

# Water Review

*A Perspective on Western Water Issues Prepared by the Family Farm Alliance and Its Members*

## OREGON

# A Guide for Oregon Irrigation Districts

A new document published by a Portland (OREGON) law firm is a must-read for irrigation district and other water organization operators and for those considering forming a water management organization. It is also an invaluable resource for anyone belonging to an Oregon water management organization.

As any water user or manager knows, as access to water resources becomes more contested and urbanization continues to encroach on agricultural land water users must be diligent in managing and protecting water resources. In order to assist irrigation districts and their managers and users, Schroeder Law Offices, P.C. has prepared a publication titled "Irrigation Districts: The HOW, WHAT, WHO, WHEN and WHY Guide and Handbook for Irrigation Districts in Oregon".

### Court Draws Attention to Districts

Throughout the Pacific Northwest, water management organizations (WMOs), individual water users and water purveyors are exposed to an increasingly wide range of management and regulatory issues. In addition to Federal and State environmental laws, water users and managers must be aware of new legal developments which may affect water use.

In Oregon, the recent decision by the Oregon Supreme Court in *Fort Vannoy Irrigation District et. al. v. Water Resources Commission and Ken-Wal Farms, Inc.*, has highlighted just one of the new issues facing water users and managers. *Fort Vannoy* focused on the issue

of ownership and the management of water rights by special districts. One of the consequences of the *Fort Vannoy* decision has been heightened public interest in the powers, functions and management of irrigation districts.

### Need for "One Stop" Resource

Schroeder Law has been representing various types of WMOs throughout Oregon and Nevada for nearly 20 years. Through that representation, Schroeder Law has been exposed to several commonly raised questions that face WMO managers, board members and patrons. Out of this experience, Schroeder Law saw a need for a "one stop" resource to irrigation district management.

The Handbook –authored by Cortney Duke -was prepared to provide the answers to these commonly raised questions and provide useable answers to those asking the questions. In addition, the Handbook raises some lesser known questions and provides information pertaining to powers and responsibilities

irrigation district managers and water users may not have known existed. Because it is so comprehensive, the Handbook is useful resource to irrigation district board members, irrigation district patrons and individual water users who are interested in forming a new irrigation district. The Handbook provides answers and guidance on how to form an irrigation district, how to become a board member, board member responsibilities, powers

[Continued on Page 2](#)



**Figure 1: The new district handbook. Source: Schroeder Law Offices, P.C.**

## New Handbook Will Aid District Directors, Patrons and General Public

### (Continued from Page 1)

of irrigation districts, district elections, charges and assessments, and public records and meetings.

#### Guidance for Board Members

For board members, the Handbook outlines the special powers, functions and management tools statutorily available to irrigation districts and details all the statutorily granted powers of an irrigation district. While most district managers understand the District has the right to deliver irrigation water and a right to access private property for that purpose, many district board members are surprised to learn they also have the power to (1) acquire land by condemnation; (2) acquire domestic and municipal water works; (3) transfer a water right subject to forfeiture; or (4) the right to lien crops for water delivery. The Handbook not only describes these powers, but outlines rules, regulations and resolutions the district must statutorily pass or should pass prior to undertaking any of its special powers.

#### Public Records and Meetings Law

The Handbook also provides extensive discussion of the public records and meetings law.

“Most special districts in Oregon, including irrigation districts, are public entities subject to the public records and meetings law,” said Ms. Duke. “However, many special districts, especially smaller irrigation districts, are not in compliance with these laws.”

The Handbook details the requirements of the law and offers useful compliance techniques. Irrigation districts that are in compliance with the law may be surprised to learn, as detailed in the Handbook, that those laws give them powers they are not utilizing, such as setting meeting conduct rules.

Of note, many irrigation districts are surprised to learn that the irrigation district law requires certain activities to occur throughout the calendar year. For example, by statute, an irrigation district is required to hold its annual meeting on the first Tuesday of January and to meet as the Board of Equalization for the purpose of establishing and computing annual expenses by the first Tuesday in April. The Handbook outlines the various activities statutorily required to be undertaken by irrigation districts during each month of the year. The Handbook details where the statutorily required date may be changed by resolution and where the statutorily required date can not be changed by resolution.



**Figure 2: Courtney Duke, author of the new district handbook. Source: Schroeder Law Offices, P.C.**

#### Information for District Patrons

For irrigation district patrons, the Handbook is a useful guide to understanding the implications of being a member of a special district and the rights and responsibilities of being a member of a special district. In general the Handbook will help members of a special district understand the duties and powers of the special district and how district rights might affect individual water use. The Handbook contains information on the qualifications and responsibilities of board members so district patrons can hold their own board members accountable to the law. The processes for holding an election and recalling a board member are detailed in the Handbook. Finally, the Handbook also suggests techniques for approaching board members with water use requests.

#### Forming an Irrigation District

For individuals who are not currently members of a special district or serving on the board of directors of a special [Continued on Page 3](#)

## New Handbook Details Special District Traits and Formation Process

### (Continued from Page 3)

district, the Handbook is a valuable “how to” guide on forming an irrigation district.

First, the Handbook details the special powers and advantages available to an irrigation district and other types of special districts so an individual can consider which type of special district will best fit their particular needs. For example, an irrigation district which is formed for the purpose to “provide for the construction of work for irrigation of...land” might not serve the needs of a group of water users as well as the powers of a water improvement district which is formed for the purpose of “...acquiring, purchasing, constructing, improving, operating, and maintaining drainage, irrigation, and flood and surface water control works.”

Second, the Handbook details the formation process step by step and provides examples of the necessary forms required to form an irrigation district.

Forms included in the Handbook for reference and use are intended to offer guidance for managing various duties and responsibilities of irrigation districts, such as public meeting notices and agendas, and election instructions. Though these Forms should not be used without first consulting an attorney, they will provide irrigation districts with a starting point for better understanding the duties and responsibilities of these districts.

Irrigation districts and their patrons are an important part of water management in Oregon, as new challenges to access and other issues arise. The Handbook prepared by Schroeder Law Offices will help explain the responsibilities of managing an irrigation district, and perhaps more importantly, will provide an opportunity for WMOs and water users to take advantage of the unique powers afforded to these special districts.

*To learn more about the Handbook and the services Schroeder Law Offices, P.C. provides for irrigation districts in Oregon, visit [www.water-law.com](http://www.water-law.com) or contact Cortney Duke at [c.duke@water-law.com](mailto:c.duke@water-law.com).*

Schroeder Law Offices, P.C.  
1915 NE 39th Avenue  
Portland, Oregon 97212  
Phone 503-281-4100  
Fax 503-281-4600



## DONOR SUPPORT

**Your contributions matter. Whether you support the Alliance’s advocacy, outreach or education efforts, you can rest assured that your investment will promote the protection of Western irrigated agriculture and the strong rural communities that it supports. Make your tax-deductible gift to the Alliance today! Grassroots membership is vital to our organization. Thank you in advance for your loyal support. If you would like further info, please contact Dan Keppen at his NEW e-mail address: [dankeppen@charter.net](mailto:dankeppen@charter.net), or visit our website: [www.familyfarmalliance.org](http://www.familyfarmalliance.org).**

**Contributions can also be mailed directly to:  
Family Farm Alliance  
22895 S. Dickenson Avenue  
Riverdale, CA 93656.**