

MEDFORD IRRIGATION DISTRICT
Landowner Water Management and Delivery Policy

Effective August 14th, 2024

MEDFORD IRRIGATION DISTRICT
LANDOWNER WATER MANAGEMENT
AND DELIVERY POLICY





By order of the Medford Irrigation District Board:

Official:

Henry Vaninetti
President of the MID Board of Directors

History: This policy is a major revision and consolidation of Medford Irrigation District “Rules, Regulations and Policies”.

Summary: This policy prescribes Medford Irrigation District (MID) policy and Landowner responsibilities under the Oregon Revised Statute (ORS) 540, ORS 545, and MID Bylaws as related to rules and regulations.

Applicability: This policy is consistent with the District Bylaws and applies to all MID employees and landowners with irrigation rights within MID boundaries.

Proponent and exception to authority: The proponent of this policy is the MID Board. The proponent has the authority to approve exceptions or waivers to this policy that are consistent with the controlling law. Requests for exceptions to this policy must be submitted in writing to the MID staff.

Suggested Improvements: Please send comments or suggested improvements in writing to the MID through our website (www.medfordid.org).



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Section 1: Introduction

1-1. Purpose:

This policy prescribes Medford Irrigation District (MID) water delivery policy and Landowner responsibilities under the law, regulations, and government policy. The main objective of this policy is to standardize operational procedures, resolve miscommunications, and inform Landowners.

1-2. Explanation of Terms:

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.

District Employees: A Medford Irrigation District employee, assigned by the District Manager, with overall directive responsibility for the legal diversion and distribution of irrigation water. The District Manager has direct supervisory responsibility for organizing and implementing a system of apportioning water.

Section 2: Responsibilities

2-1. Medford Irrigation District's Responsibilities to Landowners

Water Delivery Operations

MID will provide for the orderly, efficient, and equitable distribution, use, and conservation of the available water resources. MID will deliver irrigation water, consistent with the terms of the applicable water rights, the physical operation of the delivery system facilities, and the availability of water for diversion by law.

MID anticipates periods of inadequate water supply, or water shortages to impact delivery operations and the ability of the district to deliver a full irrigation season. Water shortages will result in modifications to deliveries based on prioritized water rights. In times of short water supply, overdemand on certain sections of the delivery system, or other causes, water delivery will be based upon a rotational use system.

The water provided must be used only for irrigation and in “a beneficial manner and without waste”.

Operation and Maintenance

Canals and other infrastructure of MID shall be under the management of MID’s Manager. Only persons authorized by the Manager in writing may operate any part of MID’s irrigation facilities. No other person shall have any right to operate or interfere with the said system in any manner.

Emergencies

MID Emergency Operating Procedures are provided in a separate MID policy.

Delivery Notice

MID’s ditch riders will endeavor to give advanced notice of water delivery. Landowner contact may include but is not limited to calls, texts, in-person conversations, or online scheduling visible on the MID website.

Controls

In the interest of controlling access to MID infrastructure, MID may install locks on gates or delivery structures, and disable, seal, or remove any gate or structure as deemed appropriate to control the flow and use of irrigation water through MID’s system.

Shut-off Authority

The District Manager authorizes the Ditch Rider to shut off turnouts or pumps to enforce the policies as expressed in Section 3 of this policy.



Violations

MID employees will immediately report all observed violations of the policy to the District Manager. The District Manager will adjudicate violations by Section 3.

Annual Charges and Collections to Landowners

Annual Rate

Each parcel of land within the district shall be charged for specific irrigable 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 2nd of each year. Annual charges are due to MID on or before the last day in February as per District policy. **Annual charges are assessed to cover MID operations, infrastructure maintenance, insurance, irrigation system improvements, and other liabilities.**

Transfers

Landowners may request to transfer their water rights to MID. Transfer Off of irrigation rights requires the account to be in good standing, and current year dues are paid in full. MID Transfer Forms are to be submitted to the MID office per District policy. The MID Board of Directors must approve requests to transfer water rights. The MID office staff will notify the landowner of the Board's decision. When applicable, the MID staff will initiate the transfer of water rights from the property title.

Penalties for Unpaid Annual Charges

All charges not paid before March 1st of each year shall earn interest and incur a late fee by District policy. MID will send reminder notices, per District policy, to accounts with an outstanding balance of \$10 or more in the first week of March. Accounts with a balance under \$10 will not be sent notice. However, the unpaid balance will accrue interest until paid.

Delinquency.

A delinquency fee will be assessed on all unpaid accounts on March 1st of each year. The district will cause a Late Payment Notice to be sent as per District policy to the last known address listed on the delinquent account.

Claim of Lien

Overdue accounts will be issued a claim of lien at 2 years delinquent. An administrative fee will be assessed on any unpaid account and a Notice of Claim of Lien recorded in the Jackson County Clerk's office for each such account.

Foreclosure

Any account remaining unpaid on March 1st of the third year that has an unpaid balance 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.

2-2. Landowner Responsibilities

Each landowner holds a legal interest in the water appurtenant to their land and is solely responsible for the use of the water appurtenant to their land.

The landowner may provide written notice to MID providing that MID may only accept water orders from a specified person. If there is no such notice, then anyone ordering water on or off, or managing water delivered to a specific parcel of land, is deemed to be the authorized agent of the landowner. Landowners may dispute mapping errors with the MID District Manager. MID utilizes official landowner information from multiple partners, including the County tax assessor.



Compliance

The details provided in this policy shall be an acceptable condition precedent to the delivery of water to any landowner. Each landowner who orders and/or uses water delivered by MID shall be deemed to have acknowledged and accepted these rules. If any landowner fails to comply with any of these rules the landowner shall be subject to an assessment of fines, penalties, and charges as outlined in Section 3.

Payments

Landowners are subject to assessments as outlined in this document. Landowners observing violations of this policy will report the violation to the District Manager. The District Manager will validate the reports before taking corrective action. The public at large does not have the authority to enforce the MID policy. Each landowner and water user is responsible for keeping themselves informed of changes to MID policies by accessing official MID communication channels. MID will post notices through its website at www.MedfordID.org, via mail, or may provide notice by personal contact from MID employees to the landowner.

Infrastructure Access and Maintenance

MID's District Manager, Forman, and their specifically authorized representatives or agents, including ditch riders, shall always have free access, including weekends and holidays, to enter any land irrigated with water delivered by MID for any of the following purposes:

Inspecting MID's facilities or private irrigation facilities, and the flow of water within the facilities, including measurement, and the use of water on the land.

Determining the acreage of crops irrigated or to be irrigated.

Maintaining or operating MID's facilities.

Inspect for any unauthorized change, use, alteration, or other interference with any portion of MID's facilities and delivery system including, but not limited to, head gates and other control structures.

No unauthorized person shall be permitted to do any of the following:

Place or remove a weir board in any weir or drop.

Open or close any head gate or other water control structure.

Remove any chain, lock, board, post, or gate from any control structure; nor

Attach or place any boards, dams, chains, ropes, or any other objects to, on, or upon any MID canals, laterals, drains, or other conduits or MID-operated structures.

Gates

MID employees MUST have unobstructed passage to the irrigation infrastructure. Fences and structures that are not in proper working order create a safety hazard to the district. Gates must be a minimum of 12 feet wide to accommodate District vehicles and equipment. Gates MUST swing freely and not drag across the ground. Gates MUST have operable closures. (Bailing twine is not acceptable.) Acceptable gate materials include aluminum, steel, and wood.

Bridges

MID does not maintain bridges to accommodate heavy vehicles or loads. Many contemporary vehicles and machinery are substantially larger and heavier than the type of equipment for which the bridges were designed. The district shall not be responsible or liable for damages of any kind to any landowner arising or resulting from the failure of a bridge. Water users who transport or contract the transport of equipment above 20,000 lbs. across district bridges shall be strictly liable to the district for the actual cost of repairing or replacing the bridge that fails or is damaged during such use, whether or not the failure or damage was caused exclusively by such use.

The district easements and bridges are not maintained to provide transportation systems for the use of landowners and the public. All people and entities using a District-maintained bridge shall have a duty to monitor the condition of the bridge and to immediately report to the District Manager any damage or other structural deficiency of a District bridge observed by the user.



Water Deliveries:

Water Orders

All landowners must order water deliveries “on” no later than 4:30 pm the day before use and order deliveries “off” no later than 4:30 pm the day before ceasing use. The ditch rider will confirm water orders before delivery.

Irrigation Notification

MID ditch riders will inform the landowner of the date and time of their rotation. Any landowner not taking water when his turn arrives may forfeit his right during the rotation.

Water Delivery

When water is made available to a landowner, the landowner must have a responsible person present, and the land to be irrigated must be properly prepared to efficiently take the water. The landowner must apply all water efficiently and use it reasonably and beneficially.

Water Control

When water is delivered to the landowner, the landowner shall be responsible for the water at all times after it leaves MID’s delivery point. This responsibility includes 24 hrs. per day until the completion of the predetermined delivery period.

Irrigation Use

The landowner shall ONLY apply water delivered by MID to land included on the maps of irrigated land within a property deed with water rights. Any spreading of water by a landowner and application of water to non-approved land shall be subject to Section 3 of this policy.

Drain Discharges

All water discharges from a parcel must be made into the area designated as a drain. Each landowner is responsible for the quality of drain discharges. Anyone placing unauthorized material or creating a blockage in the drain shall be responsible for the maintenance, repair, and/or remediation by the district.

Stock Gates

Damage to the drain profiles will be repaired at the landowner’s expense. Gates meeting District specifications are required when placed on ditch banks for private use. Gates not meeting specifications will be removed or replaced with gates by the district at the landowner’s expense.

Waste of Irrigation Water

Landowners are responsible for the accurate use of the delivered water. Wasted irrigation water due to flooding of vacant lands, neighboring properties, land previously irrigated, or sprinkling roads is strictly prohibited. The wasting of water, either willfully, or carelessly, will be subject to Section 3 of this policy.

Unauthorized Use

Any person who uses MID irrigation water without MID’s authorization may be subject to criminal prosecution and civil liability as outlined in Section 3 of this policy.

Use of Excavated Materials

The placement of excavated materials on MID’s rights of way is reserved exclusively for the district. No landowner or water user may **remove or take** any excavated material from its original location without express written consent from the Manager or the Board.

Section 3. Enforcement

3-1. Violations of law, regulation, or policy

The landowner is responsible and liable for any damage caused by the landowner’s negligence or careless use of the water or as a result of the failure of the landowner to properly operate and maintain any facility for which the landowner is responsible.



Illegal use of water:

Illegal use of water is defined as a water user applying water to lands when that use of water has not been authorized in contractual agreements or applying water to unauthorized lands. The landowner shall only apply water furnished by MID to land included on the maps of irrigated land on file at the MID office or lands subject to a written temporary transfer order issued by MID's manager. Any landowner using water delivered through the MID delivery system without a water right will be immediately shut off. Head gates and/or pumps will be shut off and locked if possible. Tags will be placed on the gate, or pump, notifying the landowner of the illegal taking. Landowners will be notified of their illegal action by certified mail. The watermaster will be contacted and informed of the violation which may also result in other notices and/or fines.

Landowner violations:

The MID policy will be assessed on a case-by-case basis to ensure a fair and equitable application of this policy. When a landowner takes responsible and prudent actions to prevent a violation (such as applying shields to prevent accidental road watering), the MID manager will use expert judgment in assessing any violations of this policy. Multiple violations, by a single landowner, across multiple properties within two irrigation cycles will be considered the circumstances associated with managing dispersed operations.

Violations of MID policy will incur the following actions:

Violations that present a safety risk, or health hazard, or are determined by the MID District Manager as gross negligence will be immediately corrected by a MID employee, followed by a phone call or personal visit to the landowner by the District Manager at the first available opportunity. The first reported violation, confirmed by a MID employee, will result in a written warning to the landowner with an explanation of the violation. An oral warning may be issued but will be accompanied by a written warning. The warning shall contain a brief description of the violation, a statement of the action to be taken by the landowner, and a copy of this policy. Landowners will have one week from notice to remedy identified issues. If the issue relates to the access gate, the landowner will be given 60 days from notice to repair or replace gates.

A second violation, confirmed by a MID employee, will result in a \$500 fine, a second written warning delivered in person by the MID District Manager, or via certified mail. The warning shall contain a detailed description of the violation, a statement of the action to be taken by the landowner, and a copy of this policy.

If gates are not repaired within 60 days of the original notice, the district will issue a work order to make necessary repairs or replace the gate if reasonable repairs cannot be made. The district will mail an invoice, due within 30 days of billing, to the landowner for the labor and supplies required for the repair or replacement of the gate. Unpaid charges will accrue interest as outlined in Section 2.

A third violation will result in an immediate termination of delivery of water to a parcel, and an additional \$1,000 fine. Water delivery may be restored upon payment of the fines, and written agreement by the landowner to immediately cease violating the rules provided in this policy.

A fourth violation will result in a \$5,000 fine and an immediate termination of the delivery of water to all the landowner's properties for the remainder of the irrigation season.

In the event of repeat violations, the Board may commence a civil action to prevent violations of the rules and may seek such relief as it deems appropriate. The district shall be entitled to recover its costs and attorney fees incurred in such suit and in enforcing these rules, and such costs and fees shall be charged against the land on which the violation occurred, or which received water as a result of the violation.



The district may require permitted control and measuring devices before any future water deliveries.

Failure or refusal of any landowner to comply with these rules is deemed grounds for possible termination of water delivery of MID water to the lands of such landowner indefinitely.

Section 4. Appeals.

4-1. Appeal Procedures

Landowners may appeal District decisions through written correspondence.

A written appeal of the Manager's decision may be filed with the MID Board of Directors within 10 calendar days of the date of service of the Manager's notice. After 10 calendar days, or as otherwise expressed in law, the person is deemed to have waived all rights to a hearing on the matter. A written appeal from the Board of Directors should be addressed to the District Manager. The District Manager will provide a written notice of determination within 5 business days of receiving the appeal. The notice becomes final if a written appeal is not physically received within ten calendar days from the date of service. The filing of a notice of appeal shall not stay any action of the Manager to result in resumed water deliveries terminated to the landowner, nor result in the extension of the rotation for that portion of the delivery system.

In the event a notice of appeal to the Board is filed, within 72 hours after receipt of such notice, the Board member from the representative division, shall bring the written appeal to the entire board for review, may interview the landowner and any MID staff involved in discovering the violation and enforcing the terms of this rule. After making a reasonable investigation, the Board members shall either sustain the notice or may reverse or modify the notice as the Board of Directors shall determine. The decision of the Board members shall be final.



Signed this _____ day of _____, 2024.

_____	<u>Henry Vaninetti</u>
_____	<u>Dennis O'Donoghue</u>
_____	<u>Matt Borman</u>
_____	<u>Tom Brookins</u>
_____	<u>Sean Naumes</u>
_____	<u>Jack Friend</u>

Appendix A: References

Oregon Revised Statute 540, 2017. https://www.oregonlegislature.gov/bills_laws/ors/ors540.html

Oregon Revised Statute 545, 2017.
<https://www.oregonlaws.org/ors/chapter/545>

Medford Irrigation District Rules and Regulations, 2024.

Medford Irrigation District Policy Concerning Maintenance and Use of District Maintained Bridges, 2024

Medford Irrigation District Gate Policy and Procedure, 2023.

Medford Irrigation District Bylaws, 2023 as amended.

MID Accounting & Financial Policies and Procedures, 2023