

Eagle Point Irrigation District

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Eagle Point, OR 97524

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CHANGE OF IRRIGATION PRACTICE APPLICATION

INSTRUCTIONS AND SIGNATURE PAGE

1. Submit a written proposal to the District as described in the application on page 2, item 2, with a map of the property depicting the historical irrigation practice and the change in irrigation practice.
2. Signature and date by landowner(s) are required.
3. Submit the appropriate payment from the fee table on page 4, item 6, with your completed application.
4. Make and appointment for a consultation and site visit with the manager.
5. Deadline is April 1st every year to submit initial application and annual renewal forms.

Landowner Name(s) _____

Situs Address: _____

Map & Tax Lot # _____

Contact person: _____

Contact email: _____

Phone Number: _____

No changes from last year-check box

If there are changes submit a new plan and map

By signing below, I hereby confirm that I have read, understand, and agree to conform to all EPID, Federal, State, County, and local regulations which may affect the installation and operation of a pond on my property. I also understand and agree to the following:

1. EPID does not have the authority to allow storage of water over the winter.
2. I understand that the fees are non refundable, and does not guarantee approval of changes requested.
3. Approval will be given only where the applicant can bear the burden of establishing that the District's distribution sytem will not be impaired.
4. All landowners using pumps lifting water from EPID canals will be subject to the Rules & Regulations in the same manner as if they were gravity deliveries. EPID assumes no liability for damages to pumping equipment. (section 18 & 19 in rule book)
5. No extra water will be delivered to maintain pond or tank levels.

Landowner Signature

Date

Landowner Signature

Date

EAGLE POINT IRRIGATION DISTRICT

APPLICATION FOR CHANGE OF IRRIGATION PRACTICE

1. Introduction. The Eagle Point Irrigation District is an Oregon special district formed under Oregon Revised Statutes, Chapter 545 ("District"). Over the history of the District, irrigation patterns and rotations have evolved to form a balanced and equitable system ("District System"). The District System is reliant upon a varying live flow to serve an irrigation pattern over predominantly flood irrigated lands. Because the District does not have any storage capacity, the District System is balanced in a way to ensure that no patron is harmed by the unapproved activities of other patrons. This balance is sensitive to changes of irrigation practice by individual patrons. For example, when a patron proposes to change from the historical practice of flood irrigation to a different irrigation practice, the proposed change must incorporate an engineered solution to maintain the rotation pattern and the historical overflow rate available to downgradient patrons.

Because the District has a duty to prevent harm to patrons, the Board of Directors has directed the District Manager to enforce delivery rates and rotation patterns by closely monitoring any changes in rotation patterns and changes in overflow. Therefore, any patron-proposed change in delivery rate, rotation pattern, or overflow must be engineered to prevent harm to other patrons ("Change of Irrigation Practice"). Patrons may not operate a Change of Irrigation Practice unless approved by the Board of Directors. Once approved, a Change of Irrigation Practice requires follow-up monitoring in order to ensure that new irrigation practices do not harm other patrons. Different Changes of Irrigation Practice require different levels of follow-up monitoring. Patrons operating an approved Change of Irrigation Practice are responsible for preventing harm to other patrons.

2. Proposed Change of Irrigation Practice. The District will review a proposed Change of Irrigation Practice for any upcoming irrigation season when all materials required for review have been received by the District between January 1st and April 1st. The proposal must include the following information:
 - a. Contact information;
 - b. Irrigated parcel;
 - c. Existing irrigation practice;
 - i. Type (E.g. flood, center pivot, wheel line, drip)
 - ii. Rate
 - iii. Irrigated area
 - iv. Rotation cycle
 - d. Proposed irrigation practice;
 - i. Type
 - ii. Rate
 - iii. Irrigated area
 - iv. Rotation cycle

- e. Identification of the new waterworks infrastructure required by the proposed Change in Irrigation Practice (E.g., headgates, pumps, pipes, valves, sprinklers, tanks and any facility used to operate as a bulge-in-system (“New Waterworks”));
- f. Identification of how the proposed Change of Irrigation Practice will impact adjacent parcels and other patrons, specifically including downgradient patrons reliant upon overflow from the subject parcel (“Hydrological Impact”);
- g. Engineering plan demonstrating that the operation of the New Waterworks will prevent other patrons from suffering a negative Hydrological Impact (“Engineering Plan”); and
- h. Payment of the initial review fee (“Initial Review Fee”).

3. Engineering Plan Review.

- a. The District will approve a proposed Change of Irrigation Practice when the Engineering Plan demonstrates to the satisfaction of the Board of Directors that it will completely mitigate the Hydrological Impact to other patrons. In order to evaluate Hydrological Impact, the District Manager will review the Engineering Plan and make one of the findings identified below:
 - i. Acceptance based upon the submitted Engineering Plan;
 - ii. Acceptance with conditions upon the submitted Engineering Plan;
 - iii. Request for more information;
 - iv. Request for Revision to the identified Hydrological Impact; or
 - v. Request for Revision to Engineering Plan.
- b. After the District Manager accepts an Engineering Plan, the District Manager will submit the plan to the Board of Directors for consideration with a recommendation to approve or reject the proposed Change of Irrigation Practice.
- c. The patron submitting the proposed Change of Irrigation Practice may appear before the Board of Directors for the purpose of submitting oral or written testimony.

4. Initial Review Fee and Annual Review Fee.

- a. **Basis for Change of Irrigation Practice Fees.** The Board of Directors is committed to fiscal responsibility and to the efficient operation of the District. Both goals are furthered by assigning individual non-public costs to the private activity responsible for incurring those costs. In order to protect the District System and keep patron assessments low, the District will review proposed Engineering Plans and then the District will require the patron to amend and correct approved Engineering Plans as necessary to prevent harm to other patrons. The District Board of Directors will consider the fees during the last Board Meeting of each calendar year and revise fees when necessary to ensure cost recovery for patron changes to the District System. District fees are not refundable.
- b. **Fee Type.** Patrons must cover the initial costs incurred in review of their proposed Change of Irrigation Practice (captured by the Initial Review Fee) and the annual costs incurred in making certain the operation of their Engineering Plan continues to successfully mitigate the Hydrological Impact upon other patrons (“Annual Review Fee”).
- c. **Amount.** The Initial Review Fee is fixed and due with the submission of each proposed Change of Irrigation Practice. The Annual Review Fee is tiered according to the anticipated degree of Hydrological Impact upon the District System. There are two tiers of anticipated impact; Low-Level Impact, and High-Level Impact. The District Manager has sole discretion to determine which tier applies to each proposed Change of Irrigation Practice. The applicable fee rates are set by the Change of Irrigation Practice fee table.

5. **Additional Costs.** When a proposed Change of Irrigation Practice causes the District to incur costs beyond those anticipated by the Initial Review Fee or by the Annual Review Fee, the District will assign those costs to the patron (“Additional Costs”). The District will assign Additional Costs according to the Change of Irrigation Practice Fee Table.
 - a. **Initial Review.** The District may assign Additional Costs when site visits and consultation require additional time to perform an Initial Review of a proposed Change of Irrigation Practice. Any patron submitting a proposed Change of Irrigation Practice may also request the assistance of the District Manager. At the discretion of the District Manager, and after considering the level of engineering required and the availability of staff resources, the District Manager may provide assistance as requested.
 - b. **Annual Review - Monitoring and Staff Safety.** For the performance of the Annual Review, New Waterworks monitoring, and enforcement operations, the District Manager may assign additional persons to perform site visits when required to ensure the safety of District personnel. The District may assign the Additional Costs associated with the additional security measures and additional oversight to individual patrons responsible for those specific operating costs or security risks related to specific properties.
 - c. **Professional Services.** When the District incurs costs for professional services related to a Change of Irrigation Practice, the District will assign those fees to the patron performing the Change of Irrigation Practice. These professional fees may include the services of a professional water rights examiner, a professional survey, water rights transfer costs, and legal costs.

6. **Change of Irrigation Practice Fee Table:**

<u>Initial Review Fee</u>	<u>\$1,500.00 plus Additional Costs</u>
<u>Annual Review Fee – Low Level Impact</u>	<u>\$250.00 plus Additional Costs</u>
<u>Annual Review Fee – High Level Impact</u>	<u>\$1,500.00 plus Additional Costs</u>
<u>Additional Costs – Rate per staff-hour</u>	<u>\$125.00 1st hour / \$75.00 thereafter</u>
<u>Additional Costs – Professional Services</u>	<u>As incurred by District</u>

- a. **Low-Level Impact - Example.** The District Manager may determine a Change of Irrigation Practice from flood irrigation to center pivot, wheel line, or big gun irrigation to be a “Low-Level Impact” requiring less District oversight in order to protect the operational integrity of the District System and prevent harm to other patrons.
 - b. **High-Level Impact - Example.** The District Manager may determine a Change of Irrigation Practice from flood irrigation to drip irrigation or micro nozzle to be a “High-Level Impact” requiring more District oversight in order to protect the operational integrity of the District System and prevent harm to other patrons.
 - c. **Due Dates.** The Initial Review Fee must be paid on submission of a proposed Change of Irrigation Practice between January 1st and April 1st. If the Change of Irrigation Practice is approved, the Annual Review Fee is then due prior to patron operation of the Engineering Plan and annually thereafter between January 1st and April 1st.
7. **Engineering Stamp.** The District may require the patron to include an engineering stamp on an Engineering Plan prior to accepting or prior to approving a proposed Change of Irrigation Practice. If any Engineering Plan fails to mitigate Hydrological Impact upon other patrons or upon the District

System, the District may require the applicant to submit a revised Engineering Plan. The District may require an engineering stamp on a revised Engineering Plan.

8. Revocation. The Board of Directors may revoke approval of any Change of Irrigation Practice upon the demonstrated harm caused by Hydrological Impact upon another patron. The District Manager may require Engineering Plan revisions prior to accepting payment of any Annual Review Fee.
9. Reversion. If any patron abandons New Waterworks located on property within the District boundary, fails to pay an Annual Review Fee, or fails to operate New Waterworks according to the approved Engineering Plan, that property will revert to the historical flood irrigation system for the purpose of preserving the operational integrity of the District System.
10. Transfers. Changes in the place of use within District boundaries are subject to District Rules and Regulations Number 14.
11. Change of Irrigation Practice without District Approval. Change of Irrigation Practice requires District Approval for both initial change and for annual review if changed irrigation practice. Where a water user changes irrigation practice without either initial change of use procedures or annual renewal procedures as specified in Resolution 18-003, the Manager shall forthwith upon discovery by direct delivery or mail a notice substantially as follows:

To: Water User:

Re: Eagle Point Irrigation District Assessment Account: *insert name*

It appears that you are applying Irrigation District water in a manner other than flood irrigation in violation of Eagle Point Irrigation District regulations as set out in Resolution 18-004. A copy of Resolution 18-004 is enclosed herein.

You are required to file the appropriate application for Change of Irrigation Practice within 2 weeks from the date of receipt of this notice.

In addition to the charges and fees required for said application, an additional late fee of \$750.00 will be charged as an assessment against the account if the application is not received by April 1. An additional late fee of \$1500.00 will be charged as an assessment against the account if the application is not received by July 1. The Manager has the authority to terminate your water supply until compliance with the regulation is completed. In addition, the District has the authority under ORS 545.287 to construct such facilities and structures as are necessary to be able to properly distribute water to other tracts which may be damaged by water termination and assess the costs thereof according to benefit.

Signed _____ Manager, Eagle Point Irrigation District

Upon failure of a patron to file application for initial change of irrigation practice, or to apply for renewal of change of irrigation practice, the Manager shall recommend to the Board of Directors such sanctions as are appropriate as set out hereinabove, and the Board of Directors shall, after reasonable notice to the affected water user, and the right to be heard thereon, determine such sanctions are appropriate.