

**RULES AND REGULATIONS OF THE
EAST COLUMBIA BASIN IRRIGATION DISTRICT**

1. **OWNERSHIP RECORDS**

The District record of ownership is obtained from County Records in accordance with Chapter 87, Revised Code of Washington.

2. **PAYMENT OF ASSESSMENTS**

No water shall be delivered until all current ECBID charges have been paid. ECBID charges run against the land and must be paid before the land receives water. Assessments are payable February 15th and any assessments not paid on or before April 30th become delinquent on May 1st. First half payments may be paid prior to April 30th to avoid delinquency. The second half payment is then due prior to October 31st or the account becomes delinquent. Half payments do not entitle the land to receive water. Assessments must be paid as provided herein whether water is used or not.

For farm units or parcels irrigated simultaneously as a single, consolidated irrigation unit by a single or common irrigation system or device (such as a center pivot or subdivision) the assessments for all the consolidated farm units or parcels so irrigated must be paid prior to water delivery. (See Resolution 94-05.)

Unpaid assessments for any parcel in a common delivery have the option to be covered by a District assessment security account. District policy allows a landowner to deposit security equaling the amount of the unpaid or delinquent assessment of the other accounts associated with the landowner's common delivery in order to clear the delivery point for water. The security deposit shall become a credit to the designated land that deposited security for the outstanding account following the District's receipt of the assessment. Please refer to Resolution 2021-14.

All delinquent assessments shall bear interest at the rate of twelve percent 12% per year computed on monthly basis and without compounding from the date of delinquency until paid.

The collection of delinquent assessments, including foreclosure, shall be carried out by the Treasurer in accordance with the procedures set forth in Resolution 2021-07 and in accordance with Chapter 87, Revised Code of Washington.

3. **PAYMENT FOR SUPPLEMENTAL AND EXCESS WATER**

Payment for supplemental and excess water is due on or before December 31st of the year in which the water was delivered. Payment for 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 of the rate of twelve percent per annum, beginning on January 1st of the year following the delivery of the supplemental and excess water.

The District will require payment in advance for supplemental and excess water for part time farm units and multiple ownership farm units having two or more owners sharing one turnout.

The District may require payment in advance for supplemental and excess water orders in cases where the District determines that a potential collection risk exists. Examples include,

but are not limited to, filed bankruptcies, substantial or prolonged past delinquencies or past bad checks or other payments issued to the District.

Any owner may require that supplemental and excess water delivered to his land be paid for in advance of delivery. All parcels in combination with any parcel where prepayment of supplemental and excess water is a requirement shall also be prepaying parcels. Such prepayment requests must be in writing and submitted to the District prior to May 31st. Such prepayment directions shall remain in effect until rescinded by the landowner. Prepayment requests may not be rescinded during the irrigation season after May 31st without the written consent of all directly and indirectly affected parties.

4. SPECIAL WATER DELIVERY CONTRACTS

All special water delivery contracts are subject to the approval of the United States Bureau of Reclamation and application must be made on the form approved by the Bureau of Reclamation. The total acreage to be served by such special water delivery contracts is limited and is determined by water availability, contractual arrangements with the Bureau of Reclamation and policy determinations by the Board of Directors. Subject to such limitations, the following water service contracts are approved for use within the East Columbia Basin Irrigation District:

- Article 10(d) Contract for Reclassification of Land and Transfer of Water Allotment
- (801) Waste, Seepage and Return Flow WSC
- (802) Temporarily Productive WSC
- (803) Interruptible WSC
- (190) First Phase Continuation Interruptible WSC
- (290) Early and Late Interruptible WSC
- (390-809) Ground Water Replacement Interruptible WSC
- (390-810) First Phase Continuation WSC
- (804) Municipal and Industrial WSC

Each type of special water delivery contract provides for water delivery under certain terms and conditions which are specified in the form of each contract. Resolution 2014-14 more fully describes the District's policies and procedures for the administration of these contracts.

For purposes of combinations of base quantities, each water service contract will be treated as an individual farm unit, subject to the limitations for combinations of water service contracts set forth in Section 9. Combinations.

In situations where a Common Delivery (single delivery point) serves multiple water service contracts, all assessments, supplemental and excess water charges and other appropriate charges for all water service contracts so served must be paid before water is delivered.

Interruptible (803), First Phase Continuation Interruptible (190), Early and Late Interruptible (290), and First Phase Continuation/Ground Water Replacement Interruptible (390) Water Service Contracts may, by permit, be authorized a seasonal change in the place of use for the water service contract. Details of these limited circumstances, application procedures and the condition for approval for these seasonal changes are set forth in Resolution 2000-18, 2007-12 and 2016-07. In general these circumstances and criteria include:

- The land at the site of the annual change in place of use must meet the eligibility standards for water service contract irrigation service.
- The number of acres to be irrigated and the amount of water to be used cannot exceed what is provided for in the water service contract.

- Reclamation Reform Act (acreage limitation) rules apply
- The land at the normal place of use for the water service contract cannot be irrigated during the year the change in place of use is in effect.
- The landowners of all parcels affected must be provided in the application.
- The change is for the entire irrigation season.
- The locations of the two parcels must be compatible, which usually will mean contiguous or adjacent. The land will receive water from the contract's delivery point.
- The lands upon which water is to be used have been previously cultivated.
- The District's canal system must be capable of supplying the land that is the site of the annual change in place of use.
- There will be no detrimental effects to platted Farm Units or other water service contract lands.
- The land must be included in the Columbia Basin Project and have an irrigable land classification.
- Seasonal change in place of use application must be received prior to February 1st of the year the change is requested.
- There will be a \$250 administrative fee (or such future rate as determined by the Board of Directors) payable when the annual change is approved by the Board of Directors.

5. **DELIVERY POINTS**

- a. All lands receiving water shall have a District-approved water measuring device installed and functional prior to receipt of water.
- b. The delivery point for all lands shall remain as constructed and designed by the Bureau of Reclamation. Delivery points can only be eliminated by a release requested in writing by the landowner or relocated by an approved District "Consent to Water Delivery Changes" agreement.
- c. Additional delivery structures (points) will be approved by District permit and furnished by the landowner. No additional deliveries will be permitted for parcels containing less than five acres of water allotment. Additional turnouts to serve parcels larger than five acres may be authorized, on a case by case basis, by District permit, provided the turnout will not adversely impact operation of District facilities or deliveries to other units. Lands served by such additional turnouts will be subject to a special O&M assessment of \$200.00 per year (or such future rate established by the Board of Directors) to offset the additional cost of operating and maintaining the additional delivery point. All turnouts will be constructed to District specifications by permit. The District may furnish turnout hardware for additional turnouts when it is determined by the District that the turnout will enhance District facilities or operations.
- d. A special administrative charge of \$25.00 for a Common Delivery (or such future rate established by the Board of Directors) will be assessed against lands that share a common delivery point with other parcels. Parcels not physically able to receive water may be exempt from this special administrative charge.

Small tracts, subdivisions, part time units, multiple ownership units, and multiple parcels receiving water through a single delivery point (Common Deliveries) are also subject to the same delivery conditions as other farm units. Owners and operators of such deliveries are responsible to divide and measure their water after it leaves the District delivery measurement facility for distribution to other parcels.

- e. 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. While on duty, District employees are not allowed to operate irrigation equipment belonging to others. District employees are not allowed to accept or use cellular phones, radios, pagers or other communications devices that have been provided by water users.
- f. Delivery points shall not be constructed in a manner that allows landowner operations to influence or impede the steady delivery of water by the District. See also Section 11 regarding return flows.

6. **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 Irrigation Districts. Generally speaking, canal priming will begin about March 20th to 24th and canal de-watering will begin about October 20th to 24th. Weather conditions, maintenance, construction requirements and other factors can affect these dates.

7. **DELIVERY AMOUNT AND PRORATING OF WATER SUPPLY**

Water will be delivered on demand subject to the capacity of the system and availability of water. Water rationing, when necessary, will be by proration and will be computed and based on irrigable acreage and share system capacity as provided to the District by the Bureau of Reclamation. In situations where the capacity limitation is confined to a relatively small geographic area (sublateral, lateral or portion of a ditchride) the District and the affected water users may mutually agree to ration through a rotation arrangement in lieu of proration. If rotation is not mutually agreeable, then rationing will be by proration.

Most contracts are interruptible (all but 10(d) transfers), do not share system capacity, and may be turned off entirely to meet capacity demands.

8. **WATER ORDERS**

Orders for changes in the water delivery amounts must be received by the Ditchrider or Watermaster office before 3:30 p.m. on the working day previous to the effective day of change in the delivery amount requested. Longer notice may be required as necessary. Water is ordered and delivered on a 24 hour basis.

The water user should use and sign the water request cards provided by the District. Water orders may also be made by telephone, fax, or on the District's website, www.ecbid.org. The District will not be responsible for errors in telephone, fax or website orders. In case of multiple water users on one turnout, water orders will be accepted from only one designated water user. District employees are not allowed to accept or use cellular phones, radios, pagers or other communications devices that have been provided by water users.

9. **COMBINATIONS**

Share system capacities may be combined for a maximum of 500 acres, provided all units are on one ditchride. Such combinations will allow for the combining of share system capacities during periods of pro-rating provided there is adequate lateral capacity, as determined by the District. Combinations must have the same operator as declared on the current certification forms required by the Reclamation Reform Act of 1982. Combinations

are administered according to Resolution 2022-05.

Combinations of base quantities for end of season billing only up to a maximum of 960 acres may be on more than one ditchride. Parcels included in end of season combinations must have the same operator as declared on the current certification forms required by the Reclamation Reform Act of 1982. Combinations must have written approval of all landowners on forms prescribed by the District. All combinations must be filed with the District office by 5:00 PM on May 31st of each year except in years in which May 31st falls on a Saturday, a Sunday or a holiday which results in the closing of the main office the application deadline shall be 5:00 PM on the next business day. All past and current assessments and other charges for all parcels in a combination must be paid by October 31st for the combination to be valid for end of season billing. An administrative fee per combination must be paid at the time the late combination is approved.

The operator may renew combinations which were in effect the previous year, providing no ownership change has occurred and the units in the combination are identical to the previous year, except a unit or units may be dropped. Renewals must be made by 5:00 PM on May 31st except in years in which May 31st falls on a Saturday, a Sunday or holiday which results in the closing of the main office. The application deadline shall be 5:00 PM on the next business day. If any changes have occurred, all owners and the operator must sign the combination form again.

Combinations may be applied for after May 31st, up to October 31st, and approved by the Secretary-Manager, subject to the following conditions:

Applications for such late combinations must demonstrate that unusual circumstances prevented timely submittal of the combination and/or demonstrate a history of identical combinations of the farm units involved; except that farm units may be deleted.

An administrative fee per combination must be paid at the time the late combination is approved.

Combinations may be applied for after October 31st, up to December 31st, and approved by the Board of Directors, subject to the following conditions:

Applications for such late combinations must demonstrate that unusual circumstances prevented timely submittal of the combination and/or demonstrate a history of identical combinations of the farm units involved; except that farm units may be deleted.

An administrative fee per combination must be paid at the time the late combination is approved.

All parcels in combination with any parcel where prepayment of supplemental and excess water is a requirement shall also be prepaying parcels.

The District will recognize one operator only per combination.

In case of a problem over payment for supplemental or excess water in combinations, the District will pro-rate payment by acreage for each unit in the combination and assess the supplemental and excess bill against the individual units.

Special Water Delivery Contract Provisions:

801 - Waste, Seepage & Return Flow water service contracts may not be included in any combination.

802 - Temporarily Productive water service contracts may be included in any combination consistent with other provisions of these rules and regulations.

803 - Temporarily Deferred and Bypassed water service contracts may be included in end of season (EOS) combinations only.

804 - Municipal and Industrial (M&I) water service contracts may not be combined.

190 - First Phase Continuation water service contracts may not be combined with farm units or some other types of water service contracts. They may be combined with other First Phase Continuation water service contracts (390).

290 - Early and Late water service contracts may not be combined with farm units or other types of water service contracts, besides 190 and 390. In the event a 290 is combined, the most restrictive contract provisions will take precedence for all contracts in combination.

390 - First Phase Continuation/Ground Water Replacement water service contracts may not be combined with farm units or other types of water service contracts. In the event a 390 water service contract is delivered through a common delivery system with a 190 or 290 water service contract, the District will combine the water service contracts during the irrigation season. The most restrictive contract provisions will take precedence for all contracts in combination.

All of the above is intended to be consistent with other provisions of these rules and regulations.

Special Water Delivery Contracts may not be combined with farm units or other types of water service contracts creating a case where a single turnout is serving more than one parcel. Such combinations must be specifically approved by the Board of Directors.

In selected situations where only one delivery is available, combinations will remain in effect until cancelled by the owner or the District. Combination fees still apply annually for administrative purposes.

Combinations that include 290 contracts are not eligible for purchase of supplemental and excess water.

10. **WASTING OF WATER AND UNAUTHORIZED USE OF WATER (WATER SPREADING)**

The waste of water is to be avoided. The District shall reduce the water delivery at any one time to 100% of the farm unit's share of system capacity and/or limit the amount of water available over the irrigation season to the base quantity (no supplemental or excess water), regardless of combinations, if the water use is deemed unreasonably wasteful, in the sole discretion of the District. Contracts may be partially or completely interrupted. This includes non-emergency return flows to District facilities.

District ditchriders, watermasters and other operational employees are to operate the canals, laterals, pumping plants, wasteways, drains and other facilities for which they are responsible in a manner to avoid the waste of water, to minimize operational spills and to minimize unaccounted for water.

The water allotment to farm units is allocated to the farm unit as platted and the water allotment to water service contracts is allocated to the property description specified in the

contract. Using the water allotment outside the boundaries of the farm unit or the water service contract, except as provided by approved combinations or approved Temporary Transfers of Water Allotments, is unauthorized.

The water allotment to farm units and water service contracts is authorized for agricultural use which includes irrigation and related agricultural uses such as evaporative cooling of crops or livestock, stock water and rural lawn water. Using the water allotment for non-agricultural purposes such as for municipal water supply or industrial processes (often referred to as M&I conversion) is unauthorized. The use of water for municipal and industrial purposes requires a municipal and industrial water service contract which are available through the Bureau of Reclamation. The District's policies regarding M&I conversions is further set forth in Resolution 2007-13.

The District may take one or more of the following actions to halt unauthorized uses: report the situation to the United States Bureau of Reclamation, terminate the water service contract, reduce the water delivery at any one time to 100% of the farm unit's share of system capacity regardless of combinations, limit the amount of water available over the irrigation season to the base quantity (no supplemental or excess water) regardless of combinations, halt water delivery.

Landowners and water users are advised that the Bureau of Reclamation definitions of unauthorized uses of water (water spreading) may differ from the definitions adopted by the District in these Rules and Regulations. Some USBR officials may define out-of-bounds irrigation to also include the irrigation of areas within the farm unit or water service contract boundaries that are not classified as land class 1, 2, 3 or 4, such as class 6, high land or right-of-way. Some USBR officials may define M&I conversion to include the irrigation of lawns and landscaping and the irrigation of parcels smaller than 10 acres.

11. **RESPONSIBILITY FOR TAIL WATER DISPOSAL AND WATER QUALITY**

Each operator is responsible for their own tail water, pump sump overflow water or wastewater. The discharge of such water to District facilities requires a District permit. Return flows to District-operated delivery canals and laterals are not authorized. The District may make exception to this policy if it can be demonstrated that the proposed return flow will have no detrimental impacts to District operations or deliveries to other landowners. Such exceptions may only be made by permit.

The District shall reduce the water delivery to 100% of any farm unit's share of system capacity, regardless of combinations or permits, if return flow to the District's system contains amounts of silt and debris deemed unreasonable, in the sole discretion of the District. The District shall shut off water delivery whenever tail water is endangering District property or the property of others.

East District return flows (farm overflows, farm tailwater, District operational spills and groundwater drain out) provide much of the irrigation water supply for the South District and also return to the Columbia River and other public waters. Federal and state water quality laws and regulations apply to some of these return flows. Tail water and other discharges from farms that are detrimental to the District's ability to comply with applicable federal and state water quality laws and regulations will not be allowed. The District may take one or more of the following actions in cases of such detrimental return flows: report the situation to the U.S. Bureau of Reclamation and/or other appropriate local, state or federal water quality agency, terminate the water service contract, reduce the water delivery at any one time to 100% of the farm unit's share of system capacity regardless of combinations, limit

the amount of water available over the irrigation season to the base quantity (no supplemental or excess water) regardless of combinations, halt water delivery or pursue other legal remedies.

The discharge of livestock waste to District waterways is prohibited.

Municipal and industrial discharges, such as street runoff, cooling water and process water (contact and non-contact) is prohibited.

12. **LAWN AND STOCK WATER**

Lawn and stock water, not to exceed 0.1 cfs, will be supplied without charge through the regular delivery point, only if water is readily available. The District is not obligated to unreasonably operate pumps or other facilities solely for the delivery of lawn and stock water. Lawn and stock water will not be delivered when other water deliveries are being made through a delivery point.

Stock water pumps in canals may be allowed by permit, only if such pumping does not interfere with downstream deliveries and may be required to be left off during pro-rating. New lawn water pumps from conveyance facilities are not authorized.

Lawn water pumps can only be used to irrigate lands having an irrigation water allotment within a farm unit boundary. Instantaneous flow rates must be less than 0.10 cfs. To ensure the rate of flow does not exceed this rate for existing permits, pump motor size, the suction and discharge diameters of the pump, operating pressures and other hydraulic factors shall remain consistent with District requirements. These hydraulic parameters may not exceed the dimensions specified on the permit, and in no case exceed 0.1 cfs. A Bourdon style pressure gauge (or equivalent device) reading in psi must be installed and maintained by the water user on the discharge side of the pump. Flow restricting/regulating devices and/or measuring devices may be required if it appears that the 0.1 cfs flow rate is being or may be exceeded. Water users exceeding these limitations will be required to immediately remedy the situation or remove their lawn water pumps from the District's facility.

Lawn and Stock water pump permits are subject to an annual special O&M charge. This charge is currently \$100 per year, subject to annual review and adjustment. Each full farm unit is entitled to one lawn water delivery through the turnout without charge. This exemption is to be applied on a chronological basis. Lawn water pumps shall not serve large numbers of lots or subdivisions. (See also Resolution 2022-02, Requirements for Subdivision of Irrigable Lands).

13. **LOCKING TURNOUTS AND OTHER DISTRICT FACILITIES**

Delivery boxes and turnout gates will be locked at all times to better ensure proper regulation of flows in canals and laterals and to reduce opportunities for vandalism. Access to headgates is limited to authorized District personnel. At especially difficult to regulate turnout locations, double padlocks can be authorized when the District determines it is necessary. In such situations both a District and a landowner padlock are to be used. Ditchriders must have their watermaster's written permission for double locks since the water user will have access to a District facility. Such double locks and water user access will not be permitted at locations determined by the District to be hazardous. Ditchriders do

not have the authority to leave head gates unlocked and they are not allowed to give out District keys.

14. **FLOODED MEASURING DEVICES AND FLOWMETER MEASUREMENTS**

Every effort will be made to secure correct readings at flooded measuring devices, but it is the water user's responsibility to eliminate flooding measuring devices and the user must bear the possible loss of water and inaccurate water measurement expenses that may result.

Any change in the operator's irrigation system that potentially affects the control water surface elevation of the canal or lateral is not authorized. Exceptions must have the prior approval of the District by permit.

In situations where water measurements are by mechanical or electronic flow meters, it is the responsibility of the water user to match actual water delivery with their water order. For metered turnouts, total water use charged will be the greater of the quantity ordered, the quantity metered or the calculated volume of maximum instantaneous flowrate over 24 hours. For metered turnouts water must be ordered in accordance with the procedures described in these Rules and Regulations. The amount used must match the amount ordered for the entirety of the water order.

15. **FENCES AND CATTLE GUARDS**

A permit must be obtained for any fence or cattle guard on District rights-of-way. No fences shall be built across canals, laterals or drains unless cattle guards are built across ditchrider and access roads. All cattle guards must meet District specifications and provide an adjacent road and gate for passage of overweight equipment. No fences will be built which interfere with weed spraying or canal cleaning operations.

Temporary fences may be erected across laterals, drains and wasteways at the end of the irrigation season without a formal permit, 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 maintenance equipment. Fences or gates will not be permitted on the East Low Canal.

Subdivisions shall install fencing adjacent to District open-channel facilities. A typical fence shall be 6 foot high chain-link.

16. **LIVESTOCK**

Livestock which interfere with proper distribution of water, adversely impact water quality or damage District facilities or rights-of-way will not be permitted on canal, lateral or drain rights-of-way. Payment for repairing all damage caused by livestock to the District facilities shall be the responsibility of the landowner and/or livestock owner.

The discharge of livestock waste to District waterways is prohibited. Livestock are not permitted within the prism of open-channel facilities.

17. **LOWERING DRAIN MANHOLES**

Permits may be approved to lower certain buried pipe drain manholes. To be considered for

lowering the drain system on which the manhole is situated must have been in operation for one or more years and not have a history of maintenance problems. Manholes needed to locate or gain access to the buried pipe drain system for inspection and/or maintenance may not be lowered. Manholes will be lowered only by District maintenance crews or under the direct supervision of an authorized District employee. The landowner will pay a special O&M fee, established by the Board of Directors, for the lowering of manholes.

18. **PERMITS**

Columbia Basin Project rights-of-way and easements have been created or acquired to construct, reconstruct, operate and maintain the District waterways and other facilities. The underlying fee and all other rights which do not interfere with the use of CBP rights-of-way and easements generally remain with the landowner. Fee simple title to some property is held by the United States or the District.

Landowners do not have the right to interfere with the Districts right to operate and maintain, nor to permit livestock to damage District waterways. Encroachments by adjacent landowners such as buildings, fences, landscaping, equipment or crops will not be permitted on East Low Canal, Potholes Canal (South District) or other facilities such as structures, pump plants, pipelines, canals, laterals, wasteways, drains, siphons or any other facilities.

Any activity which will occur within a right-of-way or alter or adversely affect District facilities, easements or rights-of-way must be authorized by an applicable District permit approved by the Board of Directors. Examples of activities that need a permit, with the design meeting District and/or USBR specifications and approval included, but are not limited to:

- a. Fencing and cattle guards
- b. Return flows, tail water disposal or pump sump overflow
- c. Municipal and industrial discharges Road crossings (culvert or bridges)
- d. Water, gas, industrial, sewer, powerlines, telephone or utility crossings
- e. Buildings
- f. Ditches, pipelines or irrigation machinery
- g. Discharges of water or wastewater
- h. Replacing canals, laterals, drains or wasteways with pipelines
- i. Realignment of canals, laterals, drains or wasteways
- j. Storage of equipment
- k. Additional turnout
- l. Modification of structures or measuring devices
- m. Elimination of facilities
- n. Lowering of manholes
- o. Connections to delivery facilities
- p. Landscaping
- q. Stock water and lawn water pumps

Any such activity must comply with current District requirements, which will be specified on each permit. Permits may be revoked by the Board of Directors for failure to comply with District Rules and Regulations or permit specifications. All activities pertinent to a granted permit shall be carried out in a reasonable length of time, as set forth in the permit. A permit may be revoked due to its incompatibility with current district operations, maintenance upgrades and repairs. The District may make accommodation in its design of upgrades to allow for the continued presence of a permitted activity or facility. In such cases, any additional cost to the project resulting from the accommodation shall be borne by the permit

holder.

Installation of utilities, pipelines, etc. within USBR easements running parallel to CBP facilities are not permitted.

Appendix A provides information that more fully explains permit requirements, construction standards, cost sharing and other details related to the more common types of activities requiring a permit. The "Information and Requirements for Turnout Changes, Pipelines and Other Modification of District Facilities Necessary for Center Pivots and Other Changes to Farm Irrigation Systems" is attached to these Rules and Regulations.

19. **INSTALLATION OF WATER AND WASTEWATER INFRASTRUCTURE**

Water and wastewater infrastructure which will convey or store fluids that are not composed entirely of untreated Columbia Basin Project water shall be subject to certain conditions meant to prevent the pollution of District-operated facilities from unauthorized discharges. These conditions may include permit language wherein the permittee indemnifies the District, a requirement to carry insurance and to name the District as an additional insured, and other conditions the District may impose in order to protect itself and its landowners from liability.

20. **DAMAGE TO DISTRICT FACILITIES OR STRUCTURES**

No activity shall be allowed on District property, easements or rights-of-way which will subject District facilities to damage or hinder the District's ability to deliver water.

21. **USE OF PESTICIDES, FERTILIZERS AND OTHER CHEMICALS WITHIN DISTRICT RIGHTS-OF-WAY, CHEMIGATION AND FERTIGATION, SCREEN AND FILTER BACKWASH**

Landowners may not apply herbicides, insecticides, fumigants, rodenticides and other pesticides within District rights-of-way. This includes chemigation and fertigation through irrigation systems that overspray District rights-of-way or discharge to District waterways.

Irrigation facilities and equipment that is being used for chemigation and/or fertigation that is hydraulically connected to, or in close proximity to, District turnouts, measuring devices, canals, laterals, drains or wasteways must comply with Washington State Department of Agriculture laws and regulations for chemigation and fertigation. The horizontal and vertical location of pesticide and fertilizer tanks and containers relative to District waterways and the existence and configuration of properly functioning backflow prevention devices are of particular interest to the District with the intent of preventing the pollution of water being conveyed for use by others or for which the District may have a water quality responsibility. Chemigation and fertigation water may not be discharged to District waterways. In cases where the District becomes aware of deficient or improper chemigation/fertigation installation or equipment the water user and chemical/fertilizer dealer will be notified. The District will notify the Washington State Department of Agriculture and/or Department of Ecology and/or U.S. Bureau of Reclamation if the situation is not corrected.

Backwash water and debris from filters and screens may not be discharged back to District waterways.

Also see Section II. Responsibility for Tailwater Disposal and Water Quality

22. **ACREAGE LIMITATIONS**

Water deliveries will be made only 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.

23. **SUBDIVISION (PLATTING AND SHORT PLATTING) OF FARM UNITS**

The District's complete policies regarding the subdivision by platting and short platting of farm units and parcels served by water service contracts are contained in Resolution 2024-02. That policy communicates a philosophy encouraging the retention of irrigated lands in a commercial agriculture land use. That policy also sets forth requirements regarding water delivery, water management and platting standards for farm units and water service contract parcels that are being subdivided. State law (RCW 58.17.310) requires irrigation district approval of plats and short plats in the District's service area within the Columbia Basin Project.

24. **FROST PROTECTION WATER**

Frost protection water is available only by a special permit for secondary water delivery specifically approved by the Board of Directors. Such permits will be granted only in the very few areas of the District where water storage and wasteway facilities are adequate to enable such deliveries. The conditions of the secondary water delivery will be specified on the permit. Such secondary water deliveries will be charged against the annual base quantity of the farm unit or water service contract and the use is subject to the standards for unreasonable waste of water described elsewhere in these Rules and Regulations.

Water users, otherwise utilizing their regular irrigation water delivery for frost protection purposes, are advised that the configuration of the Columbia Basin Project's irrigation and drainage system does not provide adequate water storage and wasteway facilities to satisfactorily allow water deliveries for short time intervals to accommodate water application for frost protection of tree fruit and other crops. District staffing levels and sequences of operations are structured for general agricultural irrigation and are not conducive to short term and erratic water deliveries. Early season water deliveries are more prone to periodic interruptions and fluctuations due to such factors as canal failures, pipeline failures, freezing conditions, windblown weeds, electrical and mechanical failures of pumps and gates, commitment of District crews to duties elsewhere and other circumstances beyond the control of the District. The use of Columbia Basin Project irrigation water delivery for frost protection entails an assumption of a significant risk of financial loss by the water user, accordingly other frost protection methods and equipment should be installed and relied upon as the primary frost protection method.

25. **DELIVERY OF LEACHING WATER, SETTLING OF NEWLY CONSTRUCTED DRAINS AND INTERFERENCE WITH DRAINS**

The District's complete policy regarding the delivery of leaching water is set forth in Resolution 94-06. Under specific circumstances the District will deliver water separate from the base quantity allotment, to leach salts from the root zone. Delivery of leaching water must follow Bureau of Reclamation guidelines and is only available following documentation

that adverse salt conditions exist in the root zone and will only be delivered consistent with a pre-approved leaching plan. Details of these requirements and other water delivery requirements and costs are set forth in Resolution 94-06.

Owners of farm units on which the Bureau of Reclamation has constructed buried pipe drains are required as part of their agreements and easements with the USBR to settle the pipe trenches following construction. The District will deliver water, separate from the base quantity allotment, for the landowner's use for such settling. Delivery of drain settling water is subject to availability through the District's canal system. Only quantities appropriate for the drain settling will be delivered separate from the allotment. Water quantities and delivery schedules must be requested in advance by the landowner and approved in advance by the District. The District and USBR are not responsible for land or crop damages resulting from the landowner's failure to settle pipe trenches following drain construction and such failure will obligate the landowner for resulting repair costs incurred by the District or USBR.

Many District farm units are served by extensive systems of buried pipe drains and the drains beneath one unit often provide drainage benefits to adjoining or nearby farm units. Landowners damaging the District's drain system either directly (such as by ripping, excavation, etc.) or indirectly (such as by planting deep rooted crops) are responsible for the cost of repairs to the drain and any consequential damages to other property served by the drain. Modifications to District drains, including lowering of manholes, requires a permit.

26. **CONSTRUCTION WATER**

In specific situations the District will make available minor amounts of water for construction purposes such as soil compaction, dust control or road maintenance. Permits are required prior to the use of water for such purposes. The District's policy for the delivery of construction water, including permit and cost details, is contained in Resolution 2020-10.

27. **RELEASES AND TRANSFERS OF WATER ALLOTMENTS**

The District's complete policy regarding the release and transfer of water allotments is set forth in Resolution 2007-13. That policy provides that the owners of lands having an irrigation water allotment that have transitioned to a non-irrigation land use, as defined by the policy, may enter into an agreement with the District permanently releasing the irrigation water allotment. That agreement will end the land's entitlement to irrigation water and will also end the obligation to pay irrigation assessments. The District's Board of Directors will then transfer this released water allotment to other lands in the District that have applied for a water allotment. The prerequisites to qualify to receive a transferred allotment and the priority criteria for such allocations are set forth in the 1968 Repayment Contract and Resolution 2007-13.

**Information and Requirements
for
Turnout Changes, Pipelines and Other
Modifications of District Facilities
Necessary for Center Pivots and Other Changes
to Farm Irrigation Systems**

Center Pivot Trends In 1982, 39% of the acres using East District water were sprinkler irrigated and 61% were gravity irrigated. By 1995 those numbers were nearly reversed with 59% being sprinkler irrigated, mostly by center pivots, and 41% gravity irrigated, indicating changes on over 30,000 acres. In 2018, 84% of the District's service area was under sprinkler irrigation. As of 2023 irrigation season, 94% of the District's service area was under sprinkler irrigation and 6% remained gravity irrigated

Design Facts of Life The Columbia Basin Project's canals and laterals were designed and constructed to deliver water to gravity farm systems. This fact must be considered when new farm irrigation systems are installed. Often design changes for the new farm system and/or modifications to District facilities will be necessary. Past failures to coordinate the farm and District systems have resulted in operating problems for both the water user and the District.

Goals and Policies It is a goal of the East District's Board of Directors to promote policies and practices and, when possible and appropriate, to provide resources to encourage and assist the modernization of the on-farm irrigation systems. This goal is in the best interests of the District as a whole because of the associated improvements in crop production, farm income, water and energy efficiency and soil conservation. In working toward this goal, it is also the Board's intent to only take actions that are financially and operationally equitable to all District water users and that preserve the integrity of the District's irrigation and drainage system.

Turn Out Capacities, Turn Out Changes and Measuring Devices

Capacities Check with the District to verify that the lateral and farm unit turnout have sufficient capacity to supply the new farm system. This is often a critical design factor for the new system, especially if several parcels are being consolidated under a single irrigation machine. The amount of water available during prorating (rationing), share system capacity, is an especially important design consideration.

Enlarging Often it is possible to relocate, enlarge or replace a turnout to obtain the necessary capacity or to otherwise accommodate the new farm system. Such changes require a permit approved by the Board of Directors. Usually, the District will provide the headgate and related hardware when available. Construction is usually done by the water user or his contractor and must be done to District standards.

Fluctuating Delivery and Demand Some variation in turnout discharge is unavoidable in a gravity canal system. Canal location, return flows, temperature, wind and canal operational schedules all influence the severity of this fluctuation. Corner systems and programmable end guns create changes in farm

system demand during the course of the day. Farm pump systems must be designed to accommodate these changes in flow. Common methods are operational bypass overflows and storage ponds.

Overflows Pump outage overflows must be planned for along with daily flow fluctuations. District laterals usually do not have sufficient remaining uncommitted capacity to accept such flows. Usually, the water user will have to convey this water to a drain or store it in a pond. Discharges to District canals, laterals, wasteways and drains require a permit approved by the Board of Directors.

Flooding Farm systems must not flood the District's measuring device. The District will provide engineering and surveying assistance, if requested, to determine non-flooding elevations for farm system components.

Measuring Gravity measuring devices such as weirs and constant head orifices (c-h-o's) continue to be preferred because of their accuracy, dependability and ease of maintenance. Flowmeters can be used in installations where gravity devices are not suitable.

Meters Use of a flowmeter requires a permit approved by the Board of Directors. Purchase cost is the water user's responsibility. The District will maintain approved meters. Used or rebuilt meters are not acceptable. The District requires Siemens brand meters with instantaneous readings in cubic feet per second (cfs) totalizing readings in acre feet.

Piping and Relocating District Facilities

Piping It is often possible to pipe District laterals, wasteways or drains to change field geometry to accommodate irrigation system changes. Such pipelines require a permit approved by the Board of Directors and must meet District design, materials and installation specifications. District engineering staff can usually provide design assistance. The costs of materials and installation are the responsibility of the landowner unless other arrangements are agreed to by the District. Upon satisfactory completion, the pipeline and appurtenances become the property of the Bureau of Reclamation and/or the District and the District will take over maintenance responsibility.

Cost Sharing The District often enters into cost sharing arrangements with water users installing pipelines to replace open channel District facilities. The cost share details vary depending on each situation and the availability of District resources. A common arrangement is for the District to provide engineering, trench excavation, pipe installation and backfilling and the water user to provide the pipe, other construction materials and final leveling. Variations to this arrangement are common and all pipeline cost share arrangements require approval in advance.

Priorities The number of requests by water users each year for pipeline cost sharing usually exceeds the available District financial, equipment and personnel resources. Requests are prioritized based on District cost and time requirements, maintenance and operation improvements for the District, potential water savings and compatibility with the District's "Comprehensive Water Conservation Plan". Laterals tend to have priority over wasteways and drains. Requests made later in the maintenance season usually don't fare as well as requests received by late summer or early fall.

Realigning Occasionally a District lateral, wasteway or drain can be relocated to create the field geometry needed for a new irrigation system. Such relocations require a permit approved by the Board of Directors and are approved only when it is determined that a pipeline is not practical or feasible. All construction expenses are usually the responsibility of the water user and the design and work must meet District specifications.

Easements Appropriate easements for realigned channels and for pipelines following alignments outside the original easement must be donated to the Bureau of Reclamation and/or the District as a condition of permit approval.

Prohibition of Bridges and Culverts Crossing District Facilities

Culverts Culverts for center pivot crossings of District channels are not allowed because of the resulting unsatisfactory hydraulic conditions, water quality impacts and increased channel and roadway maintenance.

Bridges Bridges and center pivot crossings are not permitted over open delivery facilities. Bridges require a variance to District policy and a permit approved by the Board of Directors. Potential effects on channel hydraulics, water quality, operations and maintenance will be considered and, if in the opinion of the District, these effects are adverse a permit will not be approved.

Administrative Information

Permits Permits are considered by the Board of Directors at their regular meetings, normally scheduled for the first Wednesday of each month. Policy-compliant permits may be approved by the Secretary-Manager anytime as authorized by Resolution 2018-12. Depending on the complexity of the project proposed by the permit and on the District workload it can take several weeks to prepare a permit for Board consideration. Allow adequate lead time to avoid delays.

Deadlines The East Low Canal and the larger laterals must be ready for water by March 20th of each year. The smaller laterals and sublaterals must be ready for water by March 27th of each year. Projects involving District facilities must begin and be completed in time to meet these deadlines.

Safety Water users, irrigation system sales companies and contractors doing construction work involving District facilities must comply with all federal, state and local safety, environmental and other standards and regulations applicable to the District. WAC 296-155, Safety Standards for Construction Work, and its Part N, Excavation, Trenching and Shoring are often particularly applicable.

Inspection All projects involving District facilities are subject to periodic inspection for adherence to permit requirements and safety compliance. Permittees are required to notify appropriate District staff prior to performing work.

Prepayment For farm units or parcels irrigated simultaneously as a single, consolidated irrigation unit by a single or common irrigation system or device, such as a center pivot, the assessments for all the consolidated farm units or parcels so irrigated must be paid prior to water delivery.

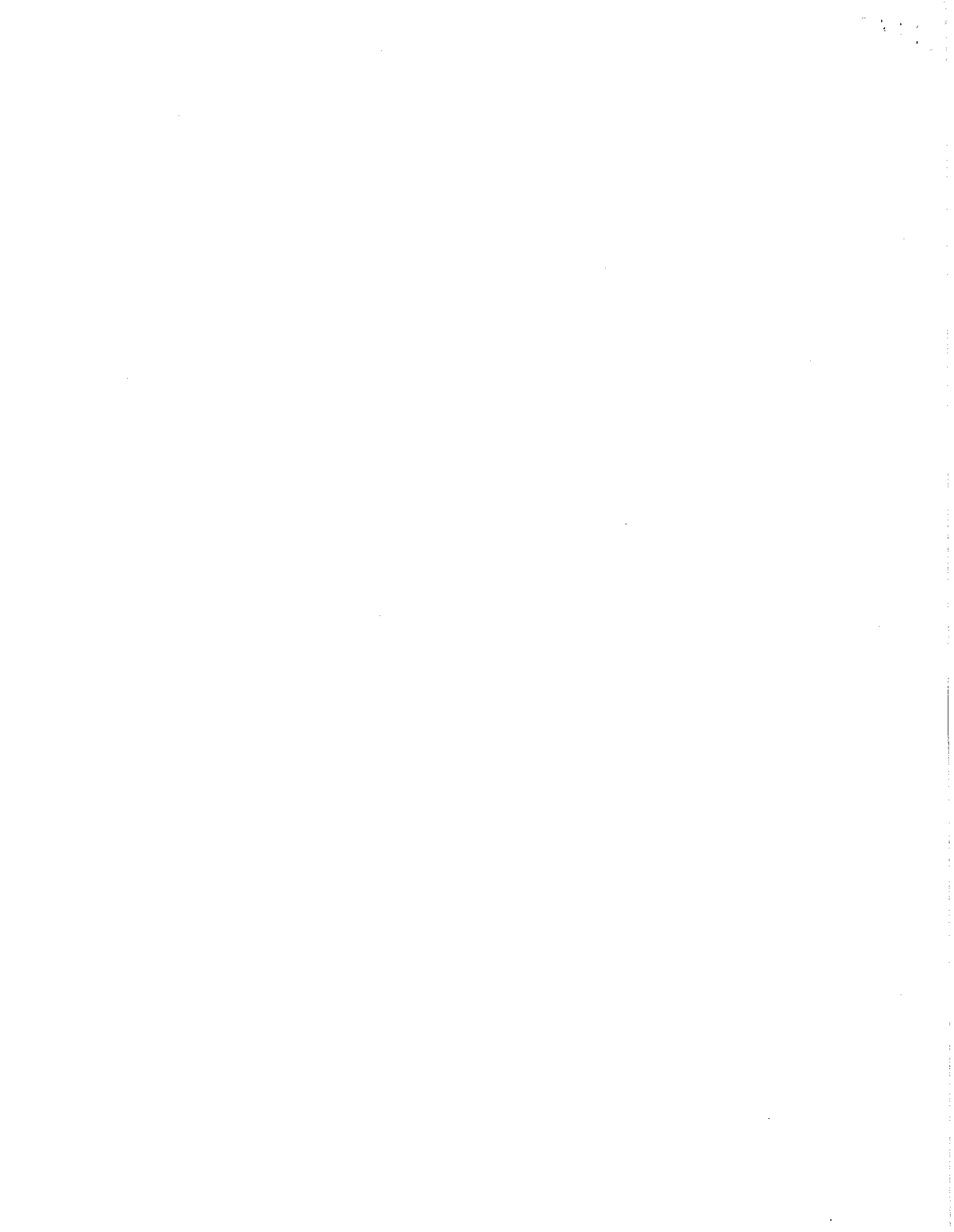
Combinations Farm units or parcels irrigated simultaneously as a single, consolidated irrigation unit by a single or common irrigation system or device, such as a center pivot, should be combined for share system capacity and base quantity purposes each year by the water user. In some cases, permanent combinations, not needing annual renewal, are possible.

Meters For flowmeters, it is the responsibility of the water user to match actual water delivery with their water order. For metered turnouts, total water use charged will be the greater of the quantity ordered, the quantity metered or the high instantaneous flow calculated for 24 hours. Water must be ordered, (on, off and changes) just like all other turnouts. Flowmeters are not to be tampered with.

Encroachments Encroachments by irrigation machinery, pipelines, and appurtenances onto District easements require a permit approved by the Board of Directors. End guns should be programmed to avoid watering O&M roads and District channels. Irrigation machinery shall not obstruct O&M roads.

Prorating/Rotation The conversion to sprinkler systems from rill irrigation is changing the nature of canal operations. Where center pivots usually take less water annually, they often need higher instantaneous flows and follow a frequent on-off sequence. The CBP canal system is too lengthy to always keep pace with these cycles. The resulting peaking problems are becoming common. Prorating is not always a practical solution to equitably share available channel capacity because of the all-on or all-off modes of center pivots. In localized situations, ditchriders and water users have worked out voluntary arrangements to rotate deliveries between water users to share lateral capacity. As the conversions to these types of irrigation systems continue, more widespread and more formal rotation policies are likely to be necessary. In cases where rotation is not mutually agreeable to affected waterusers, rationing will be done by proration or interruption and will be computed and based on irrigable acreage and share system capacity as provided to the District by the Bureau of Reclamation or interrupted per contract.

Appendix A-4



EAST COLUMBIA BASIN IRRIGATION DISTRICT

RESOLUTION 2024 – 09

Amending Rules and Regulations of the East Columbia Basin Irrigation District

BE IT RESOLVED that the following are hereby adopted as the amended Rules and Regulations of the East Columbia Irrigation District, effective this date; and

BE IT FURTHER RESOLVED that Resolution 2022-07 is superseded by this Resolution.

DULY ADOPTED in Open Meeting this 6th day of March, 2024.



(Seal)

BOARD OF DIRECTORS:

Dani Archer

Hermin Springer Jr

Keri Lytle

Ruit Baker

ATTEST:

[Signature]

Secretary

