Swalley Fees, Fines, & Assessment Policy for 2027

*Account Base Fee

$910 per account

*Per Acre Assessment

$50 per acre

** The Account Base Fee is computed to track the District's Personnel Budget on a Per Account Basis as each account within the District is entitled to equal administrative and field services care as provided through policy. Per statute, each acre of land that is entitled to irrigation within the District is required to pay the same amount for District Operation, Reserves, and Debt expenses as authorized by the District's Board of Directors. Small parcels owned by persons constituting a fractional portion of an acre are rounded to the whole acre such that all lands assessed under one acre are assessed at one acre.*

Payment in Full Prior to April 1

Assessment for the current irrigation season is due March 1 and considered past due as of April 1. All charges must be paid in full by March 31 so that assessments may be collected prior to the beginning of the irrigation season. This includes charges from the current year and any prior year delinquencies, interest, lien collection costs or fees.

Interest on Unpaid Charges, Late Fee

Per ORS 545.496 nonpayment of annual assessment as of March 31 accrues interest at a fixed rate of one and one-third percent per month (16% annually) beginning April 1 on the unpaid balance. A $125 late payment fee/headgate reopening fee will also be charged as of April 5.

No Waiver of Assessment

No assessment for the next irrigation season shall be waived after November 1 of the prior year because a water user does not choose to irrigate, wants to quitclaim a water right, or consolidate their property holdings. If a District water right has not been transferred off the land, quitclaimed, or sold/changed ownership by November 1 of the prior year, the assessment for the next irrigation season will be due. Water users are not surcharged for stock water if it is available.

Withholding of Water Delivery
District staff will provide water to all water users paid in full or on approved payment plans. If charges are not paid in full by March 31, when irrigation season begins for that year, delivery will not be provided until charges are paid in full or the first payment on the payment plan has been received by the District. Where feasible, unpaid water user delivery boxes or weirs will be locked or closed to prevent delivery.
(Per Oregon Statutes 545.496)

Payment Plans
At the discretion of the Manager/Secretary, a written payment plan entered no later than March 31 may be allowed where 25% of the assessment is paid by March 31 and the remainder owed is paid in no more than 3 equal installments before June 30. A penalty of 1.3% interest will accrue at a fixed monthly rate on any unpaid balance starting on April 1. The late payment fee/headgate reopening fee will not apply and water will be provided at the beginning of the irrigation season so long as all payments are made on time.

Notice of Lien
For each account remaining delinquent and unpaid as of June 30 of the current year, including those accounts with a missed payment on the payment plan, notice will be mailed to each account for which delinquent charges are owed. Said notice shall be provided on or after July 1 of the current year. The landowner will be advised that the unpaid charges are earning interest and that a Notice of Claim of Lien for any unpaid and accrued charges will be prepared and recorded if charges are not paid by July 31 of the current year.

For each account remaining delinquent and unpaid as of July 31 of the current year, the Manager/Secretary shall refer the account to the District's legal counsel to prepare and record in the County Clerk's office, a Notice of Claim of Lien for the amount of the unpaid charges, the delinquent charge, administrative fee, cost of preparing, recording and releasing said Lien and any legal fees.

Foreclosure
After 90 days following the filing of a lien, or at the discretion of the District's Board of Directors beyond 90 days, for each account remaining delinquent and unpaid from July 31 of the current year, the District's General Manager/Board Secretary shall refer the account to the District's legal counsel for collection under the foreclosure law, for each lien that remains unpaid.

Transfer of Water from a Parcel to another Parcel or Resulting from Subdivision of a Parcel
If the annual assessment has been paid for the calendar year by (a) the parcel that is transferring water to another parcel or (b) by the larger parcel that is then subdivided into smaller parcels with the water rights divided among the smaller parcels, then an annual assessment will not be charged in that same calendar year in the case of (a) or (b) above. These parcels will be responsible for the full assessment in the following calendar year. The exception to this is if a new headgate for the new water right

receiving parcel is installed in the calendar year the transfer or subdivision takes place. The full assessment will be charged in that year.

One Assessment Per Tax Lot Under Different Ownership Name
One assessment will be levied per tax lot under different ownership name as shown in the Deschutes County records. For example, one owner may own two or more tax lots side by side but if the ownership name is different on the tax lots, each tax lot under different ownership name will receive an assessment. However, if all side-by-side tax lots are held under one ownership name, then one assessment will be levied for all the tax lots. Assessments paid and collected during any given year will not be reimbursed during any future year for any reason.

Utility Enforcement
Utility statutes authorize that anyone taking water that is not authorized to do so, due to non-payment, lack of water right, vandalism to measurement or delivery structure, exceeding amount of right, or other actions taking water without authorization, is subject to fees and can also be penalized under enforceable state law. (ORS 164.125; Class A or C misdemeanor or Class B or C felony, depending upon conditions, value, number of enforcement actions). If the control measurement device cannot be locked, blockage will occur to prevent delivery and the amount of water at the diversion will be reduced. Removal of the blockage and taking the water when not authorized will result in utility enforcement.

FIRST OFFENSE: Verbal or written warning; stop taking water immediately. Headgate may be shut by ditch rider/field technician.

SECOND OFFENSE: Second warning and a large fee (typically $1,000) to be determined and issued at the discretion of the Manager/Secretary (Resolution 12-05) will be assessed.

THIRD OFFENSE: District requests outside law enforcement authority to respond under ORS 164.125 utility theft statute. All legal and enforcement fees/fines as determined by the Manager/Secretary billed to water user's account.

Other Swalley Fees

The Board of Directors of Swalley Irrigation District has established this fee schedule for the purpose of advising District patrons and the public of charges for typical transactions involving the District. It is the District's policy that it remains financially whole regarding any such transaction. All fees are one-time fees unless otherwise noted and will be collected before the District review process begins. Unless specified in writing, all fees are non-refundable.

COMPLIANCE NOTICE: Any person proposing to take any action that impacts or has potential to impact District facilities or operations is required to obtain advance District approval for such action and to pay any applicable fees or district expenses. Failure to obtain the District's approval and/or pay the applicable fees and expenses may result in fines, penalties, project cancellation and civil liability.

District Hourly Rate	**$160/hr**

Delivery Installation

New Delivery Fee	$160
Head Gate/Weir Inspection Requests	$0 unless repeat site-visits, then $80/visit
Turn-Off & Turn-On requests during the irrigation season for reasons other than emergencies, breakdowns/repairs, or harvesting. Only applies after deliveries have been turned on for the season and set.	$80 per site visit
New or Replacement Head Gate	$500 plus T & M
New Weir and Weir Box	$500 plus T & M
New Piping Turnout with Meter	$500 plus T & M
Other	Discretionary Fee Set by Manager plus T & M
Relocating Point of Delivery	$500 plus T & M
Pumping permit from river *(new pump application review by District)*	$500 plus T & M

Reviews

The District must be reimbursed for its staff time and any additional engineering, legal, or other necessary professional and material expense in reviewing development proposals. One hour of District staff time will be provided without cost. When the District's General Manager determines that a Responsible Party Agreement (RPA) is necessary for further development review or engagement beyond one hour, a signed RPA is required.

For all RPA reviews, the District Hourly Rates plus actual 3rd party expenses, including for example; the District's Attorney, Engineer, Surveyor, and/or any other Consultant will be charged at their prevailing rate.

Crossings of and Encroachments into, under, or over District Easements and Rights-of-Ways (ROWs)

The standard fee for minor encroachment is $1500 per encroachment or crossing. However, the exact encroachment fee is to be determined by the District's General Manager, at his/her discretion, on a case-by-case basis, based on all applicable factors including the width and length of the crossing or encroachment, the anticipated impact to District facilities and/or operations, and the duration of the impact. For example, very minor encroachment fees may be $1000, while major or more permanent encroachments such as roads, driveways, fiberoptics, water, and or sewer line crossing fees start at $5500 and may run into the tens of thousands. Fees are to be set by the District's General Manager in a Piping, Crossing, and or Easement Encroachment Agreement. At the General Managers discretion, it may be determined that no encroachment or crossings are allowed. Whether the Developer is a public or private entity, all Developers shall coordinate with the District to seek crossing or encroachment rights. District Easements are typically older than any other public entity that overlaps into District boundaries and crossing or encroachment rights through District Easements may not always be granted. All Developers shall seek crossing and or encroachment permits, licenses, or agreements with the District for such crossings and or encroachments to be considered legal. Crossing, piping, or encroachment agreements are not guaranteed to be issued and the District reserves the right to deny any and all crossing requests that it deems to not be in the best interest of the District.

Applies to:

- All District infrastructure and Easements.
- Bridge and Pipe Arch Structures.
- Utility Crossings, including water, storm, sewer, electricity, natural gas, telephone, fiber, cable, or any other communication infrastructure generally considered a utility.
- Culverts.
- Cattle Guards.
- Buried or Overhead Crossings. Permanent or Temporary Easement Encroachments.
- Permanent Right-of-Way or Easement encroachments such as roads or major utility infrastructure.
- Miscellaneous encroachments such as landscaping, fencing, gates, or any other activities that could impact District facilities or easements, to be determined at the district's discretion.
- District does not intend to allow crossings over or under open canals within urbanizing areas or areas slated for development. Such proposed crossings will typically trigger a requirement that the developer pipe the open canal, per District standards, upstream and back to the nearest pipe junction. Unless extenuating circumstances exist, and in the District's sole judgement otherwise, the need for a Piping Agreement will be a requisite to authorizing any open channel crossing.

Piping Agreement

Fees are to be determined by the District's General Manager based on all applicable factors, including the pipe diameter, depth, the anticipated impact to District facilities and/or operations, and the duration of the impact. Minimum Application Fee is $1000, in addition to any expenses incurred during the Responsible Party Agreement (RPA) review process.

Applies to:

- Replacement of existing piped irrigation conveyance facilities with pressure-rated pipe materials per the District's Development Handbook standards.
- Conversion of existing open channel conveyance facilities to pressure-rated pipe conveyance (canal or ditch conversions to pipe per the District's System Improvement Plan). Re-alignments of District infrastructure shall only be allowed under specific scenarios where District Easements and or ROWs will also be re-stated, per written agreements authorized by the District's General Manager.
- District does not intend to allow re-alignment or re-routing of open channel facilities with new open-channel facilities (culvert, open ditch, canal).

New Irrigation Contract for a Subdivision

Fees are to be determined by the District's General Manager based on all applicable factors, including configuration of modified irrigation facilities, and the anticipated impact to District facilities and/or operations, and the duration of the impact. Minimum fee is $1,000.

Joint Road Use

Agreement Fees are to be determined by the District's General Manager based on all applicable factors, including regular access requirements, and the anticipated impact to District facilities and/or operations. Minimum fee is $500.

Inspections

District Hourly Rates apply to each inspection required by the District. Required inspections may be listed on the approved signed review or agreement. IMPORTANT -- after inspections have been approved and completed, any changes, modifications, or deviations to the inspected site without prior written approval from the District Manager may result in penalties, fines, and civil liability.

-Pre-authorization to Proceed inspections/inspections during construction/ re-inspections/project completion inspections

Any work requiring inspection outside normal work hours shall require prior coordination and additional payment of the District Hourly Rates times 1.5.

Water Right & Administrative Fees

Water Right "sale" for water from the District's Water Bank to Irrigable Lands within the District ("sale" does not imply ownership rights as the District owns and holds legal title to all District water rights., "Sale" enables "beneficial use" rights) $2000/ac

District Permanent Water Right Transfer Actual OWRD fees plus $300
with the Oregon Water Resources Department -- non-refundable whether transfer is approved or denied)

Regular Water Right Transfer Fee	$375 plus actual OWRD fees
New Transfer Extension Fee	$750 plus actual OWRD fees
ln-stream Water Leasing (OWRD spec. map)	$300
Lien Search Fee	$125
Property Map of Water Rights to patrons in good standing	$0
Property Map of Water Rights to non-patrons	$125
Property Ownership Transfer Fee	$125

Land Exclusions -- Actual Legal fees, Actual Recording Fees, Actual Filing fees, Actual Administrative per hour costs and all other costs incurred by the District related to the Exclusion (including pro-rata district debt service fees). **See also, District Land Exclusion Policy.*

Lost water right due to non-use *(if no irrigation contract)*	$5000/acre plus actual costs
Per Taxlot Water Rights Status Inquiry/Account/Research (non-patrons)	$125
Per Taxlot Easement Inquiry/Research (non-patrons)	$125
Beneficial Use Conversion Fee (e.x. Irrigation to Nursery) plus T & M and any state fees	$1000

**Conversion is at the sole discretion of the District's Board of Directors*

Easement Width Reduction Preparation Fee	$1000 minimum plus actual costs

**Conversion is at the sole discretion of the District's Board of Directors and the actual price per square foot of easement reduction is to be determined at the time of the request.*

Fines and Penalties

The District's General Manager may impose additional sanctions and penalties for unlawful acts committed against District policies and facilities up to and including referral to the Deschutes County District Attorney for prosecution.

Tampering with District Property (i.e., valves, canals, weirs, meters, check boards, diversions, etc)	$1000 plus T & M addressing
Unauthorized excavation/digging in District easements	$5000 plus T & M

Theft of services	$1000 or determined by General Manager
Theft of property	$1000 plus replacement cost or determined by General Manager
Dishonored/Returned checks	$125 plus bank fees

Miscellaneous Unauthorized Encroachments:

Includes items such as landscaping, fencing, gates, vehicles, private equipment on District easements or right-of-way, or other activities that impact District facilities or easements which do not have authorization in the form of a written agreement with the District. After written warning to remove the obstruction, and if warning is ignored, $500 plus T & M, or charges as billed by a District hired contractor to remove the encroachments, or any other charges as deemed reasonable, as determined by the General Manager, may be assessed. Additional fees, fines, or charges for legal activities may be assessed by the District should further action be necessary.

Public Information Requests

The District has a Public Records Information Request Policy with imbedded fees listed below.

PUBLIC RECORDS INFORMATION REQUEST POLICY

It is the policy of the Swalley Irrigation District to meet the intent and requirements of Oregon's Public Records Law.

To support this policy, the District's Board of Directors adopts the following procedure to respond to a request for a public records search and provision of documents:

- The public must submit a written request specifying the records desired. For convenience, a Public Access Order Form is attached below.

- There is a $125/hr fee for research and supervision (assessed in 15-minute increments).

- There is a B&W photocopy fee of $0.50/copy (District representatives will make copies).

  *Colored copies are $1.00 per letter-sized page and $1.75 per 11 x 17 copy. Maps are $125.00 as selected and printed from the District's GIS.

- If total estimated fees exceed $100, a non-refundable deposit shall be required for the amount of the estimated fees.

- Within a reasonable timeframe, a District representative will prepare a Public Record Access Order Form to clarify the request and to estimate the cost of providing the public information requested. The estimated charges stated on this form will reflect the reasonably calculated fee to reimburse the District for the actual cost of making public records available per ORS 192.440(3)(a).

- The public records requested will be released upon payment of the estimated charges. Any charges beyond the actual cost of providing this information will be refunded to the requestor at the completion of the request.

Swalley IRRIGATION DISTRICT
64672 Cook Avenue, Suite One
Bend, Oregon, 97703

Public Record Access Order Form

Name _____ Date _____

Affiliation _____

Address _____

City _____ State OR _____ Zip Code _____

Phone number _____ Fax number _____ E-mail _____

Summary of public record request:

Cost for:

_____ Records search @ $125 per hour (assessed in 15-minute increments) $ _____

_____ Copies @ $0.50 per page black and white; $1.00 color; 11 x 17 color $1.75
Maps from GIS system $125.00 $ _____

_____ Electronic records search based on consultant's fee for search $ _____

_____ Drawings/Plans reproduction actual cost $ _____

_____ Express mailing, actual cost plus $10.00 $ _____

_____ Document certification @ actual cost plus $10.00 $ _____

_____ Archive retrieval, T&M with a minimum charge of $125 $ _____

_____ Other _____ $ _____

TOTAL $ _____

Your request will be processed after payment is received.

Provide Check or Money Order to:
Swalley Irrigation District
64672 Cook Avenue, Suite One
Bend, Oregon 97703

Signed by _____ District Representative