

**METHOW VALLEY IRRIGATION DISTRICT
RULES AND REGULATIONS
AMENDED February 13, 2017**

1. **IRRIGATION SEASON:**

The irrigation season shall start on the fifteenth day of April and end on the fifteenth day of October each year, or as otherwise set by the Methow Valley Irrigation District Board of Directors (District) based on water availability, operation and maintenance needs, climate, and/or member water usage.

2. **DELIVERY AMOUNT:**

Water will be delivered on demand up to the capacity of the District system and availability or permitted quantity of the water, or up to the on-farm duty set by the District, whichever is less. Water rationing may be required by the District in times of shortage.

3. **DELIVERY POINT:**

A. The District shall deliver water to a member's property boundary. The District shall have no responsibility for any pipes, laterals, or other infrastructure beyond the point of delivery.

B. The District shall install no more than one take-out with valve to serve the premises of any one user. Provided, however, that with prior approval of the District, the District may install additional take-outs with measuring devices at the sole cost and expense of the water user, if such installation appears to the District to be justifiable. All cost of installation, operation and maintenance of such additional construction shall be assumed and paid for by the water user.

C. A water user must obtain written District approval prior to changing any point of water delivery. When a water user changes his or her point of delivery, the preceding point of delivery shall be eliminated and removed. All costs incurred by changing the point of delivery (including decommissioning the preceding point of delivery) shall be the obligation of the water user.

4. **LAND USE ACTIONS**

A. **Land Divisions**

- i. The District may develop procedures, forms, timelines, and fee schedules for land division approval. Project proponents are encouraged to contact the District Office prior to initiating any land division within the District.
- ii. The District may only approve land division requests by District resolution.
- iii. All land division requests require the developer or proposer of the land division to file a petition with the District to create a Local Improvement District (LID) within the District except that the District, at the District's sole discretion, may waive the requirement to form a LID for a land

division that requires no new infrastructure other than the installation of turn-outs on an existing District lateral.

- iv. For all land divisions other than those exempted under Section 4(A)(iii) above, the developer or proposer must file a petition with the District to create a Local Improvement District (LID) within the District that will be responsible for all costs associated with the new irrigation pipeline, as deemed necessary by the District, including but not limited to: permitting, construction, overhead, legal fees, interest, maintenance, repair, and re-construction for a period of not less than 5 years. If approved by the District, the District must pass a resolution stating that the LID is approved. Once a LID is approved by the District, the District shall publish formal notice of creation of the LID as required in RCW 87.03.480-527.
- v. After creation of the LID, or exemption from the LID requirement as allowed in Section 4, Item C of these rules and regulations, the developer may elect to construct the new facilities with the consent of the District. Alternatively, the District will construct or contract for construction. In either instance, the District will own the new infrastructure after construction—no new private laterals will be allowed in the District after February 8, 2016.
- vi. If the developer elects to construct the new facilities, the developer must submit two full sets of printed plans to the District Office for review and approval by the District prior to construction. The District may approve those plans at a board meeting, to be documented in meeting minutes, or otherwise approve the plans in writing. The developer will have one year from the date of the District's approval of the land division plans to complete the project, including all of the following:
 - a. Submittal of a sworn statement made before a notary public and under penalty of perjury by the applicant(s) that the property affected by the application is in the exclusive ownership of the applicant(s), or a sworn statement made before a notary public and under penalty of perjury executed by all owners of the affected property that the application has been submitted with their consent;
 - b. Allocation of the existing irrigation water among all parcels created through the land division, including identifying any parcels that will receive no water;
 - c. Obtaining District approval of the proposed pipeline alignment that will serve the new parcels being created;
 - d. Signing, submitting to the District to sign, and recording (in Okanogan County) an easement document, granting the District a 25-foot-wide easement (12.5 feet either side of the centerline of the proposed irrigation infrastructure or as otherwise directed by the District) for District access to the pipeline for maintenance and repair;

- e. Construction of the facilities to District specifications. If a new take-out on the District system is required, the District will provide a list of eligible contractors to install a new take-out on the existing District infrastructure and the developer must use one of those contractors to install the take-out. The developer must have a signed construction agreement with MVID before altering any district facilities;
 - f. Obtaining District inspection of the constructed system prior to backfilling;
 - g. Providing the District with a written, two-year warranty on construction; and
 - h. Providing the District with two sets of printed as-built plans and one set of electronic as-built plans (all drawn per District guidelines).
- vii. If the developer does not complete the land division plan and development per Section 4, Items A-F above, the District shall install the laterals and any other infrastructure necessary to deliver District irrigation water to all parcels within the LID and assess the members of the LID all such installation costs.

B. Boundary Line Adjustments and Exempt Segregations

- i. Land owners are encouraged to contact the District Office prior to initiating a Boundary Line Adjustment (BLA) within the District.
- ii. The land owner is responsible for allocating irrigation water among all parcels affected by any BLA within the District, including identifying any parcels that will receive no water. The assessed acreage of each parcel may be no greater than the irrigable acreage of said parcel, as determined using the methodology established by Aspect Consulting as a part of the district's 2015-16 right-sizing. The land owner is responsible for all costs associated with determining the irrigable acreage of the parcels affected by the BLA.
- iii. The land owner is responsible for the cost of installing any infrastructure necessary to deliver District irrigation water to all parcels affected by any BLA or Exempt Segregation within the District.
- iv. Exempt Segregations are subject to all provisions of the "Land Divisions" section, above, with the following exception: no prior request is required, although land owners are encouraged to contact the District Office prior to initiating an Exempt Segregation within the District. The land owner or other proponent of the Exempt Segregation must file a petition to create a Local Improvement District (LID) as specified in Paragraph iv in the "Land Divisions" section above unless that requirement is waived by the district, and comply with all remaining Land Division provisions.

5. WATER USAGE:

- A. The water furnished by the District shall be used only for the purpose of irrigating land.

B. No water user shall permit water to run off his or her land onto adjacent lands, allow the water to spread out on low places on his or her or adjacent lands (including the filling of low areas to use as ponds), or use water in any manner that may constitute waste of the water.

C. In the event the District at its discretion finds it necessary to meter or measure the diversion of water to a member's property, the District shall install a water measuring or metering device and assess the member the cost of meter installation.

6. USE OF SURPLUS WATER:

A. The use of water for lands outside of the District may be authorized by the District if the District finds that the needs of members within the District are supplied. The District must authorize any "extra water users" annually. Extra water users must apply for use of District water each year; sign an agreement acknowledging that such use is temporary and interruptible; and pay the entire cost of the water and any infrastructure needed to deliver the water prior to using any water.

B. The rates for such use are to be fixed by the Board of Directors. The rate for such use shall in no case be less than the rate charged to District members and shall include a surcharge for electrical power costs for West-side users.

7. WATER RATIONING:

If for any reason there should be a shortage of water, the District shall cause the water to be apportioned amongst water users to ensure compliance with physical and legal water availability. The District may take the following measures during times of shortage:

A. No water shall be distributed to the land of any water user who is delinquent in the payment of assessments.

B. Voluntary water conservation may be encouraged to maximize beneficial use on water users' lands.

C. The District may cease delivery if a water user's use exceeds the on-farm duty set by the District.

D. The District may permit water banking transfers per Section 8 of these rules (Water Banking).

E. The District may pro-rate (reduce) deliveries among water users on the basis of assessed acreage.

F. The Directors, if they deem it in the best interest of the District, may order and enforce the use of water in rotation by water users.

8. WATER BANKING:

A. External MVID Water Bank. The District manages an external water bank with the Washington State Department of Ecology (Ecology) through the State Trust Water Program, RCW 90.42, to ensure the District's diversions and withdrawals are consistent with its water rights. Water is allocated from the bank to the District, and can be assigned to District water users. However, the District retains title to the underlying trust water, and in the event that a water user who is assigned water by the District forfeits that water due to voluntary nonuse, abandonment, lack of diligence, or other reasons, the District retains the right to assign that quantity to others. The District can offer that water to other District users, or other users under Sections 6 and 9 of these rules and regulations, provided that the District obtains any necessary approvals from Ecology.

B. Internal MVID Water Bank. Any member can petition the District to allow their water deliveries to be temporarily used by another member during time of shortage, provided sufficient delivery capacity exists for the conveyance of such water and there are no adverse impacts to the District or its members. No such District transfers are permissible without express authorization by the District.

9. TRANSFER OF MEMBER INTEREST:

A. Upon District approval, a member may transfer their District interest (assessed acres) to another property that they own within the District provided that there is no additional cost to the District and that the transfer would not exceed the on-farm duty (as set by the District) for any parcel.

B. The District may approve permanent transfers between members only if the District's water rights are equal to or exceed the District's assessed acreage, the transfer would not create any additional cost to the District, and the transfer would not exceed the on-farm duty (as set by the District) for any one parcel.

C. If the District's water rights exceed assessed acreage, the District may:

a) First, offer District members who are also extra water users (for land in excess of their assessed acres) the opportunity to increase their assessed acres within the District.

b) Second, offer to increase the assessed acreage of any existing District member.

c) Third, advertise for sale the opportunity to become a District member. Any new member(s) would be responsible for the cost of connecting to the District irrigation system.

10. WATER SHUT-OFF:

The District shall have the right to shut off the water from its canals, pipes, or laterals for the purpose of repairing the same at such times as urgent necessity may require. The District shall also have the right to shut off water if a water user is delinquent in his or her assessments, or if the water user is not in compliance with the rules and regulations of the

District. Except in emergencies or when notice is not feasible, the District will use best efforts to notify the water user(s) prior to shut off of the water.

11. FENCES AND ANIMAL LIFE:

A. No water user shall place obstructions across the District easement so as to in any manner interfere with or hamper the work of the District. No fences shall be built across the easement without prior written District approval, and any fences approved by the District shall be allowed only after the installation of a gate to allow District access. In the event the District must open a gate or remove a fence to access the District's easement, the District is not liable for any damage that may result.

B. Domestic birds and animals that interfere with proper distribution of water or that adversely affect water quality shall not be permitted on District easements.

12. BUILDING:

No residential, agricultural, commercial, or industrial buildings, sheds, garages, or similar structures shall be permitted on District easements.

13. BRIDGES:

A. Bridges and pipe crossings may be constructed over canals, pipes, and laterals (and on adjacent easements) if they do not interfere with the operation and maintenance of District facilities, but only with written approval of the District via a permit (to be obtained prior to construction of such bridge or pipe crossings).

B. Any person doing such construction shall assume full liability for any and all damages, personal and/or property, resulting from said construction. This statement is to be written in all permits and signed by the landowner and the person(s) doing the construction.

14. PLANTING OF VEGETATION:

No person or persons shall plant any type of vegetation (including but not limited to shade trees, shrubs, flowers or crops of any type) upon any of the District's easements, without prior written permission. The District shall not be held liable for damage to vegetation within the easement during District maintenance and repair activity.

15. WEIR, HEADGATE, AND VALVE CONTROL:

No water user shall in any manner tamper with the headgate, valves, spillways, weirs or measuring devices of the District.

16. POLLUTING WATER:

No person shall bathe, swim, or throw or deposit any offal, animal carcasses, or other matter in District facilities or upon or near the District's easement, or in any manner corrupt or render unwholesome or impure water of the District's conveyance system.

17. **WRONGFUL TAKING AND USING OF WATER:**

No person shall take or use water from any District conveyance facility without consent of the District. Such actions are theft of District property.

18. **EQUALIZATION AND ASSESSMENTS:**

A. The Board of Directors shall meet as a board of equalization each year beginning on a date advertised in the local newspaper and in accordance with RCW 87.03.255 to fairly equalize all assessments assessed by the Board in accordance with RCW 87.03.240, RCW 87.03.245, and RCW 87.03.250.

B. The Board of Directors shall set assessment rates annually at an open, public meeting.

19. **RULES AND REGULATIONS:**

A. All rules and regulations of the District are to accord with any and all Washington State Title 87 Irrigation Laws. If any of the METHOW VALLEY IRRIGATION DISTRICT RULES AND REGULATIONS are found to be in disharmony with the State's statutes as set down in Title 87, then the State's statutes shall supersede the rules and regulations of the District.

B. All rules and regulations of the District are to accord with the District's by-laws. If any of the METHOW VALLEY IRRIGATION DISTRICT RULES AND REGULATIONS are found to be in disharmony with the District's by-laws, then the by-laws shall supersede the rules and regulations of the District.

C. All District resolutions are to accord with these rules and regulations. If any District resolution is in conflict with these rules and regulations, the resolution will not become effective unless and until the District rules and regulations are modified.

20. **DAMAGE TO DISTRICT INFRASTRUCTURE:**

No landowner or water user shall operate any equipment in the District's easement that could damage the District's facilities, or allow such operation. If such damage occurs, the landowner or water user must reimburse the District for the cost of infrastructure repair or replacement.

21. **LIABILITY:**

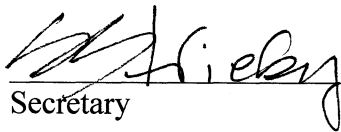
A. The District shall not be liable for damages for failure to deliver water during the irrigation season when such failure occurs due to lack of available water or is caused by accident, interference, temporary damage by fire, flood, cloud burst, canal or pipe break, or otherwise, provided that the District shall use reasonable diligence in protecting the flow of water in its infrastructure.

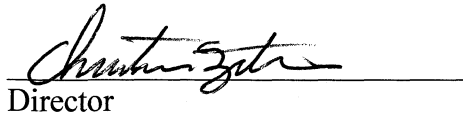
B. The District makes no warranty regarding the quality of its irrigation water or the suitability of its water for any purpose.

C. The District shall not be liable to any landowner or water user within the District because of any damage to his or her lands or property by seepage from District infrastructure or any overflow due to breakage except in cases of the negligent operation and/or maintenance of said infrastructure due to the acts of the District's directors or employees.

Dated this 13th day of February 2017.

ATTEST:


Secretary


Director


Director

Director