

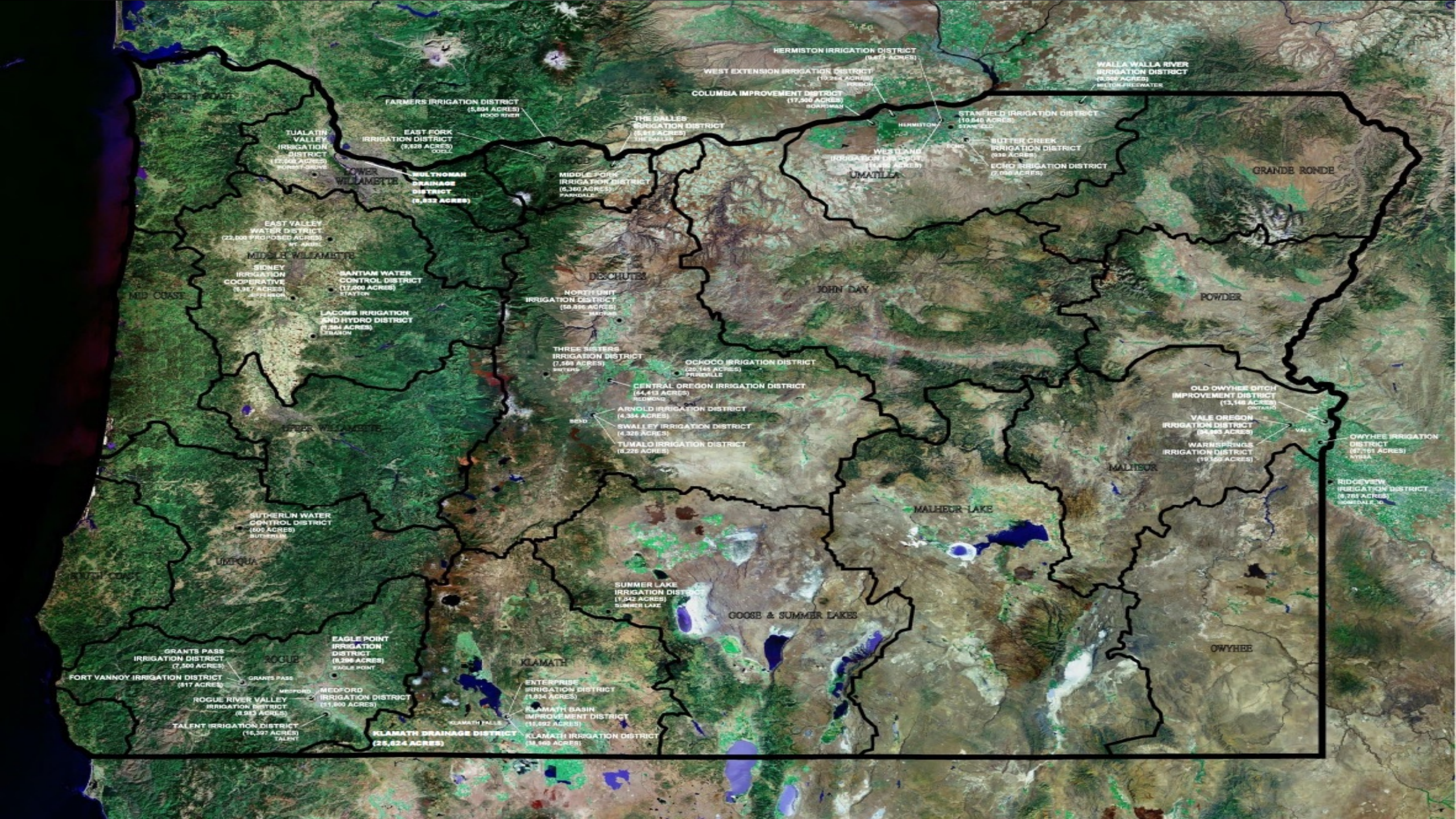
# **IRRIGATION DISTRICTS & OTHER TYPES OF AGRICULTURAL WATER SUPPLIERS**

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*PRESENTATION AT HARNEY CO. COMMUNITY-BASED WATER PLANNING –  
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# ABOUT OWRC

- 💧 Nonprofit membership association representing irrigation districts, water control districts, drainage districts, improvement districts, and other agricultural water suppliers
- 💧 Our members deliver water to 1/3 of all irrigated land in Oregon
- 💧 Promoting the protection and use of water rights and the wise stewardship of water resources since 1912



# OWRC SERVICES

## Advocacy

- State level lobbying and engagement in legislation, rulemaking, funding, and other agency actions impacting irrigated agriculture
- Federal level lobbying and engagement in Congressional legislation, agency rulemaking, and federal funding

## Education

- Provide variety of training and educational opportunities to agricultural suppliers and related affiliates
- Provide education to outside stakeholders, including tours for legislators and agency staff

# IRRIGATED AGRICULTURE IN OREGON

- ◆ Farmers, ranchers, nursery, and other agricultural users putting water to "beneficial use" – growing food, forage, fiber products, stock water, etc.
- ◆ Sources of water: Surface water diversions, stored water, groundwater wells
- ◆ More than 75% of Oregon's harvested crop value is produced using irrigation water from streams and rivers
- ◆ Water is delivered by irrigation districts, water control districts, drainage districts, improvement districts, and other agricultural water suppliers; or provided by individual farmers and nurserymen
- ◆ **Average acre of irrigated land is worth \$4,140 compared to \$1,190 for non-irrigated acres**

# STEWARDSHIP RELATIONSHIP

- Under Oregon Water Law, all water belongs to the people and in most instances a permit is needed to use the water and the water must be put to beneficial use
- The State of Oregon through Oregon Water Resources Department is charged with granting permits, approving transfers and other regulation of the water source
- Districts do not “own” water rights but they have what is similar to a “trustee” relationship and are responsible for stewarding the rights they hold on behalf of their patrons
- The individual patrons are responsible for using the water beneficially in accordance with the right and applicable state and federal laws

# BENEFITS OF DISTRICTS

## Financial Structure

- Districts can assess or charge fees to water users (i.e. patrons) within district boundaries for costs of construction, maintenance and operation of water supply and water delivery infrastructure
  - Can include legal fees, technical studies, staff, and other components that a district may need to deliver water supplies
  - Assessments and overall budget are voted on by the patrons annually
- Most are quasi-municipal, local government, tax exempt entities
  - Access to public funding, bonding, state and federal grant/loans programs
  - Ability to take on debt
  - Acquire liability insurance to cover physical claims (flooding, etc.) as well as board/district coverage (employment, financial bond etc.)

# BENEFITS OF DISTRICTS

## Governance Structure

- Publicly elected board that is accountable to patrons of district
- Ability to develop and implement policies related to broad range of water management issues

## Water Management Tools

- Greater flexibility in water transfers
  - Temporary place of use changes under 540.570; Transfer to prevent forfeiture under ORS 540.572; Permanent place of use transfer under 540.580
- Agricultural Water Management & Conservation Plans

## Communication

- Good vehicle to educate district patrons about water efficiency tools, available funding, water schedules, etc. (printed, digital, and in-person)
- More consistent message to a broader constituency than what can be achieved by individual water users



# CANALS, PIPELINES, DITCHES, & OTHER WATER DELIVERY SYSTEMS



# TYPES OF DISTRICTS PROVIDING AGRICULTURAL WATER SUPPLIES

- Irrigation Districts – ORS 545
- Drainage Districts – ORS 547
- Water Improvement Districts – ORS 552
- Water Control Districts – ORS 553
- Other entities: Corporations, Private canal/ditch companies – ORS 554
- Most districts are classified as special districts and subject to some, but not all of the provisions of ORS 198, which includes elections, public meetings, etc.

# IRRIGATION DISTRICTS – ORS 545

<b>Purpose for Formation</b>	<b>Public/Private</b>	<b>Assessment Ability</b>
<b>When owners of land that is irrigated or susceptible to irrigation desire to provide for the construction of works for irrigation of their land, to provide for the reconstruction, betterment, extension, purchase, operation or maintenance of works already constructed, or to provide for the assumption of indebtedness to the United States incurred under the federal reclamation laws on account of their lands, they may propose the organization of an irrigation district under the Irrigation District Law by signing a petition and filing it with the county court of the principal county, as defined in ORS 198.705.</b>	Quasi-governmental, subject to public meetings laws, public record requests, etc.	Yes

# DRAINAGE DISTRICTS – ORS 547

<b>Purpose for Formation</b>	<b>Public/Private</b>	<b>Assessment Ability</b>
<b>The persons shown by the records of the county to be the owners of 50 percent of the acreage in any contiguous body of swamp, wet or overflowed lands or irrigated lands, waters from which contribute to the swamp, wet or overflowed conditions of those or other lands, situated in one or more counties of the state, may form a drainage district for the purpose of having such lands reclaimed and protected by drainage or otherwise from the effects of water, for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience and welfare or of public utility or benefit.</b>	Quasi-governmental, subject to public meetings laws, public record requests, etc.	Yes

# WATER IMPROVEMENT DISTRICTS – ORS 552

<b>Purpose for Formation</b>	<b>Public/Private</b>	<b>Assessment Ability</b>
<b>A water improvement district may be created as provided by this chapter for the purpose of acquiring, purchasing, constructing, improving, operating and maintaining drainage, irrigation, and flood and surface water control works in order to prevent damage and destruction of life and property by floods, to improve the agricultural and other uses of lands and waters, to improve the public health, welfare and safety, to provide domestic or municipal and industrial water supply, to provide water-related recreation and for the purpose of enhancing water pollution control, water quality, and fish and wildlife resources.</b>	Quasi-governmental, subject to public meetings laws, public record requests, etc.	Yes

# WATER CONTROL DISTRICTS – ORS 553

<b>Purpose for Formation</b>	<b>Public/Private</b>	<b>Assessment Ability</b>
<p><b>Water control districts may be created as provided in this chapter for the purpose of acquiring, purchasing, constructing, improving, operating and maintaining drainage, irrigation, and flood and surface water control works in order to prevent damage and destruction of life and property by floods, to improve the agricultural and other uses of lands, and to improve the public health, welfare and safety.</b></p> <p><b>(2) A water control district, organized for one or more of the purposes provided by subsection (1) of this section, may also acquire, purchase, construct, improve, operate and maintain works and facilities for the secondary purposes of domestic, municipal and industrial water, recreation, wildlife, fish life and water quality enhancement. However, a water control district may not be created solely for one or more of the purposes provided by this subsection.</b></p>	<p>Quasi-governmental, subject to public meetings laws, public record requests, etc.</p>	<p>Yes</p>

# CORPORATIONS FOR IRRIGATION, DRAINAGE, WATER SUPPLY OR FLOOD CONTROL – ORS 554

Purpose for Formation	Public/Private	Assessment Ability
<p><b>One or more natural persons of the age of 18 or more, a domestic or foreign corporation, a partnership or an association, by submitting articles of incorporation to the Office of the Secretary of State for filing, may act as incorporators of a corporation for one or more of the following purposes:</b></p> <ul style="list-style-type: none"><li><b>(a) Irrigating or draining land.</b></li><li><b>(b) Furnishing land with water for domestic use.</b></li><li><b>(c) Protecting land by flood control.</b></li><li><b>(d) Taking ownership of and operating existing sanitary sewer facilities when water for domestic use is supplied pursuant to paragraph (b) of this subsection.</b></li></ul>	<p>Private corporation. Corporate existence, and powers of corporation. Records open to inspection by anyone interested, whether members or creditors.</p>	<p>Power to assess all land described in the articles of incorporation, each year per bylaws.</p>

# CHALLENGES & OTHER CONSIDERATIONS

- Districts are not the solution to water management challenges but they can provide options and tools for managing supplies for multiple water users
- Public entities are subject to variety of requirements including public meetings, public notice, public records, state ethics reporting, etc.
- Innovative solutions often do not fit existing state law – be prepared to seek clarity in existing law or statutes or create a pilot program

It's not easy...but you are not alone



# Questions?

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