing agreement/permit. Such damage shall include, without limitation, damage done to piping or other underlying or adjacent facilities and the damage consequential to the resulting leakage of irrigation water.

All crossings or bridges, by whosoever built or introduced, were meant for farming operational purposes only and not for residential or higher impact use. Weight limitations and capacities are to be complied with strictly. All agricultural users of any crossings are responsible for inspecting and determining the integrity of the crossing before any use thereof, and for reporting any need for maintenance or repair to the district in a timely fashion. The district has to repair or maintain crossings, only when the deed to the respective property expressly and specifically states that the district has that duty (e.g., agricultural use only where a maximum crossing weight of 4,000 pounds). Any crossings that are now used for residential purposes must be maintained and repaired by the users themselves.

21. USE OF CANAL ROAD. The district has the authority to close off canal roads at any time without notice and does so to better control access to the roads and for the safety of people living along those roads. Permission for access may be given by the Board or the Manager in special circumstances.

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Trespassers will be prosecuted. It is not the policy of the district to grant the use of a canal road for access to private property.

22. STRUCTURES. It is not the policy of the district to allow the placement of structures such as fencing, stockades, outbuildings, etc. within the district's easements or right-of-way. Such structures are deemed to be the property of the district and may be removed by the district without notice. Permission may be granted for the placement of utility poles or other structures that are reasonable and do not interfere with the district's operation and maintenance of its canals.

23. FENCING. No fences or other obstructions may be placed across or upon any of the district's easements, right-ways, or canal banks without special prior permission of the Manager with the understanding that suitable gates must be provided to enable District employees' unhindered access. The Manager shall have the authority to remove without notice all fences and other obstructions out of compliance with this provision.

24. MAINTENANCE. Any structures of any kind, including without limitation, cattle guards, crossing, and fences, allowed within the district's easements or right of way must be properly maintained by owners. Inspections will be made routinely, and any structures deemed unsafe or below standards may be removed by District personnel without notice at the owner's expense.

25. ACCESS. Any officer, director, employee, agent, or other authorized personnel of the district shall have access at all times to ditches, laterals, or irrigated lands or lands carrying irrigation water for whatever reasonable purpose deemed appropriate by the District Board of Managers.

26. WATER ASSESSMENTS – PENALTY. Failure to pay water assessment on a timely basis may result in foreclosure of a lien on the user's real property (land).

GENERAL

The office of the district at 5045 Jacksonville Hwy., Central Point, OR 97502, will be open between the hours of 8:00 A.M. to 12 noon and 1:00 P.M. to 4:30 P.M., Monday through Friday during the irrigation season. The off-season is from 7:30 A.M. to 12 noon and 1:00 P.M. to 4:00 P.M., Monday through Friday.

The irrigation season will ordinarily be considered between April 1st and September 30th; however, the Board reserves the right to change these dates to suit the varying seasons and weather conditions.

The ditch riders, during the irrigation season, are subject to call twenty-four (24) hours a day and work long hours. It is requested that they not be disturbed during the night, after regular hours, or at any unreasonable hour in the morning except in the case of an emergency. The ditch riders' regular hours are 8:00 a.m. to 4:30 p.m.

The Manager of the District is authorized to act in emergencies on matters not covered by the Rules and Regulations, however, it is understood that any user of water has the right at any reasonable time to come before the Board for a final decision. The unit of measure will be cubic feet per second. All officials of the district are instructed to aid the water user in every reasonable manner and to consider all circumstances and suggestions continuously and respectfully. Likewise, all water users are requested to cooperate with District officials and staff in every reasonable manner, including, without limitation,

This policy rescinds all prior rules & regulations policies for Medford Irrigation District.



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dispatchers conveying messages (good news or bad). And should report leaks, bad bridges, and other things that might be detrimental to the district at the earliest opportunity. Very often the landowner can make simple and safe repairs of small leaks, etc., in less time than it would take to notify some District official.

An irrigation district is a quasi-municipality, a cooperative organization, and every landowner is a member of the organization. It makes no profit and is operated for the sole benefit of the lands and people within its boundaries. The benefits they can derive from it will be measured in large part by the extent to which the people within the district cooperate to make it a success.



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Signed this 8th Day of May 2024.

_____ **Henry Vaninetti**

_____ **Dennis O’Donoghue**

_____ **Sean Naumes**

_____ **Matt Borman**

_____ **Tom Brookins**

Section 4 - References

The Reclamation Act, 1902.

<https://www.usbr.gov/power/legislation/reclact.pdf>

United States Code of Federal Handbooks, Title 43.

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title43/43tab_02.tpl

Oregon Revised Statute 540, 2021.

https://www.oregonlegislature.gov/bills_laws/ors/ors540.html

Oregon Revised Statute 545, 2021.

<https://www.oregonlaws.org/ors/chapter/545>