

**Proposed Amendments to the Eagle Point Irrigation District
Rules and Regulations for Board Discussion.**

1. Proposed replacement of Rule 18.

18) CHANGE IN USE OF DISTRICT WATER. Diversion rate, rotation pattern, overflow, and non-use of District water impact the hydrological balance of the District. District members may not change the hydrological balance of the District water delivery system without prior District approval.

~~No. 18) CONVERTING TO SPRINKLER SYSTEMS. From and after May 12, 1981, water users may not convert to sprinkling systems without first applying to the Board of Directors and receiving approval. Approval will be given only where the applicant can bear the burden of establishing that the District's distribution system will not be impaired.~~

2. Proposed addition before existing Rule 30.

30) IRRIGATION WATER WAITING LIST. District members who wish to take delivery of new irrigation water or wish to increase their current rate of diversion may apply for use of District water rights ("Application for District Water") if the applicant meets the District Transfer Policy criteria. If the District approves the Application for District Water, the District will place the applicant on the Water Waiting List. The Water Waiting List is administered under the terms of the District Transfer Policy.

3. Proposed revision to existing Rule 22.

22) DELIQUENCIES

No. 22) One-half of the annual charges for operation and maintenance service will be due and payable on or before the first work day following February 1 of the year to which operation and maintenance applies. If one-half annual charge is not paid by March 15, interest will be added retroactive from January 1st, along with a monthly late fee. The manager will forthwith file a lien for the charges for the entire year, plus an added late charge to be determined by the Board of Directors, to be recorded in accordance with ORS 545.494.

Charges for the second half of the year are due on or before July 1, or in case July 1 is not a work day, the first work day following July 1. Where charges for the second half have not already been recorded as a lien as prescribed above, if the second half charges are not paid by August 15, interest shall be added retroactive from July 1st, along with a monthly late fee. The amount of the late fee will be determined by the Board prior to the start of every irrigation season. The Manager will forthwith cause a lien for such charges as are due, to be recorded in accordance with ORS 545.494.

In the event any charges for any prior year are unpaid, the Manager will forthwith upon the beginning of an ensuing year file a lien for charges for that entire ensuing year, to be recorded in accordance with ORS 545.494. Lien Filing Fees will be determined by the Board prior to the

start of every irrigation season. The fee is per tax lot, and will be in addition to the cost of the actual Jackson County recording fees incurred to record both the lien and the lien satisfaction. The lien filing fee is subject to change every time the County recording fees increase.

Beginning July 1, 1992, any water user whose account is in whole or in part unpaid in excess of one year (two half years) as of January 1, and as of July 1, is deemed to be delinquent. Water of all water users whose accounts are delinquent, as above described, will be withheld except where the withholding of water substantially impairs water service to water users whose accounts are not delinquent as above defined.

Where water to a user whose account is delinquent is not withheld for the reason specified above, foreclosure proceedings will be instituted at the discretion of the Board of Directors upon the account becoming delinquent. Withholding foreclosure will be ordered by the Board of Directors only upon good cause shown to the Board of Directors, as determined by the Board of Directors.

No. 22A) Any debts outstanding for labor, material or equipment used to perform work at the request of the water user must be paid 30 days after billing. In every case where a water user does not pay for labor, material, or equipment within the time required, a monthly late fee is added along with interest charged from the date of billing and not from the date the bill was due. The amount of the late fee will be determined by the Board Prior to the start of every irrigation season. The District shall have the right to withhold delivery of water until such debt is paid in full.

4. Proposed revision to existing Rule 30.

301) INCLUSIONS

No. ~~30~~1A) Applications for inclusion of lands into the EPID shall be made in writing and on forms prescribed by the manager. Said applications shall be signed by an owner or owners as the term owner as described in ORS 545.002(3). It is not required that all owners sign said application, provided however, that petitions for Inclusion shall be executed according to the requirements of ORS 545.057-545.085.

No. ~~30~~1B) Applicants for inclusion will also complete an Application for Irrigation Water and meet the criteria set by the District's Transfer Policy. If the District approves the Application for Irrigation Water, the District will place the Applicant on the Water Waiting List. ~~tions shall be filed in the office of the manager and the manager shall endorse the date of filing on the application, and place the application in a file organized by laterals from which the application requests water services. Applications for water service which are on file in the office of the manager at the time of the enactment of this regulation shall be honored according to the date of filing in the office of the manager and shall be honored prior to applications filed after the date of the enactment of this regulation.~~

No. ~~30~~C) ~~Upon the availability of water from a particular lateral, application on file will be honored if the applicant qualified as an owner under ORS 545.002(3) as of the time of the filing of the application and the fact that said owner's interest has been transferred to another~~

~~person will not dishonor the original application, provided, however, that the present owner or owners may waive the right to have the original application honored.~~

~~No. 30D) Notwithstanding anything contained in this section 30, where there are no applications on file from a particular lateral, an application for inclusion of land to be served by a different lateral may be honored where in the judgement of the Board of Directors, upon advice from the manager, the serving of said land is economically feasible. The honoring of applications for land to be served by a different lateral shall be based on considerations of economic and physical feasibility, except that where two or more applications are equally feasible, the earliest application to be filed shall be given priority.~~

5. Proposed new Rule 32.

No. 32. EXCLUSIONS.

District members may petition the District Board of Directors for exclusion from the District under ORS 545.097 to 545.126 after transfer of all District water rights off their property, recording of District easements, and payment of all assessments, charges, and fees.