

TUMALO IRRIGATION DISTRICT

A. DELIVERY OF WATER

1. Apportionment: The District administers and delivers each water right in compliance with the state statutes governing the terms of the decree, permit or certificate which documents that right. Oregon law requires that the water be delivered according to the priority date of each water right.
2. Season: The irrigation season extends from April 15 through October 14. The non-irrigation season begins October 15 and ends April 14. During the non-irrigation season, the District delivers water for stock purposes for approximately five days at close six-week intervals, depending upon weather conditions and the maintenance program.
3. Use: The District delivers water for irrigation, stock, and industrial purposes only. The District recognizes that, historically, water was delivered through its system of canals, laterals, and ditches, not only for irrigation and livestock use, but also for domestic use. Throughout recent history, the District has become much more populated, increasing the density of livestock, in addition to increasing the density of people. Because of health concerns as expressed by the Department of Human Services, Health Division, for the State of Oregon, the U.S. Environmental Protection Agency and the Safe Drinking Water Act, the District does not deliver potable water and, therefore, water users who use District irrigation water for domestic purposes shall provide a treatment method acceptable to the Department of Human Services, Health Division. Those not complying shall be subject to having their water cut off until compliance is obtained.
4. Point of Delivery:
 - a. The Board, in its sole discretion and giving primary consideration to the delivery system as a whole, determines the number and designates the location of points of delivery.
 - b. The District delivers water from its waterways only at designated points of delivery. A point of delivery should include a weir and headgate, or a pump located on a waterway and equipped with measuring and flow control device.
 - c. Where a divider box is placed close below the weir, each calibrated opening in the box is a separate point of delivery. In other cases, a designated weir is the point of delivery.
 - d. The District constructs points of delivery, except in special cases approved by the manager. The benefiting land or ownership should pay the costs of construction of changed, new, or additional points of delivery.
 - e. Each point of delivery should be able to be measured and shut off.
 - f. As a general rule, the District maintains the waterway up through the point of delivery, and the water user is responsible below that point.
 - g. No land with a water right should be without a point of delivery, but that point may be in common with other ownerships.
 - h. The District's goal, particularly as to new points of delivery and new ownerships of record, and where physical circumstances permit, is to designate one point of

delivery for each contiguous ownership of record.

- i. The Board and staff will consider the following criteria in deciding whether or not to change the location of an existing point of delivery or to allow a new or additional point of delivery:
 - 1) The District system should not suffer a new water transmission loss;
 - 2) The District will favor points of delivery which allow at the same location separate measurement and shut-off to multiple ownerships;
 - 3) If a point of delivery is to be moved downstream, the waterway between the former and the new point of delivery will first be improved to the District specifications at the expense of the benefiting lands;
 - 4) In the case of lands subdivided or partitioned after September 12, 1978, provisions of (A)(9) should be applied whether or not the subdivision or partition was originally made in compliance with (A)(9);
 - 5) In the case of lands subdivided or partitioned before September 12, 1978, the District should design a delivery system which shall follow (A)(9) as closely as is feasible at the location.
5. Delivery Systems: The waterways and the structures related to the delivery of water are under the sole control of management and staff. Only District employees are allowed to open, close, change, or adjust checks, headgates, weirs, flow control devices, or any other District approved measuring device. Any alteration in a waterway or in the flow of water in any waterway or across any structure is to be regulated by the District personnel only.
6. Appeal: A water user may appeal the water delivery decision of a District staff member to management, and the decision of management may be appealed to the Board of Directors. Each decision stands unless and until overruled.
7. Delivery Changes: To get a planned temporary change in the amount or location of water delivery (stopping, starting, increasing or decreasing a delivery) a water user must notify the ditch rider or the District office, on a week day, at least 24 hours in advance. Otherwise, delivery must be taken around the clock. This policy does not apply to emergency adjustments necessary for protection of property and facilities.
8. Pump Deliveries: The District may allow a water user to pump the user's irrigation and stock water directly from a District waterway only as follows:
 - a. No water user may pump any part of the user's water right from a District waterway without the prior written approval of management;
 - b. To be approved, all pump deliveries must be:
 - 1) Equipped at the user's expense with a locking, adjustable flow control device approved by management for the particular application;
 - 2) Located so as to be easily removable for waterways maintenance and, where feasible, in a sump on the uphill side of the waterway;
 - 3) Requested where a gravity delivery is not feasible.

- c. The District shall maintain a current record of all approved pump deliveries;
 - d. District employees shall check each pump delivery regularly;
 - e. Only District employees may unlock and adjust the flow control device;
 - f. A water user with an approved pump delivery may begin or cease to draw irrigation water only after notifying the ditch rider at least 24 hours in advance or advising the District office on a week day;
 - g. The flow control device shall be maintained by the water user: for example, drained in the winter and screened to keep debris from collecting in the system during irrigation season;
 - h. The District shall give a water a user five day's notice to correct or remove a pump delivery used in violation of these rules. If the delivery is not corrected or removed within that five-day period, the District may correct, cap, or remove the installation at the user's expense;
 - i. The District shall immediately remove any pump from alongside a waterway if not used exclusively for delivery of a District water right if it is not located on the land of a person with a water right.
9. Subdivision and Partitions: The District shall approve applications for subdivisions and for major and minor land partitions within District boundaries only upon the following terms relating to delivery, safety, systems maintenance, and water quality.
- a. All water rights and rights-of-way for District water-ways upon the applicant's property must be accurately drawn and labeled upon the partition map or subdivision plat;
 - b. An easement "for purposes of water transmission and maintenance" shall first be conveyed to Tumalo Irrigation District for all District main canals, secondary canals, and laterals, then located on the property. The easements for a main canal shall be 50 feet on both sides of the centerline of the canal, 25 feet on both sides of the centerline on secondary canals, and 15 feet on both sides of the centerline of all laterals and ditches;
 - c. When District water delivery is indicated to partitioned or platted parcels, and easement for water delivery and maintenance shall be provided and platted by the applicant for each parcel or lot which is to receive irrigation water and for any land outside of the partition or platted parcels for the continued delivery of water. Easement shall not be less than 15 feet in width on both sides of centerline;
 - d. The District shall require the applicant to place in pipe or concrete lining, at the applicant's cost and to the specification of the District management, sections of the District waterway where the water level is higher than the adjoining land. The District shall require the applicant to place in pipe, at the applicant's cost and to the specifications of the District management. sections of District waterway where more than one bridge or culvert is proposed to cross the waterway within one-quarter mile. Exceptions to this policy may be granted by the Board in unusual cases of extreme hardship or clear lack to necessity;
 - e. Sections of District waterway in a partition or subdivision where the median lot size is less than five acres shall either be placed in pipe or the easement fenced, to District specifications, at the option of the District;

- f. In reference to each application, the District shall specify on the County plat or partition map one point of delivery beyond which the District shall assume no responsibility to measure or deliver water;
 - g. All crossings of District easements or waterways shall be to District specifications. No bridge support shall be placed in the waterway. The District may require culvert for road and pipe crossings;
 - h. A plan, approved by District management, for delivery of irrigation water to all lands in the subdivision or partition which will have water rights appurtenant to them must be provided by the applicant and developed to District standards at the owner's expense prior to delivery into a subdivision;
 - i. The District may impose such other reasonable conditions as in the judgment of the Board be advisable for the benefit of the District and its water users, or may allow exceptions as may be prudent;
 - j. District management has authority to approve all applications for minor and major partitions in accordance with these rules and regulations. The Board shall ratify those approvals at a subsequent meeting. The Board of Directors, by majority vote, must approve all subdivision plats in accord with these rules and regulations.
10. Transfers: The change in place of use of a water right from the acreage where it is legally appurtenant to other acreage in the District requires approval by the Board and by the Oregon Water Resources Department before the water right will be delivered or assessed at the new location. District staff prepares all applications for transfer, which requires the following:
- a. Evidence of legal ownership of the acreage to which the water right is appurtenant prior to transfer;
 - b. Notarized signature on the application of all persons having an interest of record in the land;
 - c. A sworn, written statement that the water right has not been forfeited by five successive years of nonuse on the full acreage to which the water right is appurtenant;
 - d. Payment of a fee which covers District costs and the State filing fee, from current fee schedule approved regularly by the Board;
 - e. Mapping and field survey of affected lands;
 - f. Current assessments levied against the water user transferring rights are paid as well as those levied against the buyer;
 - g. Each water user's resultant water right following transfer is equal to one or more acres per point of delivery;
 - h. Required easements for water delivery have been obtained;
 - i. District staff has approved delivery to the new place of use;
 - j. Board approval based on ability to prove up the water right at the new location and all of the above conditions have been satisfied.