



## RULES AND REGULATIONS

Adopted by the Board of Directors, October 8, 2020

## TABLE OF CONTENTS

I.	GENERAL.....	1
A.	Governance.....	1
B.	Ownership Records.....	2
C.	Payment of Assessments.....	2
D.	Payment for Supplemental and Excess Water.....	3
E.	Combinations.....	3
F.	Acreage Limitations.....	5
G.	Permanent Release of Water Allotment.....	5
II.	WATER DELIVERY.....	5
A.	Water Delivery Season.....	5
B.	Delivery.....	5
C.	Water Orders.....	6
D.	Prorating of Water Supply.....	6
E.	Delivery Points.....	7
F.	Locked Facilities.....	8
G.	Flooded Measuring Devices.....	8
H.	Pump Plant Operations.....	9
I.	Responsibility for Tail and Operating Waste Waters Disposal.....	9
J.	Frost Control.....	9
III.	ALTERATIONS TO FACILITIES.....	10
A.	Permits.....	10
B.	Fences.....	11
C.	Livestock Grazing.....	12
D.	Lowering Agricultural Buried Drain Manholes.....	12
E.	Lawn and Stock Water.....	12
IV.	DAMAGES.....	13
A.	Liability.....	13
B.	Damages to Facilities.....	13

## RULES AND REGULATIONS OF THE SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

The South Columbia Basin Irrigation District (District) is one of three irrigation districts comprising the entire Columbia Basin Project. The Districts operate primarily under, and are subject to, applicable federal and state reclamation and irrigation laws and are subject to the terms of the December 18, 1968, Amendatory, Supplemental, and Replacement Repayment Contract between the United States of America and the Districts. The first and prior use of all facilities is to provide irrigation supply for the benefit of the Project landowners. The Rules and Regulations, as adopted and as may be hereafter amended, are necessary to facilitate the distribution of water.

### I. GENERAL

#### A. Governance

These Rules and Regulations, as herein adopted, and until hereafter amended, along with the Bylaws of the District incorporated herein shall govern the management of the District and the operation of its water supply and distribution system.

A copy of these Rules and Regulations shall be kept at the office of the South Columbia Basin Irrigation District and copies made available to landowners at their request. The Rules and Regulations will also be made available on the District website.

The Board of Directors of the District has authority to repeal, modify and add to these Rules and Regulations at any regular or properly called special meeting of the Board. Any such amendment, addition, or deletion shall be effective upon adoption by the Board of Directors and shall supersede previously circulated copies of the Rules and Regulations. Further, the copy of the Rules and Regulations on file in the District Office shall be the official copy. The District assumes no responsibility for circulating the most recent copy of the Rules and Regulations to any of the landowners.

## B. Ownership Records

The District record of land ownership is obtained from county records. It is the responsibility of the landowner to supply the District with a current name and address if it is different than County Records. The District is not responsible for interest and costs accruing on delinquent assessments which occurred or may have occurred as a result of the assessment statement sent to an incorrect address.

## C. Payment of Assessments

Lands eligible for water service and subject to assessment include those lands platted by the United States Bureau of Reclamation (Reclamation) as Columbia Basin Project farm units, and those additional lands for which there exists a valid water service contract with the District. No water shall be delivered until all current and accrued water charges have been paid. Water charges run against the land and must be paid before the land receives water. Assessments become delinquent if not paid by May 1 of that year. Assessments must be paid every year whether water is used or not. All payments shall be received at the Pasco business office. In the event water is inadvertently turned on prior to payment of the assessments, the landowner will be given 48 hours following notification before water is turned off.

Lands for which no water delivery infrastructure has yet been constructed but have been platted by Reclamation for the purpose of future water service are subject to assessment, which may be paid in two installments. First half payments are accepted if paid on or before April 30. No first half payments are accepted after April 30<sup>th</sup>. The second half payment is due on or before October 31<sup>st</sup> or the account becomes delinquent. Half payments do not entitle the land to receive water. No half payments will be accepted if the entire bill is less than \$10.00.

Delinquencies are certified to the District Treasurer on November 1<sup>st</sup> for collection. All delinquent accounts shall bear interest at the rate of twelve percent (12%) per year, computed on a monthly basis and without compounding, from the date of delinquency until paid. Advertising costs and other collection costs, including attorney's fees, will be added to delinquent accounts that are certified to the District Treasurer on November 1<sup>st</sup> for collection. Uncollected delinquencies allow the District to place a lien against and foreclose on the land by the District Treasurer.

#### D. Payment for Supplemental and Excess Water

The District requires payment in advance for supplemental and excess water, unless the wateruser has made an agreement with the District to extend credit for the purchase of supplemental and excess water prior to delivery of same. A wateruser must own irrigable land in the District before a credit extension is granted.

Payment for supplemental and excess water purchased on credit as outlined above is due on or before January 31<sup>st</sup> of the following year. Payment for delivered supplemental and excess water must be made prior to the delivery of water the following year. Past due supplemental and excess water bills will bear interest at the rate of twelve percent (12%) per year, beginning on February 1<sup>st</sup> of the year following the delivery of the supplemental and excess water.

#### E. Combinations

Combination of platted farm units and combinations of water service contract land for water record keeping purposes is permitted subject to the following conditions:

1. Combinations are permitted between platted units situated in the same county subject to the following conditions:
  - a. Irrigation Block 24 units may only be combined with Block 24 units.

- b. Unit portions which contain less than 15 irrigable acres may only be combined with other portions within the same unit. The District may allow combinations of a unit portion with an adjacent unit if both units are under the same ownership and receive water through the same delivery facility. The exception is subdivisions in permanent combinations.
2. Combinations are permitted between the same types of water service contract, i.e., Limited with Limited; Interruptible with Interruptible; and Waste, Seepage & Return Flow with Waste, Seepage and Return Flow contract, if the combination is in the same county.
3. Requests for combinations after June 1 and/or changes to existing combinations in effect after date of June 1 will require payment in advance of \$50.00 for each unit.
4. No Combinations or changes will be accepted after July 31<sup>st</sup>.
5. Combinations remain in effect for the current season only. Previous season combinations are null and void.
6. Unit irrigation assessment, tolls, and/or charges must be paid in full prior to formation of combinations.
7. Waterusers must grant consent for formation of combination by signing a combination form which is available at the Pasco office.
8. The District will only recognize one wateruser per combination.
9. The combination does not provide for combining peak delivery capacity when, or if, prorating becomes necessary.
10. Flooding of measuring devices may be cause for cancellation of the combination.
11. Water from a combination may not be used to irrigate land outside a farm unit or water service contract.

## F. Acreage Limitations

Water deliveries will only be made to those lands which are in compliance with the acreage limitation provisions of the Reclamation Act of 1902, the Reclamation Reform Act of 1982, and other federal reclamation laws.

## G. Permanent Release of Water Allotment

Landowners can request to enter into an Agreement with the District for permanent release of water allotment and relief from future assessments of their land. Interested Landowners should contact the District's main office for more information and to request an "Agreement for Permanent Release of Water Allotment". Completed Agreements must be submitted no later than November 1st of each year for the release of allotment to take effect the following year. All current and past assessments must be paid in full prior to submitting an Agreement. No refunds or prorating of the current year's assessment will be given to landowners who submit an Agreement during the irrigation season. A check must be included with all submitted Agreements to cover County recording fees. These fees will be determined based on current rates set by the County at the time of submission.

## II. WATER DELIVERY

### A. Water Delivery Season

The water delivery season is set by the Board of Directors after consulting with the Reserved Works Committee of the three Columbia Basin Project Irrigation Districts. Water start and stop dates will be published on the District website and posted at the Watermaster offices.

### B. Delivery

Water will be delivered as ordered subject to the available water supply and the capacity of the conveyance system. Any water delivery may be suspended in the event of said delivery causing adverse impacts to District facilities.

## C. Water Orders

The water order cutoff time will be published on the District's web page at <https://www.scbid.org> and posted at each Watermaster Office. The District may make changes in water order cutoff time as required or necessary.

A water request card, completed and signed by the wateruser, outlining a change in the water delivery amount must be received by the Ditchrider before the water order cutoff time on the working day prior to the effective day of change in delivery amount requested. The water request cards are provided by the District. No water request orders will be accepted on Sunday. In case of multiple waterusers on one turnout, water orders will be honored from only one wateruser unless a written statement outlining a water ordering procedure is approved by the District and respective turnout waterusers.

Telephoned orders will be accepted provided that the wateruser completes a water request card and the Ditchrider receives said card prior to performing a water order change request the following working day. The District will not be responsible for errors in telephoned orders.

Faxed orders will be accepted provided that the water request card, completed and signed by the wateruser and faxed to the Watermaster office, outlining change in the water delivery amount is received by the Watermaster office before the water order cutoff time on the working day prior to the effective day of change in delivery amount requested.

As technological improvements are implemented by the District, the water ordering process may change.

## D. Prorating of Water Supply

In the event that the District is unable to delivery any or all of the full amount of water from the District, the District reserves the right to apportion the District's available water. Apportionment of the District's water may be due to either legal or physical reasons including but not limited to hydrologic shortages and operational restrictions.

Water supply shortage will be computed and based on irrigable acreage and share of system capacity as provided to the District by Reclamation.



Conveyance system capacity issues will be resolved sequentially as follows:

1. District operational wastes will be minimized.
2. Ditchriders will move available water around among all waterusers within the same ride.
3. Water Service Contracts are prioritized by contract issue date – older contracts having earlier priority dates and newer contracts having later priority dates. Newer Water Service Contracts will be shutoff first and proceed in order from later to earlier priority dates.
4. Ditchriders will move available water around among U.S.B.R. platted irrigable lands within the same ride.
5. Water delivery to U.S.B.R. platted irrigable lands will be prorated, based upon share of system capacity for each farm operation which receives water from a Project facility with capacity issues.
6. As system water demands reduce and prorating requirements diminish, water delivery will be restored fully to U.S.B.R. platted irrigable lands first. Thereafter, water service will be restored to Water Service Contracts in order from earlier to later priority date contracts, i.e. earlier priority date contracts get water before later date contracts.

#### E. Delivery Points

The delivery point for all land shall remain as constructed and designed by Reclamation unless the delivery point is relocated through proper documentation and District approval. The relocation of a delivery point must be approved by all parties of interest to lands initially platted to receive water through said delivery point.

Additional delivery structures (points) will be furnished by the landowner if approved by a Permit. Additional delivery points may be authorized, on a case-by-case basis by Permit, provided the turnout will not adversely impact operation of District facilities or deliveries to other waterusers. The lands served by such additional turnouts will be subject to a special O&M annual fee to offset the additional cost of operating the additional turnout. All turnouts will be constructed to District specifications.

Small tracts, subdivisions, part-time units, and multiple ownership units are subject to the same delivery conditions as other farm units. Waterusers of such units are responsible to divide and measure their own water after it leaves the District delivery measurement structure.

District employees are not allowed to measure or divide water or keep records of water divisions or measurements beyond the District delivery or measurement structure.

The District will not turn off any landowner's pump. The District strongly recommends the installation of a pressure switch to protect the landowner's pump due to lack of water.

#### F. Locked Facilities

All measurement facilities, regulating structures, and turnout gates will be locked at all times except when a wateruser change agreement is approved annually by the area Watermaster for certain deliveries which do not affect any downstream users.

#### G. Flooded Measuring Devices

Efforts will be made to secure correct readings at flooded measuring devices. The wateruser is responsible for all measurement and operational errors resulting from a flooded measuring device and the District will not be responsible for any loss of water to the wateruser. Any change in the wateruser's irrigation system that affects the control water surface elevation of the canal or lateral must have a Permit. No devices shall be installed that will result in the loss of the District's control of the delivery of water.

The District may refuse delivery of water at its sole discretion to units or parcels thereof which are set up to flood turnouts located on laterals without operating wasteways – commonly referred to as dead-end laterals. Waterusers whose turnouts flood back into a dead-end lateral, resulting in damages to District facilities, will be liable for said damages.

#### H. Pump Plant Operations

Pumping plants will be started whenever the demand exceeds one-third the capacity of a single pump. No District pumping plant which has been off-line more than one hour will be restored to service between 9:00 p.m. and 5:00 a.m. unless field conditions dictate the need as determined by the respective area Watermaster to preserve conveyance system integrity.

#### I. Responsibility for Tail and Operating Waste Waters Disposal

Each wateruser is responsible for his own tail, and/or operating waste water disposal. The District may reduce the water delivery to any farm unit if return flow to the District's system is deemed unreasonable due to quantity or quality, at the sole discretion of the District. Whenever the quantity or quality of water being returned to the District is endangering District facilities or properties of others, the District may reduce or shut off water being delivered.

#### J. Frost Control

Based on requirements of State and Federal Law and the District Repayment Contract, and an inherent policy of fairness and equitable treatment to all waterusers, no special consideration can be given to those waterusers requesting to use irrigation water for frost control. The irrigation system was not designed or constructed to handle short frequencies of high demand desired for frost protection. Due to the physical nature of the canal and distribution systems, interruptions of delivery can occur during a critical period. Therefore, the District does not guarantee availability or consistent delivery of water for frost control purposes. When available, the District may deliver water for frost control purposes in accordance with this section.

If a wateruser desires irrigation water for frost protection purposes, the following conditions and restrictions will be applicable, at the discretion of the District:

1. Water must be ordered, and will only be delivered, in the usual manner, that is:
  - a. Within the Ditchrider's normal daily delivery schedule.
  - b. Water orders must be placed by the water order cutoff time the prior working day to when the water is to be delivered. No water request orders will be accepted on Sunday.
2. Irrigation water will not be regulated in the off hours for frost control.
3. Present irrigation district facilities will not be altered to increase water supply capabilities.
4. Unused water or waste water must be properly disposed into an existing District wasteway or open drain. Waste water will not be allowed back into the canal or an underground drain, unless District management determines that there is adequate system capacity and that said waste water will not cause operational problems in the delivery of water to other District lands.

### III. ALTERATIONS TO FACILITIES

#### A. Permits

Any activity which will occur on or any structure which will alter or adversely affect District facilities, easements, or rights-of-ways must be sanctioned by an applicable Permit approved by the Board of Directors. Examples of such structures or activities are, but not limited to:

1. Discharge of water into District canals, laterals, and drains
2. Lowering agricultural buried drain manholes
3. Stock water and lawn water pumps
4. Fences and cattle guards
5. Road crossings (culvert or bridge)
6. Waterline crossings (irrigation, domestic, industrial, sewer)

7. Powerline crossings
8. Buildings
9. Communication line crossings
10. Ditches
11. Lining or piping canals, laterals, and drains
12. Realignment of District channels
13. Installation of additional turnouts
14. Modification of measuring devices
15. Elimination of turnouts
16. Elimination of unused channels
17. Ponds
18. Grazing

Any such activity must comply with current District specifications and requirements, which will be outlined on each Permit. Permits may be revoked by the Board of Directors for failure to comply with a permit. . All activities pertinent to a granted Permit shall be carried out in the reasonable length of time, as set forth in the Permit.

Requests for Permits must be received by the District at least 45 days prior to the next regularly scheduled Board meeting for consideration at that meeting.

Unapproved, non-District activities and structures are subject to immediate removal at the offending wateruser's expense without prior notice or bond.

## B. Fences

A Permit must be obtained for any permanent fence placed within a District right-of-way. No permanent fences shall be built across O&M roads, canals, laterals, drains or wasteways unless adequate provisions are provided for District access as required by the Permit. All materials shall be furnished by the landowner and shall meet District specifications. An adjacent road and gate may be required to permit passage of oversize equipment. A permanent fence is any fence which will remain in place during the irrigation season.

Temporary fences within the right-of-way and across O&M roads, canals, laterals, drains, or wasteways may be erected at the end of the irrigation season subject to written approval of the Watermaster provided said fences are removed prior to the next irrigation season. Gates must be provided at any access to the waterway to allow passage of operation and maintenance equipment.

#### C. Livestock Grazing

Livestock grazing within the District right-of-way may be granted by Permit. Grazing Permits will not be granted where livestock would interfere with proper distribution of water, adversely impact water quality, or damage District facilities or rights-of-way. Landowners will be responsible for any damage to District facilities caused by unpermitted livestock grazing.

#### D. Lowering Agricultural Buried Drain Manholes

A Permit must be obtained to lower any agricultural buried drain manholes. The District will perform the work required to lower manholes at the landowner's expense. The landowner shall pay a fee, according to the fee schedule, per approved manhole prior to scheduling of field activities. The removed manhole rings remain the property of the United States and will be transported to a District yard by District personnel.

#### E. Lawn and Stock Water

Lawn and stock water, not to exceed 0.1 cfs. (approximately 45 g.p.m.), may be supplied without charge through the regular delivery point to assessed land, only if water is readily available. Lawn and stock water pumps in canals and laterals may be allowed by Permit to assessed lands only if such pumping does not interfere with normal operation and maintenance or downstream deliveries. Pumps may be required to be left off during times of rationing or prorating. Pumps for lawn or stock water must be installed in accordance with current District specifications and requirements as set forth in the Permit. The District makes no warranty of any kind regarding the suitability of District water for stock purposes.

#### IV. DAMAGES

##### A. Liability

The District shall not be liable to any wateruser within the District because of: any damage to his lands or property by seepage from the canal; any overflow from the canal; or the breaking or washing out of its banks; or any damages to crops due to the quality of the water including any chemicals that may be in the water.

##### B. Damages to Facilities

Landowners shall notify the District immediately upon damaging District maintained irrigation facilities and structures. Landowners shall be responsible to the District for the cost of repairs to facilities and structures. The District will repair damages to its facilities. District management may, at its discretion, authorize the person causing damage to repair the damage. The cost of repairs performed by the District will be charged to the landowner.

When the District, at its sole discretion, determines that shrubs, trees, or similar foliage is impeding the flow of water, or the operation and maintenance of District facilities or rights-of-way, the District may order the removal of such shrubs, trees, or foliage. The District will remove the shrubs, trees, or foliage, but the costs of the work performed by the District will be charged to the landowner.

These Rules and Regulations have been Adopted and Approved by the South Columbia Basin Irrigation District Board of Directors on the 8th day of October, 2020.

By  \_\_\_\_\_  
Vice-President, Bryan W. Alford  
South Columbia Basin Irrigation District Board of Directors