

# Eagle Point Irrigation District

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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 5, 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: \_\_\_\_\_

OLCC Permit # \_\_\_\_\_

ODA Permit # \_\_\_\_\_

Initial Review

Reversion to Flood

Annual Review

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.
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 the District and the District members are not harmed by new irrigation activities that may impact hydrological function within the District. For example, when a member proposes to change from the historical practice of flood irrigation to a different irrigation practice, the proposed change may impact return flows- thus subjecting the District and District members to risk of harm. To mitigate the risk of harm, any proposed change in hydrological function must incorporate a reliable engineered plan to maintain the District rotation pattern and the historical overflow rate on which the District and the District members depend.

Because the District has a duty to prevent harm, 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 member-proposed change in delivery rate, rotation pattern, or overflow (“Change of Irrigation Practice” or “COIP”) must be reliably engineered to prevent harm. The review, approval, and oversight of each COIP application requires significant administrative resources and imposes significant costs upon the District. To protect the District, District members, District water rights, and the District System, members may not alter the historical hydrological balance by any Change of Irrigation Practice unless the member has submitted and the Board of Directors has approved a COIP application (“COIP Application”). Once approved, a Change of Irrigation Practice requires follow-up monitoring to ensure that no harm results from new irrigation practices. Different Changes of Irrigation Practice require different levels of follow-up monitoring by District staff. Members operating an approved Change of Irrigation Practice are responsible for preventing harm to other patrons.

2. **Change of Irrigation Practice – Options.** For the foregoing reasons, members desiring to change their irrigation practice (i.e., change the hydrological function of District Water Rights appurtenant to their property) have three options:
  - 2.1 Permanent Non-Use of District Water, Permanent Transfer & Exclusion from District Lands.
    - a. Request District prepare application for permanent transfer of District Water Right off property, provide the required supporting documentation, and pay the associated costs and fees as detailed in the District Transfer Policy.
    - b. Permanently forgo the Right to Use District Water.
    - c. Grant necessary canal and access use rights to District.
    - d. Continue to pay Annual Assessments until the District Board of Directors Approves request for exclusion from the District under ORS 545.097 to 545.126.

2.2 Use of District Water After Approval of Change of Irrigation Practice Application. The District will review COIP Applications for any upcoming irrigation season when all materials required for review have been received by the District between January 1<sup>st</sup> and April 1<sup>st</sup>. The COIP Application must include the following information:

- a. *Member Contact information*: Name, address, phone number, email (if reliable).
- b. *Identification of Irrigated Parcel*: Example: Tax Lot Number \_\_\_\_\_.
- c. *Current Irrigation Practice*: Type (E.g., flood, center pivot, wheel line, drip).
- d. *Current Rate*.
- e. *Current irrigated area*.
- f. *Current rotation cycle*.
- g. *ODA Hemp Permit #* \_\_\_\_\_ *OLCC Marijuana License#* \_\_\_\_\_.  
*Provide a copy of your Permits and/or licenses.*

2.3 Proposed Irrigation Practice:

- a. *Type*.
- b. *Rate*.
- c. *Irrigated area*.
- d. *Rotation cycle*.

2.4 New Waterworks. Description of 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”));

2.5 Impact. Description of how the Change of Irrigation Practice will impact adjacent parcels and other patrons, specifically including downgradient patrons reliant upon overflow from the subject parcel (“Hydrological Impact”);

2.6 Engineering Plan. Illustration of how the hydrological function under the operation of the New Waterworks will prevent other the District, District members, and the District water rights from suffering a negative Hydrological Impact (“Engineering Plan”); and

2.7 Initial Review Fee. Payment of the initial review fee (“Initial Review Fee”).

### 3. **Engineering Plan Review.**

3.1 Review Process. The District will approve a COIP Application when the Engineering Plan demonstrates to the satisfaction of the Board of Directors that it will completely mitigate the Hydrological Impact to other patrons. To evaluate Hydrological Impact, the District Manager will review the Engineering Plan and make one of the findings identified below:

- a. Recommended Approval based upon the submitted Engineering Plan;
- b. Recommended Approval with conditions upon the submitted Engineering Plan;
- c. Request for more information;
- d. Request for Revision to the identified Hydrological Impact; or
- e. Request for Revision to Engineering Plan.

3.2 District Manager Recommendation. Board 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 COIP Application.

3.3 Member Right to be Heard. The member submitting COIP Application may appear before the Board of Directors for the purpose of submitting oral or written testimony.

**4. Initial Review Fee and Annual Review Fee.**

- 4.1 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. 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.
- 4.2 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”).
- 4.3 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.

- 5.1 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.
- 5.2 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.
- 5.3 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>\$9,350.00 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>\$9350.00 plus Additional Costs</u>
<u>Additional Costs – Rate per staff-hour</u>	<u>\$125.00 1<sup>st</sup> hour / \$75.00 thereafter</u>
<u>Additional Costs – Professional Services</u>	<u>As incurred by District</u>
<u>Reversion to Flood Irrigation</u>	<u>\$250.00 plus Additional Costs</u>

- 6.1 **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.
- 6.2 **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.
- 6.3 **Due Dates.** The Initial Review Fee must be paid on submission of a proposed Change of Irrigation Practice between January 1<sup>st</sup> and April 1<sup>st</sup>. 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 1<sup>st</sup> and April 1<sup>st</sup>.
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. The fee for reversion is on the table of fees in Section 6.
10. **Transfers.** Changes in the place of use within District boundaries are subject to District Rules and Regulations.

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 18-004 as amended the Manager will deliver by personal delivery or by USPS a notice containing the following information:

To: Water User:

Re: Eagle Point Irrigation District Assessment Account: account name

It appears that you are using an irrigation practice District water in a manner that violates Eagle Point Irrigation District regulations set out in Resolution 18-004 as amended. A copy of Resolution 18-004 is enclosed.

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 District Manager has the authority to terminate the delivery of District water to the subject parcel until compliance. In addition, under ORS 545.287, the District may construct facilities and assess costs as necessary to distribute water to other District lands which may be impacted by any unpermitted change of irrigation practice.

Signed \_\_\_\_\_ District Manager, Eagle Point Irrigation District

Upon failure of a patron to file an initial Change of Irrigation Practice application, or to apply for a Change of Irrigation Practice renewal, the District Manager will recommend corrective actions and the assessment of associated costs to the Board of Directors. After reasonable notice to the affected water user, and the right to be heard thereon, the Board of Directors will determine which corrective actions and assessments sanctions are appropriate to prevent harm to the District.