

**KITTITAS RECLAMATION DISTRICT RESOLUTION NO. 2015-2**

WHEREAS, the Kittitas Reclamation District (“KRD”) is a lawfully formed and validly existing Irrigation District formed, governed and operated pursuant to Title 87 of the Revised Code of the State of Washington; and

WHEREAS, the KRD has entered into an amendatory contract with the United States of America Bureau of Reclamation (“USBR”), dated January 20, 1949, and recorded in Book 82 of Deeds, Page 69, under Kittitas County Auditor's File No. 208267 (the “Amendatory Contract”), as thereafter amended, through which the KRD receives water from USBR for delivery to landowners within the KRD service area who are entitled to receive said water; and

WHEREAS, the Amendatory Contract requires the KRD, in its water delivery practices, to adhere to USBR rules and regulations regarding the distribution of irrigation water; and

WHEREAS, Chapter 87.03 RCW authorizes the KRD, by and through its Board of Directors, to take steps to authorize, manage and ensure the orderly delivery of irrigation water; and

WHEREAS, the KRD Board of Directors sets a per-acre allocation of irrigation water and requires each landowner who owns land within the Kittitas Reclamation District service area to contact the KRD in advance to order water with delivery of those water orders based upon the then-existing KRD per-acre allotment; and

WHEREAS, the KRD maintains head gates, weirs and other irrigation water diversion facilities (hereinafter referred to as “Diversion Facilities”), which the KRD locks and secures using a variety of mechanism; and

WHEREAS, the KRD Board of Directors has now determined it is in the best interest of the KRD and the orderly delivery of irrigation water to establish certain rules and regulations and penalties related to the use of water and, in particular, the unauthorized use of water; and


NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Kittitas Reclamation District, after due deliberation, the KRD establishes the following policy:

1. Any landowner within the KRD service area who desires to order irrigation water shall place irrigation water orders by telephone prior to 8:00 a.m. each business day by contacting the KRD ditch rider assigned to that portion of the KRD service area. Ditch riders shall fulfill water orders consistent with the then-existing per-acre allotment of irrigation water, as set by the KRD Board of Directors.
2. All Diversion Facilities are controlled by the KRD and no landowner may directly access Diversion Facilities used by the KRD to deliver water to that landowner’s property. The KRD will lock or otherwise secure the Diversion Facilities in order to ensure the orderly delivery of irrigation water by landowners as provided for above in Paragraph 1.

3. The KRD management, in the KRD management's sole and absolute discretion, may take one or more of the following alternative steps with respect to any person who tampers with or interferes with the Diversion Facilities and/or takes water they have not ordered as provided for in Paragraph 1:
  - 3.1 The KRD may fine the person who interferes with the Diversion Facilities and/or takes water they have not ordered as provided for in Paragraph 1 in an amount equal to \$500.00 per violation and seek recovery of the costs of any damage to the Diversion Facilities; and/or
  - 3.2 The KRD may withhold further water deliveries to the landowner involved in the tampering with or interference with the Diversion Facilities and/or withdrawal of water they have not ordered as provided for in Paragraph 1; and/or
  - 3.3 The KRD may forward facts related to the incident in which the person interferes with or tampers with the Diversion Facilities and/or takes water they have not ordered as provided for in Paragraph 1 to the Kittitas County Sheriff's office and request prosecution pursuant to RCW 90.03.400, RCW 90.03.410 and/or RCW 90.03.420.

ADOPTED this 14th day of July, 2015.

BOARD OF DIRECTORS  
KITTITAS RECLAMATION DISTRICT

  
\_\_\_\_\_  
Ed Wakkurj, Chairman

  
\_\_\_\_\_  
Paul Weaver

  
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Larry Bland

  
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Fred Schnebly

  
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Mark Hansen

ATTEST:

SECRETARY OF THE BOARD

  
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Urban Eberhart

APPROVED AS TO FORM:

  
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Jeff Slothower, WSBA #14526