

**RULES AND REGULATIONS  
OF  
THREE SISTERS IRRIGATION DISTRICT**

**2010**

**1. DESCRIPTION OF DISTRICT**

- A. The Three Sisters Irrigation District is a quasi-governmental corporation, a political subdivision of the State of Oregon, duly organized and operated under Oregon law governing irrigation and other special districts. Special districts are governed by a variety of Oregon statutes and administrative rules; more specifically, Chapter 545 of the Oregon Revised statutes addresses the operation of irrigation districts. In addition, an entire body of law and custom has developed around the question of access to water in Oregon's streams and the water rights attendant to that access.
  
- B. The Squaw Creek Irrigation District was founded in 1917 from the Squaw Creek Irrigation Company and the Cloverdale Irrigation Company, which were founded in 1895 and 1903 respectively, making Three Sisters Irrigation District one of the oldest such districts in Oregon. Its purpose is to react to a communal need to provide irrigation water to the farming and ranching interests located in an area generally described as running in a northeasterly direction from Squaw Creek (a tributary of the Deschutes River), through the Cloverdale area, and down McKenzie Canyon to the Lower Bridge area.
  
- C. The system consists of a series of District owned and operated canals and pipelines privately owned and operated ditches, and pipelines and two principal water storage facilities. Water diverted from Whychus Creek flows to the Watson Reservoir, from which it runs through the Main Canal and Cloverdale Pipeline and Canal to the McKenzie Reservoir. Along the way, a series of private ditches and pipelines are fed, each with its own head gates and measuring devices. From the McKenzie Reservoir water runs down the Association and Black Butte Canals where it serves the needs of McKenzie Canyon and Lower Bridge members.

The Cloverdale Canal & Pipeline is governed by the following agreements, judgments and settlements:     The 1940 Cloverdale Agreement

- The 1953 SCID vs Cloverdale Irrigation Co. Judgment
- The 1964 SCID vs Choin Judgment & Decree
- The 2001 Lazy Z Partners LLC vs SCID Settlement
- The 2003 Cyrus vs SCID Settlement

A listing of the private ditches in the Upper Divisions follows.

Fryrear	Billings	A. Cyrus	B Ditch
Thompson	Vermilyea	Brown	Hurtley
Bartlemay	Clement	Desert Sands	
Z Ditch	Arnold	Hermans	

- D. State and Federal laws applicable to District require that water transfers be approved by the State (Oregon Water Resources Department), the District (TSID Board), and the

property owner of real property to which the water right is appurtenant. These three parties, in cooperation, control the water and its use. This relationship is analogous to a trustee relationship, such that the State of Oregon/United States is the grantor, the District is the trustee responsible for caring for the water, and the property owner is the beneficiary allowed to use the water in accordance with District Policies and State and Federal law.

The number of acres served, however, is more stable in as much as District boundaries are expected to remain static. Following is a table of the mapped acres of water rights by year of appropriation.

The District serves approximately 175 water users; this number is expected to grow as land is subdivided

<b>CERTIFICATE #</b>	<b>PRIORITY:</b>	<b>ACRES:</b>	<b>CFS:</b>
<b>C-74135</b>	<b>1869</b>	<b>48</b>	<b>0.96</b>
<b>C-291</b>	<b>1880</b>	<b>89.50</b>	<b>1.79</b>
<b>C-24028,24167,24597</b>	<b>1880</b>	<b>23.50</b>	<b>0.74</b>
<b>C-303</b>	<b>1881</b>	<b>35.50</b>	<b>0.71</b>
<b>C-74135</b>	<b>1885</b>	<b>27.05</b>	<b>0.54</b>
<b>H-144</b>	<b>1886</b>	<b>30.00</b>	<b>0.60</b>
<b>C-74135</b>	<b>1887</b>	<b>150.00</b>	<b>3.00</b>
<b>C-74135</b>	<b>1889</b>	<b>201.50</b>	<b>4.03</b>
<b>C-74135</b>	<b>1893</b>	<b>39.50</b>	<b>0.79</b>
<b>C-74135</b>	<b>1895</b>	<b>5716.75</b>	<b>114.34</b>
<b>C-863</b>	<b>1895</b>	<b>40.00</b>	<b>0.80</b>
<b>C-74135</b>	<b>1899</b>	<b>108.80</b>	<b>2.18</b>
<b>V13 P208</b>	<b>1900</b>	<b>60.00</b>	<b>1.20</b>
<b>C-74135</b>	<b>1901</b>	<b>22.30</b>	<b>0.45</b>
<b>C-74135</b>	<b>1903/1904</b>	<b>249.50</b>	<b>4.99</b>
<b>C-74135</b>	<b>1903</b>	<b>111.10</b>	<b>2.22</b>
<b>C-74135</b>	<b>1904</b>	<b>870.60</b>	<b>17.41</b>
<b>C-982 &amp; K-3</b>	<b>1908</b>	<b>72.00</b>	<b>1.44</b>
<b>C-2056</b>	<b>1912</b>	<b>29.40</b>	<b>0.37</b>
<b>TOTALS</b>		<b>7925.00</b>	<b>158.55</b>
<b>INSTREAM</b>			<b>-9.5</b>
<b>TOTAL CFS</b>			<b>149.05</b>

Generally, water rights granted before 1895 are considered to be “prior” rights. This has implications for obtaining water in times of shortage. The doctrine of “First in time, first in line” holds true. Water rights granted after 1895 are “Junior” rights and can be satisfied only when water is plentiful and specific conditions are met for water availability.

- E. The District is controlled by a board of three Directors, who in turn employ a manager and such employees as are necessary to operate the District’s day to day affairs. Directors are elected by District members in accordance with the Districts By-Laws and serve a term of three (3) years.

## **2. DUTIES OF THE BOARD OF DIRECTORS**

- A. To establish policy and oversee the management and direction of the District.
- B. To make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties.
- C. To establish equitable By-Laws, Rules and Regulations for the distribution and use of the water among the landowners.

## **3. MANAGER**

- A. The Board of Directors shall employ a Manager, in whom shall be vested the entire responsibility for the efficient operation and maintenance of the District’s system and the just and equitable distribution of water. Any prolonged absence shall be approved by the Board, and a substitute shall be named to act in the manager’s absence.
- B. The manager shall manage, supervise and conduct the business of the District and shall report to the Board of Directors at regular and special meetings of the Board all activities of the District.
- C. The Manager shall from time to time as necessary provide the Board of Directors with his recommendations for the operation and maintenance of the District and shall comply with all orders, rules and regulations that may be adopted by the Board of Directors.
- D. The manager shall represent the District as directed by the Board of Directors in matters of interest to the District. This includes contact with vendors, contractors, governmental agencies, irrigation groups and committees and water users.
- E. The manager shall be in direct control and supervision of all employees of the District and shall, not later than January 31<sup>st</sup> of each year, make formal evaluation of employee performance and communicate such evaluations to the Board of Directors. The Board of Directors of the District retains exclusive control and right to hire and discharge the manager; the manager will hire and discharge all other employees of the District, subject to the Board of Directors approval. The Board retains exclusive right to fix the salaries and hourly pay of all employees, taking into consideration the manager’s recommendations.

## **4. EMPLOYEE RESPONSIBILITY**

- A. Persons employed by the District shall perform such duties and conditions in the efficient operation and maintenance of the District's system as may be required by the manager and the Board of Directors.
- B. No employee of the District may serve as a member of the Board of Directors while so employed.
- C. Employees are prohibited from making personal representations concerning District policies and procedures unless permission to do so has been granted by either the manager or the Board of Directors.
- D. There shall be no firearms on the person of a district employee at any time on duty. Nor shall there be firearms in the district vehicles at any time on or off duty.
- E. Solicitation of public employees; activities of public employees during working hours.
  - (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.
  - (2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.
  - (3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYEES:

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours."

- (4) As used in this section:
  - (a) "Public employee" does not include an elected official.
  - (b) "Public employer" includes any board, commission, committee, department,

division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations. (ORS 260.432)

## **5. WATER DISTRIBUTION**

- A. The irrigation season shall normally run from April 1 to October 31. These dates may be altered in any given year by action of the Board of Directors for good and sufficient reason.
- B. All water received by the Three Sisters Irrigation District at the point of diversion on Squaw Creek shall be distributed to the members of the District in accordance with their respective dates of priority and in an amount in accordance with their respective water rights of record.
- C. The week for delivery of water is defined as Sunday through Saturday.
- D. It shall be the duty of the manager and the employees of the District to maintain an even flow of water to the users of the District system, and in the event of uneven fluctuation or a shortage of water, the employee in charge of distribution will, if possible, make up such shortage to the affected users.
- E. In the event the Squaw Creek Water is delivered to users having a priority date after 1895, at a time or in periods when the 1895 and prior rights of the District are not receiving their full adjudicated amount of water, it shall be the duty of the manager to immediately correct the situation and report this occurrence to the Board of Directors.
- F. The manager at such times as there is a shortage of water shall institute a rotation system whereby the water shall be rotated between the various rights and the various users entitled to its use so that each water user may receive a sufficient head of water for economical irrigation. Such rotation plans shall be placed into effect so that each water user shall receive his just and equitable proportion of the water available according to his adjudicated right; provided, however, that no system of rotation shall be placed into effect which denies any water user the use of water for irrigation for a period of more than seven (7) consecutive days during any irrigation season, except by consent of the manager and water user this may be extended to fourteen (14) days. No rotation plan shall be placed into effect which does not provide that each user receives his just and equitable allotment of water.
- G. The period of rotation shall normally constitute a seven (7) day period. Every water user shall use all water made available to him during his particular rotation period and if any user fails to use all or any part of the water made available to him during his rotation period, then such water is lost to said user.
- H. The periods of water use on rotation shall be fixed by the manager and shall not be changed except with the consent of the manager, upon request of any user. The employees of the District in charge of distribution of the water may, if necessary, upon the giving of at least twelve (12) hours notice to the user, change the amount of water to be delivered, or discontinue a delivery then in effect. In the event of emergency, employees, subject to the approval of the manager, may make changes in the amount of water to be delivered, or discontinue a delivery in effect without prior notice to the users; users so affected shall be notified as soon as possible.

- I. The District will attempt to cooperate with users on sprinkler deliveries and will make all deliveries for sprinklers as long as is feasible, but in the event of an insufficient water supply requiring a rotation schedule, then the water user will be required to use his full head at the time it is delivered and will not thereafter receive continuous small deliveries for the operation of the sprinklers. The District encourages any water user who uses sprinklers to provide an adequate pond into which the amount of water said user is entitled should be delivered for use in the sprinkler system.
- J. Water users of the District shall not change the location of use of water without first obtaining the approval of the Board of Directors and, if necessary, the Oregon Department of Water Resources.
- K. A water user who voluntarily turns off water delivery for less than twelve (12) hours at a point of delivery shall be charged for full time delivery, except in an emergency preventing use of the water.
- L. No water adjustments, Monday - Friday, after 3 pm. No water adjustments, Saturday, Sunday or Holiday's after twelve (12) noon. Shut off emergencies will be taken care of; however turn back on will be done the next day.

**All water users are required to give TSID 24 hour prior notice to request water delivery. Also 24 hours notice to request water delivery turned off.**

- M. All ponds must have a functional overflow that can handle a maximum flow.

## **6. MEASURING DEVICES**

- A. A weir or other measuring device shall be installed at user expense on each lateral, diverting water from the District's canals. Such devices shall be installed where ever practical so that the amount of water delivered to any tract of land from the District's system can be accurately measured at any time. Measuring devices must be approved by the District and must meet District specifications.
- B. District employees shall be responsible for the clearing of weirs and weir ponds and the maintenance of the weir only for the purpose of obtaining accurate reading of the amount of water going past the measuring device. At all other times said clearing shall be the responsibility of the users.
- C. Users may be allowed, subject to approval by the Board of Directors, to pump from the irrigation canal. In such event a meter shall be installed on all such pumps by the beginning of each irrigation season in such a manner as to allow the manager or employees of the District to adequately read said meter. All costs incident to pumping from the canal shall be at the sole expense of the user.

## **7. DISTRICT AUTHORITY**

- A. The Board of Directors, its officers or an agent or employee of the Board of Directors may enter upon land of a water user of the district for inspection, maintenance and regulation of ditches, pipeline, gates, pumps or other water works. In the absence of an emergency, the

district shall provide adequate and appropriate notice prior to entering upon the land of the water user. (ORS 545.237 (1))

- B. The right of entry granted by this section shall not constitute a right of entry by the public onto the premises of the landowner. (ORS545.234 (3))

## **8. HEAD GATE CONTROL**

- A. The district may require a water user to install and maintain a lockable and controllable headgate, measuring device or other water control device (subject to district specifications and approval) at a point of delivery as necessary to control and measure water delivered to the user's property. (ORS 545.279)
- B. The District, through the manager or employees, shall have complete charge and control of the regulation of all head gates from the District's canals or laterals, and no other person shall tamper with, molest or in any manner change any head gate after said head gate has been regulated. No water user shall increase his water flow by raising or lowering gates or inserting checks or any device without the express consent of the manager or employees of the district.
- C. The District shall install and control locks on all head gates. (Note: Oregon law prohibits anyone from willfully opening, closing, changing or interfering with any lawfully established headgate; penalties may include fine, imprisonment or both.) (See ORS 540:710 to 540:990)
- D. All accounts are limited to one headgate/point of diversion. Additional new headgates (points of diversion) (and reactivating old headgates (POD's) not used for the past five (5) years) will be subject to an annual headgate fee at the discretion of the board of directors. piped stock water troughs with a float will be allowed at no delivery charge subject to approval by the board of directors
- E. The district will only perform maintenance on delivery head gates and weirs (located on district owned canals) that have been active in the last five years.

## **9. DITCH MAINTENANCE**

- A. The Squaw Creek (Main) Canal, Cloverdale Canal & Pipeline, Fryrear Pipeline, Black Butte Canal and the Association Canal are the property of and will be maintained by the District. No maintenance activities shall be undertaken on District property and ditches by anyone without the manager's approval. Any damage or harm to District property and ditches caused by any activity of water users, including livestock or equipment belonging to water users, shall be deemed to be the responsibility of such users to rectify the damage or harm in a manner to be determined by the Board of Directors.
- B. Maintenance of privately - owned laterals, ditches, and pipelines shall be the responsibility of the water user(s) drawing water from those ditches.
- C. If, in the judgment of the manager, water is being wasted or not efficiently carried through a lateral or ditch because of the failure to keep said lateral or ditch in good condition, the

manager shall, in his discretion, close down the head gate of such lateral or ditch and prohibit any delivery of water into said ditch or lateral until the user(s) has/have repaired, cleaned or in any other manner placed said lateral or ditch in good condition for the conveyance of water.

- D. If, in the judgment of the manager, circumstances justify or necessitate repairing, cleaning or otherwise maintaining a private lateral or ditch by District employees, such activity, including the cost of any equipment and materials used, shall be at sole expense of all users of that lateral or ditch. Every effort shall be made to contact users, in writing, prior to such action.

## **10. DISTRICT RECORDS**

- A. The manager or employees of the District shall keep a daily record of the amount of water diverted into the Squaw Creek Canal during the irrigation season.
- B. The manager or employees shall keep and maintain a daily record of the amount of water flowing from the Watson and McKenzie Canyon Reservoirs.
- C. The manager or employees shall keep and maintain an accurate record showing the amount of water in acre feet delivered each day to each water user in the District, with the exception of metered water, which will be checked periodically, at the discretion of the manager.
- D. The manager or employees shall prepare weekly, following delivery of water, on a form provided by the District, a report showing the name of the water user, the daily amount of water in acre feet and the total amount of acre feet of water during the week being reported on. Said report, after its preparation each week, shall be made available immediately on a continuous basis to any water user who so requests.
- E. In the event that any water user believes that a weekly report is erroneous or has any other objection as to the amount of water delivered, the manner of delivery or such other objection relative to the operation of the District, such water user shall notify the District Board of Directors in writing of such objection and deliver the same to the secretary of the District.
- F. A water user shall be entitled at any time during normal business hours to be advised as to the amount of water delivered to said user during the current irrigation season and the amount of charges for said water.
- G. All records shall be kept in the office of the District and shall be available for inspection by any water user in the District or by the State Water Master or his employees at any time during normal business hours.(ORS 545.185) Anyone wishing to examine such records should make an appointment in advance to do so.
- H. The secretary of the District shall maintain the records of the District subject to the supervision of the manager and the Board of Directors of the District, and all records concerning the distribution of water and charges applicable thereto shall be kept accurate and current.

## **11. COOPERATION WITH STATE WATER MASTER**



- A. The Board of Directors, the manager and employees of the District shall cooperate with the office of the Oregon State Water Master and shall provide such information as from time to time may be required by the Water Master.

## **12. OPERATION AND MAINTENANCE (WATER DELIVERY) CHARGES**

- A. Any Whychus Creek water delivered to any tract of land shall be charged for in as per ORS 545. Prior to the commencement of each irrigation season the Board of Directors shall by resolution fix the amount to be charged per acre and per acre foot, which amount shall be equal for all lands within the District.

All 1869 to 1895 rights will be billed for a minimum of \$15.00 per acre whether water is delivered or not. 1899 to 1904 right's minimum billing will be determined by water availability during the irrigation season.

- B. The billing year shall run from November 1 through October 31. Billings shall be issued each year not later than December 1 for the current irrigation season. Charges for water delivered shall be due and payable within thirty (30) days of billing. If any charges for water during any preceding season have not been paid by March 1, no delivery of any water shall be made to such lands in arrears until the charges have been paid in full, including interest at a rate per annum to be determined by the Board of Directors. Payment of water or other charges shall be the responsibility of the landowner.
- C. In the event any user of the District considers the water delivery charge to be unjust or inequitable, such user may petition the Board of Directors for consideration of adjustment on any water delivery payment and the Board, sitting in their capacity as a Board of Equalization (immediately prior to the February regular Board meeting), in their absolute discretion may adjust such water delivery payment in a manner deemed equitable on a case by case basis.
- D. The Board of Directors reserves the right to assess such additional fees as may be deemed to be necessary to carry out the needs and programs of the District. (ORS 545)

## **13. WATER RIGHTS AND TRANSFERS**

- A. The District shall administer and deliver each water right in compliance with the Oregon Revised Statutes governing the terms of certificates granted by the Oregon Water Resources Department (OWRD) which document those rights. Oregon law requires that the water be delivered according to the priority date of each water right. In order to maintain these rights, water must be applied beneficially. If water is not applied beneficially within a five (5) year period on a specific piece of ground, the OWRD shall consider the water right appurtenant to that ground abandoned, and the water right shall revert to the State of Oregon. Upon evidence that any District user has not applied water beneficially to a specific piece of ground for three (3) consecutive years, the District shall notify that user of the need to apply water to the subject ground within the next two (2) year period, or risk confiscation of the water right to that ground.
- B. No water user of the District shall transfer water rights appurtenant to said user's real property without the consent of the Board of Directors of the District, subject to the Oregon Revised Statutes and relevant Administrative Rules of the OWRD. Similarly, no water user shall place a piece of ground upon which water rights have been mapped to non-irrigation use,

such as a road or other improvement, without the consent of the Board of Directors of the District.

- C. Any water user wishing to leave the district can upon transfer of their TSID water rights to other lands in the boundaries of Three Sisters Irrigation District that can be serviced by the District existing delivery system subject to Board of Directors approval.
- D. The Board of Directors will consider the advantages and disadvantages of each such request and will disapprove any request that has a material adverse effect on the District. Upon approval, the District will prepare and transmit forms required by the Oregon Water Resources Department after being supplied the necessary information by the persons requesting the transfer or alternative use. Fees for this service will be determined by the Board of Directors, in consonance with fees charged by the Oregon Water Resources Department. A current schedule of fees shall be displayed in a conspicuous place in the District Office.

#### **14. NOTIFICATION OF CHANGE IN OWNERSHIP**

- A. Upon the sale or transfer of any real property within the District which contains appurtenant thereto irrigation water supplied by the District, reasonable proof of change of ownership shall be supplied to the office of the District within thirty (30) days after said sale or transfer.

#### **15. CONTAMINATION OF WATER**

- A. No property owner within the District shall conduct any business or activity which results in contamination or impurity of the water being delivered by the District.
- B. Any water user who discovers a practice or condition which contaminates the water being delivered by the District shall file a complaint with the manager of the District immediately.
- C. If any employee of the District discovers any practice or condition which contaminates the water or affects the purity thereof, such employee shall immediately make a report to the manager of the District.
- D. The manager or his employees, upon receipt of any complaint of contamination or impurities of water, shall immediately investigate said complaint, and the manager shall take immediate corrective action and file a written report with the Board of Directors of the District.
- E. The Board of Directors shall consider the complaint at its next scheduled meeting, or an emergency meeting, depending upon the nature of the complaint, and shall order such corrective action as is necessary to preclude a recurrence of the situation.

#### **16. FENCES ACROSS CANALS, LATERALS AND DITCHES**

- A. Upon approval by the Board of Directors of the District, land owners may be allowed to place fences across District canals, provided, however, that said land owner shall provide adequate and operable gates to allow the District employees access.
- B. The approval by the Board of Directors for consideration of fences across District canals shall be subject to such terms and conditions as the Board may desire, including a requirement

that during irrigation season all gates allowing District employee's access shall be left open if possible. If such fence across District canals is a boundary fence, then the gates may be kept closed or, in the alternative, the District may require the land owner to install cattle guards at said location.

- C. Maintenance of any fence or gates across District canals shall be the sole responsibility of the land owner. In the event the District is required to remove or take down the land owner's fence while doing maintenance work on any canal, the District, as a courtesy, shall attempt to place the fence back to its original condition insofar as is possible and practical; however the ultimate responsibility for replacing said fence shall reside with the land owner, including the cost thereof.
- D. If a land owner places a lock upon his gate, the District shall similarly install a lock to provide District access.

## **17. BRIDGE CONSTRUCTION**

- A. No water user or property owner within the District shall construct any bridge or other facility across any canal operated by the District without express approval by the Board of Directors of the District. Such approval shall be granted on such terms and conditions as may be determined by the Board of Directors.
- B. Bridge construction and culvert requirements. Main Canal - only bridges will be allowed. All bridges must be one (1) foot above high water mark. All other canals a bridge is preferred but culverts are acceptable (min. 36" squash) as long as they have a bulk head or ramp on both sides of the culvert.
- C. All installations must be approved by the Board of Directors and the Manager.

## **18. POSTING OF SIGNS**

- A. It shall be the policy of the District to place appropriate "No Trespassing" signs near and around District-owned reservoirs, canals, weirs or other measuring devices and any other facilities operated by the District, as determined necessary by the manager.

## **19. PENALTIES**

- A. The District may assess such penalties as are allowed by law for violations of the above rules and regulations. Penalties may include fines or refusal to deliver water. A schedule of penalties as promulgated by the Board of Directors shall be published and posted in the District office.
- B. Penalties shall be imposed by the District manager, and only upon an affirmative finding that a violation has occurred, whether willful or not, and only after the accused violator has been given formal notice of such violation and been afforded an opportunity to answer the charge(s). Upon imposition of a penalty, the violator may appeal the finding and/or the penalty by furnishing a written statement to the Board of Directors not later than ten (10) days after being given written notice of proposed imposition of the penalty. The Board of Directors shall render a final decision at a regularly scheduled meeting within forty five (45) days of receipt of the appeal, or at a special meeting of the Board of Directors, depending

upon the circumstances of the case. The decision of the Board of Directors will be considered final and any further recourse will need to be through the court system.

## **20. DISTRICT OFFICE**

- A. Office hours shall be posted and adhered to by employees. Should there be a need to be away from the office, a suitable sign shall be posted at the front door, indicating when the office will be reopened.
- B. The District office is a no-smoking zone, and lighted smoking materials shall not be permitted in the office.
- C. The manager and all employees shall be covered by position descriptions and performance evaluation standards.
- D. Financial records shall be in accordance with standard accepted audit and accounting practices, and shall comply with provisions contained in the By-Laws as well as those established by the Board of Directors.
- E. Office and records security shall be maintained by:
  - a) Locking up the office when it is vacated.
  - b) Maintaining strict accountability of office keys and, when employees are not physically present, restricting access to the office only for Board-approved District-related functions.
  - c) Limiting access to the vault to only the manager and office manager/\_secretary.
  - d) Providing access to District records, both paper and electronic in accordance with Oregon State Statute and the District's Bylaws. (ORS 545.185, 192.410, ~ 192.505)
- F. When the District contracts either to provide or to procure goods and/or services, such contracts shall be handled by means of the rules adopted by the TSID Board of Directors and the TSID Local Contract Review Board. Cumulative dollar amounts for specific goods and services or to specific suppliers shall count as a single contract for the purpose of securing competitive bids.
- G. The copy machine is to be used for district business only. Except for items designated for general distribution by the Board of Directors (i.e... Rules and Regulations, By-Laws, minutes approved at the previous board meeting). All copies shall be charged out at \$0.20 per copy for users in the District and \$0.50 per copy for all others. Copies shall be paid for at the time they are made and not billed.
- H. The office phone with message recorder is your access for all TSID business (541)549-8815. The office will relay any message by phone to the appropriate person for quick response. The phone is monitored from 7 am to 5 pm, seven (7) days a week during irrigation season and from 8 am to 5 pm Monday - Friday during off season.

- I. TSID list of charges and billing periods shall be posted in the office.

## **21. PUBLIC MEETINGS & PUBLIC RECORDS**

- A. In accordance with the By-Laws, Board of Directors meetings occur the first Tuesday of every month. Anyone wishing to place an item for consideration on the agenda must submit the item in writing, with a copy of any relevant material they intend to present, to the District office no later than 5:00 pm on Tuesday. two weeks prior to the meeting
- B. Meeting dates and times will be published in the Sisters Nugget as determined by the Sisters Nugget.
- C. Public Records Requests must be in writing and specify the record(s) from which information is requested.
- D. District manager or designee will review all requests and determine if requests are valid and whether any statutory exemptions apply. If in doubt, district manager will seek the advice of legal counsel.
- E. Unless the requested record is invalid or exempt from disclosure, secretary will schedule an appointment for records inspection so as not to interfere with the regular discharge of duties, or copy the requested record(s) and advise requestor where and when the copies can be picked up.
- F. A fee schedule shall be posted in the District office describing the costs for preparing responses to public records requests.
- G. The cost for responding to the request will be determined in advance according to the fee schedule, and communicated to the person making the request. Payment is required at or before time of pick-up.
- H. Members concerns & comments will be limited to three (3) minutes per member. A member may not defer their time to another member who has already spoken. Members wishing to have their concerns addressed by the board must have their concerns placed on the agenda as outlined in Rule 21, item A.

## **22. CHANGES IN RULES AND REGULATIONS**

- A. The Board of Directors may change these rules and regulations by the reading of the proposed change and/or addition at a regular meeting and acted upon by the Board of Directors at the next regular meeting provided, however, that such action or change does not violate the provisions of ORS Chapter 545 or the District By-Laws.

## **23. AVAILABILITY OF RULES AND REGULATIONS FOR USERS**

- A. The Board of Directors through its manager shall make available to every water user of the District a copy of these rules and regulations and promptly post in the office of the District any changes that may occur from time to time by action of the Board of Directors.

## 24. SUBDIVISIONS, PARTITIONS, PARCELS & LOT LINE ADJUSTMENTS

- A. The district shall approve applications for subdivisions and for major and minor partitions within district boundaries only upon the following terms relating to delivery, safety, system maintenance, and water quality.
- (1) All water rights and right-of-way for all district main canals, secondary canals and laterals upon the applicant's property must be accurately drawn and labeled upon the partition map or subdivision plats.
  - (2) An easement "for purpose of water transmission and maintenance" shall first be conveyed to the Three Sisters Irrigation District for all district main canals, secondary canals, and laterals, then located on the property, 50 feet on both sides of the centerline of all canals, 25 feet on both sides of the centerline on all secondary canals, and 15 feet on both sides of the centerline of all laterals.
  - (3) When district water delivery is indicated to partitioned or platted parcels, an 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 lands outside for the partition or subdivision which requires an easement for the continued delivery of water. Easements shall be not less than 15 feet in width on both sides of the centerline.
  - (4) Sections of district main canal, secondary canal or lateral where the water level is higher than the adjoining land the district shall require the applicant to place in pipe or concrete lining at the applicants cost and to the specifications of the board. Sections of districts main canal, secondary canal or lateral where more than one bridge or culvert is proposed to cross the waterway within onequarter mile the district shall require the applicant to place in pipe at the applicant" cost and to the specifications of the board.
  - (5) Sections of district main canal, secondary canal or lateral 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 the board's specifications, at the option of the district.
  - (6) All crossings of district easements shall be to the board's specifications. no bridge support shall be placed in the waterway, the district may require culvert for road and for pipe crossings.
  - (7) The district may impose such other reasonable conditions as may in the judgement of the board be advisable for the benefit of the district and its water users.
  - (8) TSID has a contract for subdivisions, partitions, and multiple parcels that must be signed by the user'(s), board of directors and manager before the district will approve any plat, subdivision or partition and or delivery of TSID water.
  - (9) Canal construction and crossings. ~ all construction within TSID's easements and canal crossings require a signed contract between the user, utility or landowner and TSID's board of directors. Contracts are available in the office.

- (10) Any landowner applying for approval from the Board of Directors for a subdivision or a lot line adjustment shall be responsible for all CWRE and GIS fees and charges.

## 25. ELECTIONS

All elections will be conducted by mail as per (ORS 545.163)

### **\*\*RECORD OF PREVIOUS AMENDMENTS AND OR CHANGES BY DATE \*\***

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December 6, 1994

Motion of Board of Directors, John Rogers, Chair; Pamela Thalacker, Secretary; and Lee Christensen, Director.

Amended July 4, 1995

Page 13, under 21, MEETINGS, item A.

By order of the Board of Directors - Pamela Thalacker, Chair; Lee Christensen, Secretary and Frank Deggendorfer, Director.

Addition August 1, 1995

Page 5, under 5, WATER DISTRIBUTION, item L.

By order of the Board of Directors - Pamela Thalacker, Chair; Lee Christensen, Secretary and Frank Deggendorfer, Director.

Amended June 3, 1997

Amend Rule #17, page 11, under BRIDGE CONSTRUCTION.

By order of the Board of Directors - Lee Christensen, Chair; Frank Deggendorfer, Secretary and Glenn Cooper, Director.

Amended January 20, 1998

Added to #5 WATER DISTRIBUTION, as item M on page 5 that all ponds must have a functional overflow that can handle a maximum flow. Charles Trachsel moved to establish the policy and add to the R&R's. Glenn Cooper seconded. Motion carried unanimously.

Amended October 6, 1998

Added to first page, under item C.

Glenn Cooper moved to add the Hermens Private Ditch to the Rules & Regulations. Charles Trachsel seconded. Motion carried unanimously.

Added to page 8, Section 12, Item A.

Glenn Cooper moved to add the nonuse assessment to the Rules & Regulations as written by Marc Thalacker. Charles Trachsel seconded. Motion carried unanimously.

Amended February 2, 1999

Glenn Cooper moved to adopt the purposed Rules & Regulations as presented by Marc Thalacker. Robert Lambert seconded. Motion carried unanimously  
Item 8 ~ Head Gate Control

Lee Christensen moved to cancel all previous board Policies that are not in the Rules & Regulations. Glenn Cooper seconded. Motion carried unanimously.

Amended November 2, 1999

First reading 10/5/99 ~ Second reading 11/2/99 ~ Adopted as read by Lee Christensen, Robert Lambert and Glenn Cooper. In item 13 WATER RIGHTS AND TRANSFERS under C.

Amended February 1, 2000

First reading 1/18/2000 ~ Second reading 2/1/2000 ~ Adopted as read. Motion by Robert Lambert, seconded by Glenn Cooper, motion carried unanimously.

Section 4 Employee Responsibility; item F along with some minor housekeeping.

Amended March 7, 2000

Changes Sec. 20, items G, H, I, J ~ on pages 14 & 15.

Changes Sec. 21, items C, D, E, F, G, H on pages 15 & 16

Amended March 6, 2001

Section 5 Water Delivery ~ Addition to Item L ~ 24 hr notice.

Motion by Glenn Cooper, seconded by David Keith, motion carried unanimously.

Amended July 6, 2010

First reading 06/01/2010

Section 1 C ~ Added Cloverdale agreements, judgments, and settlements.

Section 1 D ~ Updated wording, added Water Rights Table

Motion by Thayne Dutson, seconded by Don Boyer, motion carried unanimously.

11/24/2014 – Cleaned up the document, changing only fonts, spacing, etc.