

TUMALO IRRIGATION DISTRICT

B. WATER THEFT

DISTRICT DEFINITION OF THEFT:

- Direct:
 - Taking water out of rotation schedule.
 - Damaging/modifying a headgate to allow more or less water to flow to water user's property
 - Cutting a lock on a headgate
 - Taking water in excess of water right
 - Illegally diverting District water onto a property that does not have a water right
- Indirect:
 - Failure of property owners to maintain (clean) a ditch as it passes through their property while denying beneficiaries of the ditch access to maintain the ditch thereby restricting the flow, or allowing excessive livestock or equipment damage or allowing fencing to cause a breach or blockage to the ditch, resulting in loss of flow.

Oregon Revised Statute 545.221: Power and duties of the [District] board of directors as to management of district; water deliveries.

This state law provides that the Board has powers and duties to "establish equitable bylaws, rules and regulations for the administration of the district and for the distribution and use of water among the landowners".

Citations for theft shall be issued by the District Manager or by an authorized representative of the district.

THEFT BY A DISTRICT WATER USER:

District will respond to theft complaints as well as instances of theft observed by district staff. Upon confirmation of theft, district staff must fully document the issue in writing, which should include at a minimum, the date and time of the offence, photographic evidence, and a complete written description of the offence. Staff is then authorized to initiate enforcement as follows:

1st Offense:

1. Immediate correction to delivery by district staff* and verbal notice if violator is present
2. Notice of violation posted on residence and mailed by standard mail

2nd Offense:

1. Immediate correction to delivery by district staff* and verbal notice if violator is present
2. Citation issued by district manager or his designated agent
3. Fine of \$250
4. Lock-off water if possible until fine is paid in full

3rd Offense:

1. Immediate correction to delivery by district staff* and verbal notice if violator is present
2. Citation and \$500 fine

3. Lock-off water if possible until fine is paid in full

Subsequent Offense(s):

1. Immediate correction to delivery by district staff* and verbal notice if violator is present
2. Citation and \$1000 fine
3. Lock-off water if possible until fine is paid in full

Offender has the option to appeal the citation and request a hearing before the board of directors.

Offenses are cumulative, not based on a calendar year.

THEFT BY A NON-PATRON:

Water in the District canals, laterals and sub-laterals is entrusted to the district by the State of Oregon for use by district water users. The taking of water from the system and application of that water to lands without a water right under a District certificate is considered theft and is subject to enforcement by the District through this policy and by the Oregon Water Resources Department.

1. Immediate correction to delivery by district staff* and verbal notice if violator is present
2. Notice of violation posted on residence and mailed by standard mail with a copy of this policy.
3. Staff will give notice of the theft to the Oregon Water Resources Department for prosecution.

*Immediate correction to delivery includes but is not limited to:

- Removal of diversion
- Removal of pump from site until the matter is resolved