

RULES and REGULATIONS

WENATCHEE RECLAMATION DISTRICT

Preamble

WENATCHEE RECLAMATION DISTRICT ("District") is a Washington irrigation district. It operates as authorized by the laws of the state of Washington, specifically RCW 87.03. To manage and conduct the business and affairs of the District, the Board of Directors establishes and has established equitable rules and regulations to govern and manage the District and to provide for the equitable distribution of water to lands served by the District.

Rules and Regulations

Rules and Regulations that the District has adopted include the following:

1. Water is used and distributed in the manner most beneficial to the lands served by the District. Water is distributed and must be used in compliance with the terms and conditions of water right agreements entered into by water users, which agreements authorize the use of specified amounts of water on specified parcels of land, subject to the bylaws, rules and regulations as from time to time adopted and/or amended by the District's Board of Directors, and subject to the laws of the State of Washington.
2. All water users must at all times conduct their activities in strict compliance with: (1) the terms and conditions of the water right agreements that have been entered into for the lands that those water right agreements cover; (2) the bylaws, rules and regulations (as from time to time amended) of the District; (3) all applicable statutes, orders, rules and regulations of any public authority having jurisdiction; and (4) the laws of the State of Washington.
3. Delivery of water is made at the bank of the main canal or at the pipeline of the District at the point at which the District has placed a measuring device which is the property of the District. The water user bears sole and exclusive responsibility at its own cost and expense for conveyance of water from that point of delivery. The measuring device is located at the point which the District deems most appropriate for conveyance of water from that point to the water user's land.
4. A minimum of one share of irrigation water, which is equal to five and one-half gallons per minute, is required for the installation and/or use of a pump at the canal bank.
5. Water users shall use water supplied by the District to irrigate land. Water users shall not permit the water to be used on any land except the land of the water user to which that water is appurtenant. Irrigation water shall not be allowed to run off or in any way wasted.

6. Water users shall utilize no more water than the amount to which the water right agreement for the land entitles them. Taking of water to which one is not entitled constitutes a violation of Washington law:

The unauthorized use of water to which another person is entitled or the willful or negligent waste of water to the detriment of another shall be a misdemeanor. . . The possession of or use of water without legal right shall be prima facie evidence of the guilt of the person using it. (RCW 90.03.400.)

7. If any person or entity utilizes any water above the amount to which that person or entity is entitled, the District will determine the amount of water taken above that to which the person or entity is entitled, and that person or entity shall be responsible to pay the District for all additional water taken, plus interest, and all costs and attorney fees incurred to collect all such amounts.

8. The District shall not be liable for scarcity of water caused by unlawful obstruction, hostile diversion, forcible entry, unusually cold weather, drought, flood, accident, or any other cause beyond the District's reasonable control. The District will use due diligence to maintain its canal, its pipeline, and its irrigation facilities and to keep them operational during the irrigation season.

9. The District will cease delivery of irrigation water each fall at the close of the irrigation season. It may also cease delivery of irrigation water to perform repairs, and at other times when reasonable necessity requires such. During the irrigation season, the District will restore the water in its canal and pipeline as soon as the nature of the case will reasonably permit.

10. Land which is the subject of a water right agreement is charged assessments/rates, tolls and charges, whether it receives water or not.

11. Objections to the yearly assessments/rates, tolls and charges must be voiced at the yearly equalization meeting held by the Directors of the District in accordance with RCW 87.03.255 in which the Board of Directors sits as a Board of Equalization to hear and determine any objections to the roll of assessments/rates, tolls and charges.

12. The District's minimum charge is one share of water, i.e., if a parcel has only a fractional share of water, the charge for that parcel is the current charge for one share of water.

13. The District charges a fee for pressure delivery when the point of delivery is at a pipeline where the water pressure, during normal operations, is 28 psi or greater. That fee is set annually by the Board of Directors at the time it sets the yearly assessments/rates, tolls and charges, as referred to in Section 11 above.

14. It is necessary to keep a sufficient amount of water on each side of the Columbia River. Therefore, no transfer of a water right from Douglas County to Chelan County or from Chelan County to Douglas County will be permitted, unless it is determined by the Board of Directors that such

assignment can be made without adversely impacting the District's ability to provide water necessary to irrigate lands on each side of the Columbia River.

15. For transfers of water, an applicant must file a request with the District Manager or the Manager's delegate to transfer a specified quantity of water presently appurtenant to one parcel of property to another parcel of property. A minimum of one share to the acre is required for parcels of land one acre or less. No deduction shall be made for roads, buildings and/or other improvements. For parcels of land greater than one acre, in determining the number of required shares for the parcel, no deduction shall be made for roads, buildings and/or other improvements, unless these render a majority of the parcel non-irrigable. The Board of Directors may then request a licensed engineer's written opinion, at the property owner's expense, to determine the irrigable portion of land for the purpose of determining the number of shares required for the parcel. The Board may request the Manager or the Manager's delegate to investigate the appropriateness of the transfer of water to any new parcel. The Board, after consultation with the Manager or the Manager's delegate, may or may not authorize the transfer. The Board may require the transferor and transferee and any other parties holding an interest in either parcel of property to join in the written instrument conveying the water from one parcel to the other and obligating the transferee's real property to existing or future charges and assessments/rates, tolls and charges by the District. A water right agreement may be transferred only once in a calendar year.

16. Transfers from one parcel to a downstream parcel will not be permitted if, in the opinion of the District, the transfer will adversely affect the District's ability to efficiently distribute water throughout the system.

17. Prior to the transfer of any contract water right from one parcel of land to another, all amounts due by way of back assessments/rates, tolls and charges or otherwise must be paid to the District. If a water user transfers his or her outside District contract water right back to the District, the District may allow, as a credit on any amounts due for back assessments/rates, tolls and charges or otherwise, the value (as set by the Board of Directors) of that contract water right.

18. To temporarily or permanently change the delivery point, either onto or off of a common line, the owner(s) of no less than two-thirds of the parcels of property served by the common line, or their authorized representatives, must consent in writing to the change, except when approved by the Board. This limitation is in addition to complying with all applicable statutes, regulations, rules and policies relating to the transfer of water.

19. RCW58.17.310 provides in part:

In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW [58.17.020](#), for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter [87.03](#) RCW unless there has been provided an irrigation water right-of-way for each parcel of land in

such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. . . .Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

All District water users must be aware of, and abide by, the requirements of this statute.

20. Anyone who divides any parcel of land must notify the District of the proposed division. Any failure to so notify the District will result in the property continuing to be assessed as an undivided parcel.

21. When property is divided, the diversion point for the parcel of land remains the same after division and installation of a common or community system. All connections must be at the location of the original water box.

22. Where two parcels of land are combined and only one parcel has a contract water right, the parcels are to be combined, keeping the correct parcel number. The legal description will state what portion of the land has an irrigation contract water right. The use of irrigation water will be regulated by orifice opening.

23. No person shall interfere with or destroy any head gate, canal, reservoir, water box or other structure utilized by the District for carrying, storing, apportioning or measuring of water. Any such conduct constitutes a violation of District policy, subjecting the person to sanctions under his or her water rights agreement and constitutes a violation of state law, subjecting a person to criminal liability. (RCW 90.03.410.)

24. Any claim against the District shall be presented to the District as provided in RCW 4.96.020. The Manager of the District has been appointed as agent to receive any claim for damages. In the event that a claim is for crop damage, in addition to filing the claim within the applicable period of limitations within which the action must be commenced and in the manner specified by RCW 4.96.020, the claimant must file with the Manager of the District, or in the Manager's absence one of the directors, not less than three (3) days prior to the severance of the crop alleged to be damaged, a written preliminary notice describing the crop alleged to be damaged and the amount of damage claimed. The preliminary notice must (1) advise the District that the claimant has filed a claim or intends to file a claim against the District for alleged crop damage; (2) state the name and present residence of the claimant; (3) state the alleged cause of the damage to the crop alleged to have been damaged; (4) state the estimated amount of damage; and (5) accurately locate

and describe where the crop alleged to have been damaged is located. The preliminary notice may be given by the claimant or by one acting on claimant's behalf and shall be verified. No action may be commenced against the District unless claimant has strictly and fully complied with the provisions in RCW 4.96.020, with the preliminary notice requirements above described, and with all requirements set by Washington law.

25. District canal roads exist for the sole purpose of operating and maintaining the canal. District personnel require unrestricted access to these roads in order to efficiently and safely perform their work. These roads must be kept clear at all times. District canal roads are posted with "No Trespassing" signs. The presence of unauthorized persons on the canal roads interferes with maintenance and operation of the system and creates a safety hazard. The District's canal roads and property must remain unobstructed.

26. The District's property/right of way including its canal roads and access ways shall not be utilized by anyone other than the District, or water users for purpose of access to their irrigation water distribution systems for operation, service, maintenance, and repair, and others who receive prior written District authorization for specific projects. Trespassing on its property/rights of way is prohibited.

27. Removal of foliage, trees, or any other obstruction on a landowner's property, which obstructs the District's right-of-way/easement/or property owned in fee by the District is the responsibility of the landowner. The District may notify a landowner of such obstruction, requesting the landowner to abate the obstruction. If the landowner does not timely abate the obstruction, the District may remove such foliage, trees, or other obstruction to the extent that it interferes with the District's right-of-way/easement/or property owned in fee by the District, charging the landowner all costs of such removal.

28. No bridge may be built across any District canal without the prior written approval of the District and the signing of the District's agreement for such. The agreement will be on the terms and conditions generally utilized for any person or entity seeking to build a bridge over the District canal. The bridge must be engineered, constructed, and maintained in compliance with requirements set by all applicable governing authorities. Any existing bridge must be kept in good condition and in a configuration such that it does not actually or potentially interfere with the District's operation and maintenance of its canal and related facilities.

29. No planting, construction, improvement, digging or any other activity or work shall take place over any pipeline of the District or in the vicinity of the District's canal, laterals or other facilities without the prior written approval of the District and the signing of the District's agreement, permit or license. No work, other than normal maintenance that will not adversely impact conveyance of water through any pipeline of the District or within the canal, lateral, or other facility of the District shall take place during any time the District is utilizing any pipeline, lateral, or other facility of the District for the conveyance of water, except work necessary to address an emergency. Absent written authorization by the District, any such work shall take place after October 30 and shall be completed no later than March 15. Any agreement, permit or license shall be on such terms and conditions as are generally utilized for water users or others seeking to conduct activity over any District pipeline or in the vicinity of the District's canal,

laterals, or other facilities. Any improvements made on the district's easement or rights-of-way must be maintained by permittee or subsequent property owner.

30. To provide fair representation to all water users within all areas of the District, each of the following areas is to be represented by a Director who owns property within that area:

- 1) Cashmere - Monitor (Lands West of Section 19's Eastern boundary);
- 2) Sunnyslope and Wenatchee
- 3) Douglas County.

31. The District does not allow transfer of District supplied water appurtenant to properties within the District to properties within Millerdale Irrigation District.

32. Leased water is to supplement appurtenant water or may be leased to a public entity without appurtenant water. The water user requesting to lease water must provide the District with the parcel number where the water will be used and its diversion point at the canal. The maximum amount of lease water for the parcel shall be based on the following:

- One acre or less in size, maximum lease water, including appurtenant, shall not exceed 1 share.
- Greater than 1 acre in size, the amount of irrigation water available to lease shall be determined by multiplying the total acreage by 1.50 and subtracting out the number of existing shares from the total (total acreage x 1.50 - existing shares = leasable shares)

All water leased from the District is on a temporary, nontransferable basis, interruptible at any time for any length of time, and without liability to the District.