

## Tualatin Valley Irrigation District

### Policies for Effective, Efficient and Harmonious District Operation

Amended – December 29, 2020

#### OFFICE LOCATION AND HOURS:

The District office shall be open from 8:00 A.M. to 4:30 P.M. Monday through Friday of each week, excluding State and National holidays. A telephone answering machine is provided during non-office hours. Telephone: (503) 357-3118 FAX: (503) 359-9510.

#### OBJECTIVES:

The objectives of the Tualatin Valley Irrigation District are:

- A. To distribute water on a fair and equitable basis to each water user according to his right.
- B. To use the best methods of water management to assure efficient, economic operation and provide the best possible service to water users.
- C. To operate and maintain a system capable of storing and delivering water to users when needed.
- D. To encourage wise use and conservation of our water resources.

#### CONSENT OF WATER USERS:

By acceptance of irrigation water from this District, all water users consent to be fully bound by all the laws relating to the District and by the duties, obligations and regulations and contracts of the District, now in force or hereafter amended or adopted.

#### OFFICERS AND EMPLOYEES DUTIES:

The District's Board consists of five Directors. Each Director represents a particular division of the District. The divisions shall be numbered first, second, third, fourth and fifth. On the second Tuesday of January following their election, the Board of Directors shall meet and organize as a Board, elect a Chairman from their number and appoint a Secretary, who shall hold office at the pleasure of the Board. The Board shall have authority expressed in ORS 545.181 and amendments thereto.

#### TRAVEL EXPENSES FOR DIRECTORS AND EMPLOYEES:

The District will pay the expenses of Directors, employees, and other delegated representatives of the District while on official business on behalf of the District.

#### MANAGER RESPONSIBILITIES AND DUTIES:

The Board appoints a Manager who is the Chief Administrative Officer and is responsible to the Board for efficient administration of the District.

## Tualatin Valley Irrigation District

### MEETINGS, QUORUM, RECORDS:

The regular monthly meeting of the Board shall be held in the Tualatin Valley Irrigation District (hereafter referred to as TVID) office, 2330 Elm Street, Forest Grove, Oregon, at 7:00 A.M. on the second Tuesday of each month unless otherwise announced. The District shall operate on a calendar year from January 1 through December 31 of each year.

All meetings of the District Board are open to the public. A majority of the Directors shall constitute a quorum for the transaction of business.

Records of the Board shall be open to public inspection during business hours.

### WATER USER PROBLEMS:

It is the privilege of any landowner or water user to bring before the District's Board of Directors at any regular meeting of the Board any problems relative to irrigation, or project operation and maintenance, provided said landowner or water user has first presented the problem to the proper supervisory employee of the District. If satisfaction is not attained in the first instance, the Board shall be informed in writing by the landowner or water user of the nature of his problem and that he intends to appear before the Board at a certain time, in order that all the facts may be before the Board at the time of the appearance.

### EQUIPMENT:

District equipment shall not be used for purposes other than those pertinent to the administration, operation, maintenance and repair of the property of the District.

### NEPOTISM:

The District shall not employ any relative by blood or marriage, in the second degree of kinship to the District Manager or any member of the Board of Directors.

### EQUAL OPPORTUNITY:

The District will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex or national origin.

### MAILING LIST OF WATER USERS:

It is Board policy not to give out the TVID mailing list to anyone. Please, note that TVID is a public organization and must comply with the Freedom of Information Act.

## Tualatin Valley Irrigation District

### REVISIONS TO POLICY:

These policies and general information represent the best judgment of the District's Board of Directors and management. Circumstances may arise which will deem it advisable to revise, add to or delete sections; thus, changes may be expected from time to time as sound judgment indicates.

### IRRIGATION SEASON:

Each year the Board of Directors shall determine the date on which water shall be available and likewise will determine the shutoff date.

District personnel will begin to accept requests (orders) for water deliveries five days prior to the beginning of irrigation.

### DISTRIBUTION OF IRRIGATION WATER:

Irrigation water is used primarily in the commercial production of agricultural crops. Irrigation water is not purified and is not to be used for household purposes. Irrigation water will be distributed equitably to all users on the basis of the number of irrigable acres, as classified on the land classification records of the district and in accordance with the district's contract with the Bureau of Reclamation and the laws of the State of Oregon.

### POLICY REGARDING INTERRUPTIBLE WATER

Interruptible water acres are those assessed acres that are not being used in any one year. TVID may interrupt delivery of interruptible water at any time, at the discretion of the Manager of TVID or any other person authorized by the Board of TVID. Interruptible water may be provided, at the discretion of TVID, and is not a vested water right to any user.

Contract and permit conditions are such that a maximum of 11,300 acres may be served on the pipeline, 5,700 acres of project water on the gravity system and 2,001.8 acres on the lower river or CWS. Prior to March first of any year all assessed water users will have mapped the acres that they intend to irrigate for that irrigation season. The difference between that number of acres and the total number of acres that can be served will be the interruptible acres that are available. This number will be available by March 15.

Interruptible water charges will be set during the budget process each fall.

All requests for interruptible water must be made by the landowner. The request shall be for a specific site and will include a legal description and section map showing the exact location to which the water will be applied. Interruptible water is not transferable. Interruptible water can be applied only to grounds inside the district boundaries, which are classified as irrigable and for a beneficial use as defined by the Oregon Water Resources Department.

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### Rate Structure for Interruptible Overage's

When there is a mix of assessed and Interruptible acres mapped and an overage occurs there will be a tiered rate applied based on the percentage difference in acres. Example: If a patron maps 50 acres of assessed and 50 acres of interruptible water there will be a 50% ratio. Whereas 50% of the overage will be billed at the contracted assessed rate and 50% will be billed at the interruptible rate.

Those who use Interruptible water exclusively will be charged at the current Interruptible rate for all overages.

Interruptible water may be provided by TVID in two separate programs, Tier I and Tier II.

### Method of Distribution of Tier 1 Interruptible Water

The method of distribution will be as follows: Acres will be allocated by pipeline and river. On the pipeline, requests for interruptible water will be accepted from March 1 through March 10 in lots not to exceed 20 acres of water rights each. A lottery will be conducted for any remaining acres again limited to lots of no more than 20 acres each. Should there be more acres requested in the first round than there are acres available, the amount requested would be diminished by the amount not available. If requests are less than the acres available on either the pipeline or the river, those one-year contracts will be let without further process. Once interruptible water has been awarded and billed the applicant is required to pay, or not be eligible for future requests, unless prior arrangements have been made and authorized by the board. TVID may interrupt deliver of Tier I interruptible water at any time.

### Method of Distribution of Tier II Interruptible Water

The method of distribution of Tier II Interruptible Water will be as follows: Acres will be allocated by pipeline and river. Applications for Tier II Interruptible Water may be submitted during the irrigation season after March 10. Permits for Tier II Interruptible Water may be awarded at the discretion of the manager, considering requests by assessed water users, requests for Tier I Interruptible Water, maximum acres that may be served by TVID, and other factors considered material by the manager. An applicant for Tier II interruptible water must demonstrate that the applicant has another primary source of water for the intended use and must agree that delivery of the Tier II interruptible water may be terminated as provided by the policy of TVID. Tier II Interruptible Water may be terminated within one hour after notice to the user by TVID. Notice may be provided in writing or verbally to the user. Each application shall include a designation of a person, address and telephone number for receipt of notices. Tier II Interruptible Water will most likely be withheld during the summer at times of peak delivery when temperatures are high. Tier II Interruptible Water will have the lowest priority for delivery of water and will be subject to priority of assessed water, Tier I Interruptible Water and municipal water. The application for Tier II Interruptible Water may include an indemnity agreement, whereby the applicant agrees to hold harmless TVID and its employees from any loss resulting from termination of Tier II Interruptible Water.

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In the event that an overage occurs on a customer that has more interruptible acres than assessed acres going through the same meter, the interruptible overage rate will apply.

Board Policy is to charge a minimum \$175.00 maintenance fee for each box with no assessed water attached when the acres served are less than 1.25 acres, in any one-year.

This policy is subject to review and amendment annually. Adopted by TVID District Board of Directors: March 14, 2006

### SCHEDULE OF ASSESSMENTS AND COLLECTIONS

The final approval of the budget and assessments for the coming year is set at the regularly scheduled November board meeting. Assessments include moneys needed for operation and maintenance expenses and construction expenses. Construction expenses are set by contract with the Bureau of Reclamation. The first of fifty (50) annual payments was made on December 30, 1986, for river deliveries. This construction charge has been established at \$5.35 per acre. The first of fifty (50) annual payments for pipeline deliveries was made on December 30, 1989, and has been established at \$7.92 per acre. All tracts 10.0 acres or less classified as suburban agriculture, the annual construction payment will be \$175.00 regardless of size or whether signed for river or pipeline service. The Board sets Operation and maintenance charges.

Water users are notified of assessments by November 30th of each year. Payment is due prior to March 1 of the following year. In accordance with ORS 545.496, interest will be charged at the rate of 1.333 percent per month, or fraction of a month, after March 1. Accounts are considered delinquent at April 1 and a notice of intent to lien is sent by certified mail. Accounts not paid by June 1 are subject to foreclosure. A progressive administrative fee is charged based on the cost of filing and removing the notice of lien. If foreclosure is necessary, all costs will also be added to the delinquent assessments.

**IT IS BOARD POLICY THAT NO WATER WILL BE DELIVERED UNTIL ALL MONEYS, INCLUDING INTEREST, DUE THE DISTRICT ARE PAID,**

**&**

**BOARD POLICY REQUIRES SPRING MAPS BE SUBMITTED TO THE DISTRICT OFFICE BEFORE TURNOUT SERVICES (BOXES) MAY BE TURNED ON AND WATER DELIVERED (Resolution 2023-5 adopted to policy 5-9-2023).**

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### POLICY ON RE-ALLOCATING PROJECT WATER THAT IS TURNED BACK BY THE ORIGINAL WATER USER

Water right acres must be in demand or water rights cannot be returned to the District for reallocation. A full title search will be conducted on the property from which patrons wish to permanently transfer water rights to protect the interest of all parties. The transferor will be responsible for all associated costs.

The District will reallocate the water rights using the standby priority list started by the District and the United States Bureau of Reclamation in 1971. If an offer of reallocation is not accepted, that location will be removed from the standby list. No reallocation will be allowed from the river to the pipeline or from the pipeline to the river. The allocation will be offered to the location and acres as identified on the standby list even if the ownership has changed. The standby applicant can only use the water in the identified location and cannot move it to a new location. The recipient of the reallocated water rights will assume the financial obligation of the Bureau of Reclamation contract and will be responsible for paying for all facilities to get water to the new location. If the recipient has already paid for the facilities and is purchasing interruptible water, the water will become permanent and be assessed at the District specified rate.

All reallocation requests are subject to approval by the United States Department of Interior.

#### WATER REQUESTS:

All requests for water to be turned "on," "off," or "changed" are to be made at least twenty-four (24) hours in advance by telephone to the District office where it will be received by a person or a telephone recorder. For members below Farmington Bridge, orders should be made at least forty-eight (48) hours in advance.

The procedure for ordering water is listed on a separate sheet in the back of this booklet. Each delivery is numbered, and this number will be stenciled on the meter for river users and on the delivery structure for the pipeline. Please use this number when ordering water.

#### WATER DELIVERY:

In a normal year, there will be enough water available to provide 1.5-acre feet for each of the 17,000 irrigable acres in the District that were signed up for Bureau of Reclamation Project Water Service.

The Tualatin Valley Irrigation District system was engineered to provide 6.1 G.P.M. for each acre to be served by a turnout at 55 p.s.i. at the sprinkler, normally located near the high point on the land signed up for water service. Anyone found using water exceeding these rates is subject to regulation within the Tampering and Misuse policy.

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The District shall be under no duty and shall not be held liable for failure to deliver water during the irrigation season when such failure occurs from a deficiency of water or from any other cause beyond the control of the District. When the demand for water exceeds the capacity of the system, the users will be placed on allotment and all interruptible lands shut off from water service.

### WATER CHARGES:

The District repayment contract with the Bureau of Reclamation provides that the amount of water for which a minimum annual operation and maintenance (O & M) charge is made will entitle that water user to one-acre foot of water for each irrigable acre. The amount of the minimum annual O & M charge will be needed to assure that the District has sufficient funds for O & M expenses.

The O & M charges will be established by the Board of Directors when they set the annual charges in November of each year and will be collected by the District.

If the water user requires or uses more than one-acre foot per acre, an additional water charge will be made at the end of the irrigation season.

The additional water charges per acre to be paid to the District are as follows:

- A. The first 0.5-acre foot of additional water will be not less than 100% of the base charge.
- B. The next 0.5-acre foot of additional water will be not less than 120% of the base charge.
- C. Additional water beyond two-acre feet will not be charged less than 200% of the base charge.

All costs for the additional water will be paid by the landowners involved. The District shall measure the water delivered to each turnout and keep individual turnout delivery records. The agents of the District shall read all irrigation meters at such times and frequency, as the District deems necessary.

Statements of water used beyond one-acre foot per acre will be sent to each water user at the end of the irrigation season. Prior to delivery of water for any irrigation season, all delinquent charges must be paid including any penalties and interest which may have accrued, and the current year's charges.

### EXCLUSION OR INCLUSION OF LANDS:

The landowner who requests exclusion from the District will not be given a refund on assessments made previously, and any exclusion must have to be approved by the Board of Directors and the Secretary of the Interior of the United States government or his/her assigns.

The owner of record for those lands requesting inclusion must institute requests for inclusion of lands within the District boundaries. The inclusion is subject to the approval by the Board of Directors, by the laws of the State of Oregon and the rules of the Bureau of Reclamation.

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### INSPECTION BY DISTRICT AGENTS:

The water user within the District shall not refuse, neglect, or fail to afford any duly authorized agent or representative of the District free access at all reasonable hours to any parts of the premises supplied with water from the District's system for the purpose of reading meters and observing the manner in which water is used. Authorization of this section is provided for in Article XV of the By-Laws.

### OBSTRUCTION OF PIPELINE EASEMENTS:

No landowner or agent thereof shall plant, construct or erect, or cause to be planted, constructed, or erected any tree, dwelling, outbuilding, or other structure on or over any pipeline easement of the District. Any person violating this section shall be required to remove such tree, dwelling or other structure at his own cost and within reasonable time to enable the District to perform necessary maintenance or repair.

If, upon reasonable notice to the owner, such obstruction is not removed, the District shall make repairs as necessary and shall incur no liability to the District for any damages sustained by such encroachments.

### TAMPERING OR MISUSING DISTRICT FACILITIES:

The District will assume the responsibility of normal maintenance and repair of all meters and turnout facilities. However, when it is found that a member, their agent, or assignee has made an unauthorized adjustment or alteration to the turnout box or its appurtenances or has drawn water at a greater volume per minute than allowed for that turnout, they shall be sent a warning letter requiring them to cease and desist and he shall be advised as to the consequences of a second violation. If it is found that a second violation of the type aforesaid has occurred, the following procedures may be applied:

1. A letter may be sent to the member by certified mail, return receipt requested, setting forth the facts of the violation and the intent of the District to install an orifice plate on said turnout at the member's expense. The cost of said orifice plate and its installation, together with any consequential damages shall be billed to the member's account and must be paid before water is furnished for the next season. The letter shall also inform the member of the appeal procedure set forth below.
2. After receipt of the notice, a member may request a hearing before the Board of the District at the next regular meeting following the passage of fifteen (15) days from the date the noticed is received. At the hearing, the member may appear with or without counsel and present evidence and examine and cross-examine witnesses, who shall be first sworn. The Board shall make a written order of findings of fact as to whether a violation has occurred.



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If a violation is found, an orifice plate may be installed. The request for a hearing must be made in writing and delivered to the District office within ten (10) days from the date the notice is received, otherwise the right to a hearing shall be deemed waived and the orifice plate will be installed forthwith.

3. The member shall be responsible for all consequential damages arising from the above-mentioned violations. The appeal process shall apply to the determination of liability and damages.
4. In addition to, or in lieu of, the above procedures, the District may bring a civil action for damages against any person who knowingly and willfully tampers with the District's facilities or diverts water which they are not authorized to divert. In addition to recovering actual damages, the District may recover investigative cost, punitive damages, and costs of suit, attorney fees and expert witness fees.

### VARIATIONS OF PIPELINE PRESSURE:

The water user may install a District approved booster pump to provide higher pressures. The booster pump must match the District designed delivery quantity and pressure which varies at different locations on the pipeline. The use of oversized sprinkler equipment is not approved. Anyone requesting and/or using higher pressure assumes all liability for any damage caused to the District's pipeline delivery system because of improper use of facilities.

### CROP REPORTING:

Annual crop reports are a part of the contract between the District and the United States Bureau of Reclamation and will be taken each fall at the close of the irrigation season at a time proscribed by the district office. This report will include acres of each kind of crop on land serviced by water from the District. Refusal to give the necessary annual crop report will be determined a violation. Any beyond normal costs required of the District to obtain the annual crop information may be assessed the violator.

### WEED CONTROL:

It is in the District's interest to control weeds within a reasonable area adjacent to turnout boxes, control valves and air valves. The District, at its discretion, will apply a soil sterilizing agent when and where necessary to an area approximately 30 inches wide immediately next to the above facilities. This work will be done at District expense.

### ADDRESS OF WATER USERS:

Each water user or owner or land within the District shall provide the District with their post office address to which all official communications including additional water charges and notices of meetings may be mailed. In case of change of address, the water user or owner of land should promptly notify the District of such change.

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### INSTALLATION OF NEW DELIVERIES:

New deliveries will be considered when a land split occurs, water right acres are reallocated or for convenience of the landholder. Convenience boxes will be considered only when the following conditions are met: Lands to be irrigated are within the District boundaries and are classified as irrigable. Transferred water rights should originate from the same pipeline lateral to avoid velocity calculations. All system designs must meet the District specifications and be approved by the Board of Directors. Pipeline extensions of more than 50 feet must be approved by the Bureau of Reclamation. Easements must be recorded prior to construction. All costs are borne by the applicant including but not limited to 18% administration fee and recording charges. The number of acres served by a combination of the original delivery and the convenience delivery cannot exceed the number of acres assessed to the parcel.

### RIVER METERS:

All meters remain property of the District. After initial installation, it is the water user's responsibility to store the meter during the non-irrigation season in such a manner so as to prevent damage, undue exposure to weather and in a location where District employees may have access to service the meter at any time. If the meter cannot be located, it will be determined to be a violation.

Landowners may obtain additional meters from the District by paying the District the cost and installation charges. Only District meters may be used for delivery of District water.

When additional meters from the District are installed for the owner's convenience, an annual service charge will be made. If TVID is unable to locate a meter, the district will submit a bill for replacement charges to the person responsible for that meter.

### SPLITS OR DIVISIONS OF LAND:

The Tualatin project, as authorized and built, includes a number of irrigation related facilities which were turned over to the Tualatin Valley Irrigation District to operate and maintain. This includes such equipment as individual turnouts, water measuring devices (meters), pressure regulator valves, pipelines, turnout boxes and easements. Where a proposed land split requires additional equipment, easements and related delivery features, the request for any added turnouts are to be made in writing to the District. Eligibility for any additional turnouts will be determined by an engineering feasibility report that is acceptable to TVID and the Bureau of Reclamation.

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### SUBDIVISIONS:

ORS 92.090 (6) states that no plat of a subdivision or partition located within the boundaries of an irrigation district shall be approved by a city or county unless the city or county has received and accepted a certification from the district that the subdivision or partition is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district. The basic requirements for a certificate of inclusion or the subdivision or partition are:

- A. Minimum size tract eligible for water service is 2 acres.
- B. Turnouts, pipelines and other service features will be engineered by the District or their designee with the approval of the Bureau of Reclamation.
- C. The landowner will provide the District with all necessary easements needed to provide water service, at no cost to the District.
- D. Landowners will deposit sufficient funds to cover all anticipated expenses. This deposit will be made to the District. When final calculations are made, any excess funds will be refunded, or additional expenditures will be billed to the applicant.
- E. All added turnouts must have separate meters, turn-on-off valves, drains and other normal delivery features. The turnout must be located where District employees will have access for necessary service and maintenance.
- F. The total water available will be limited to the same gallons per minute as that provided for by the Bureau's original design.
- G. For tracts of less than 11 acres, there is an additional charge for operation and maintenance, and for construction as established by the Bureau for suburban agricultural tracts.

### CERTIFICATE OF SALE:

It is the responsibility of the landowner to notify the District of any sale or division of land, or any change in ownership within 30 days of the date of sale. This information as to tax lot number, section, township and range, and which acres are entitled to receive water. Certificate of Sale forms are available in the office for this purpose and shall be filed with the District prior to the issuance of clearance to receive water delivery. Eligibility for subsequent delivery of any water to lands involved shall be contingent upon filing of said Certificate.

### RECLAMATION REFORM ACT OF 1982:

The Tualatin Valley Irrigation District is subject to the discretionary provisions of the Reclamation Reform Act of 1982 (RRA).

The RRA requires that all persons, organizations, religious organizations, and Government Agencies which own and/or lease irrigable or irrigation land and which are subject to the discretionary provisions must certify or verify their land holdings annually. Tualatin Valley Irrigation District is subject to the discretionary provisions. The only exceptions are those who **own and/or lease**

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acreage totaling 240 acres or less. If your ownership or leasing arrangements change in some way you must notify the District, either verbally or in writing, within 15 days of the change and submit new certification forms within 30 days of that change. If your holdings do not change, you are required only to verify annually in writing in a form approved by the Secretary of the Interior that your most recently submitted certification form remains valid.

Leases are not required to be on file in the irrigation district office. The RRA requires that all leases must be written, for a period not to exceed ten (10) years except with written approval of the Bureau of Reclamation in regard to perennial crops, but in no case to exceed twenty-five (25) years. Further, the lease must be for a specified period of time, that payments are to be made and that the lessee will have use and possession of the land and assume the economic risk in the operation and management of the leased land. All landholders must make their leases available for inspection upon request. Failure to have a written lease constitutes noncompliance with the Reclamation Reform Act and subjects the non-compliant to Federal charges.

All certification or verification forms must to be on file in the District office prior to delivery of water. Failure to comply will jeopardize the continued delivery of irrigation water and could subject the District to compensation charges. Those charges will be assessed to the landholder refusing or neglecting to comply with the Reclamation Reform Act of 1982.

### DISTRICT NOT LIABLE FOR WATER SHORTAGE OR INTERRUPTIONS:

The Tualatin Valley Irrigation District is the administrator of a cooperative effort of all it's members and water service consumers to make use of the irrigation water resources available to the District, and that the operation of its facilities is complex and subject to unexpected and harmful interruption, therefore, no liability shall accrue the Tualatin Valley Irrigation District or any of its officers, management or employees for damage, direct or indirect, arising by reason of shortage in the quantity of water available through the irrigation system or interruption in water deliveries to lands in the District resulting from drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of facilities of the irrigation or storage system, whether or not attributable to negligence of officers, management or employees of the District or other causes of what ever kind. Nor shall the landowner's obligations to the District under this contract be reduced by reason of such shortages or interruptions.

In any year in which a water shortage occurs, the Bureau of Reclamation will apportion the available water supply among the District and others entitled under then existing contracts to receive water from the project. Any reduction in the project water supply shall be shared among the District and all other entities receiving a water supply from the project in the proportion that the District's water entitlement under the contract bears to the total quantity of project water under contract.

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### UNAUTHORIZED OR IMPROPER USE OF DISTRICT WATER DELIVERY FACILITIES BY LANDOWNERS OR OPERATORS:

To maintain efficient service and hold down costs to water users, it is the policy of the District to charge a water user and/or landowner for all costs of repair made necessary because of unauthorized and/or improper use of turnout facilities. Such activities include:

1. Water user operating District turn on and off valve. Anyone aware of such activity should report it to the District.
2. Adding on or hooking on any types of water discharge to the pipeline turnout boxes or air valves including pipe, hose, etc.
3. Attaching unauthorized automatic shutoff and on devices.
4. Damage caused to District facilities where two or more turnout boxes are hooked together.

Each winter several parts of the pipeline delivery system have suffered freeze damage. One common type of freeze damage has shown up where water users have connected their distribution system to the District turnout pipe without any foolproof way of disconnecting the pipes at the end of the irrigation season. The result has been that water has gotten back into any one of several of the following: Valves, pressure reducing valves, meters, air valves and turnout pipeline.

The water user and/or landowner is to provide an approved disconnect unit when the turnout pipe is connected to water user irrigation pipe or make arrangements with the District to provide same at the landowners' expense.

### METER REPAIR:

The District provides the labor for repair and installation or replacement of the meter, with the landowner and/or water subscriber to pay the District. The installation shall be established with due care to protect the meter.

### EXCAVATION OVER DISTRICT EASEMENTS:

Anyone planning to do excavation, trenching, filling, or digging within the TVID pipeline easement will be fully responsible for any damage to the District's pipeline and all other related facilities.

Before work is started, those doing the work, or those responsible for it being done, are to supply the District with full details of any excavation and what type of pipeline or facilities are planning to cross the District pipeline. The District's assistance in locating any of the above in no way reduces the liability or responsibility of those doing the work.

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### ROAD HAZARDS:

Putting water on a public road, deliberately or by neglect, could cause a liability to the irrigator and the district. The district, upon notification or discovery of such a practice, will inform the irrigator as quickly as possible and if no response is taken, the district may cease delivery of water.

### COMBINATION OF WATER DELIVERY ACCOUNTS

Water deliveries to a single ownership are combined on the pipeline or on the river. The river cannot be combined with the pipeline or the pipeline with the river. Leased deliveries may be combined with owned deliveries subject to a written lease of at least three (3) years and the aforementioned restriction. Combinations must be in place prior to water deliveries each season and are valid for no more than five (5) irrigation seasons. There is a charge for this service.

### OVERAGE CHARGES

**User Entitlement:** Water user entitlement is calculated by totaling the assessed acres either leased or owned and adding any interruptible acres purchased during the Spring Mapping process. Those acres are mapped to a specific box or river meter. District staff reads turn-out box & river meters three times through out the irrigation season then uses those readings to verify usage at the end of the season. If a water user exceeds their entitlement of one-acre foot per acre a charge is assessed.

#### **Overage Charges:**

Rate for 0 - 1.5 AF over entitlement 100%	\$58.00
Rate for 1.5 - 2.0 AF over entitlement 120%	\$69.60
Rate for 2.0 -100 AF over entitlement 200%	\$116.00

*Additional penalties apply when delivery exceeds 2.5 acre-feet per acre.*

#### Rate Structure for Interruptible Overage's

When there is a mix of assessed and Interruptible acres mapped and an overage occurs there will be a tiered rate applied based on the percentage difference in acres. Example: If a patron maps 50 acres of assessed and 50 acres of interruptible water there will be a 50% ratio. Whereas 50% of the overage will be billed at the contracted assessed rate and 50% will be billed at the interruptible rate.

*Those who use Interruptible water exclusively will be charged at the current Interruptible rate for all overages.*

All costs for the additional water will be paid by the landowners involved. The District shall measure the water delivered to each turnout and keep individual turnout delivery records. The agents of the District shall read all irrigation meters at such times and frequency, as the District deems necessary. Statements of water used beyond one-acre foot per acre will be sent to each water user at the end of the irrigation season. Prior to delivery of water for any irrigation season, all delinquent charges must be paid including any penalties and interest which may have accrued, and the current year's charges.