

NOVEMBER BOARD OF DIRECTORS MEETING

West Extension Irrigation District

11/16/23 9:00 AM

Columbia Improvement District Office

501 E. Columbia Avenue, Boardman Oregon

–AGENDA TOPICS–

1. Call Meeting To Order / Introductions
2. Approval of Agenda
3. Floor or special Business
4. Monthly Business
 - Approval of Minutes - October meeting
 - A/P List - October
 - Financials—October 31, 2023 Proforma
5. Reports and Correspondence
 - Operations Report
 - Pick-up purchase & update
 - Equipment repair update & discussion
 - Winter work report & update
 - Administrative Report
 - Collections
 - Foreclosures—Resolution No. 23-005
 - 2023 Audit update
 - Managers Report
 - OSHA Report Review
 - Bridges over canal
 - Plat discussion
6. District Business
 - Budget 2024 overview & preliminary discussion
 - Set Budget meeting
7. Other Business
8. Adjournment

Meeting Procedures: Agenda items will be taken in the order listed, unless changed by the Chairman. The public is reminded not to interrupt the Board members during their discussion. If you have specific questions that are not on the agenda or addressed during the meeting, please ask a Director or staff prior to or after the meeting.

Public Comment: Public comments are welcome during the public comment section of the meeting. These should be relative to District policies, Board actions or items of general interest to the public. All speakers must be recognized by the Chairman prior to speaking. The Chairman reserves the right at any time to limit public comments due to time constraints and content. The public is reminded that all comments are directed to the Board.

How To Get an Item on the Agenda: First, be sure that your item is a matter of district policy or Board oversight. The Board sets the Policies of the District and delegates the authority of management of those policies to staff. Some of the questions you have may be management or operational questions and can be answered by staff. We encourage you to do so during regular office hours. If Staff is unable to answer your question, they will bring the issue to the Board as an agenda item. A Director may also request an agenda item. All requests go to the Board Secretary, Bev Bridgewater. Anyone having agenda items for the next meeting are asked to submit the request five business days in advance of the meeting in order to be included on the meeting agenda.

Executive Session: The Board may convene in an executive session. By law, an executive session is closed to all except the Board, District staff, legal counsel, members of the press, and persons reporting to it on the subject of the executive session or otherwise involved. Before convening such a session, the Chairman will make a public announcement and explain the necessary procedures.

If there are any questions about the agenda or Board procedures, please contact Bev Bridgewater, Secretary to the Board and District Manager, at 541-922-3814.

Upcoming Board meetings for 2023:

Dec. 14, 2023 9:00 am

Organizational meeting in 2024:

Jan. 18, 2024 9:00 am

WEST EXTENSION IRRIGATION DISTRICT

P.O. BOX 100 IRRIGON, OREGON 97844
PHONE: (541) 922-3814 FAX: (541) 922-9775

October 19, 2023

Monthly Board Meeting

Chairperson Philippi called the Board meeting to order on October 19, 2023, at 9:05 a.m. at the Columbia Improvement District meeting room located at 501 E. Columbia Ave. in Boardman. Those in attendance were: Board members, Dalarie Philippi, Vern Frederickson, and Bob Mueller; Board Secretary/Manager, Bev Bridgewater; Administrative Services Manager, Lisa Baum; Operations Superintendent, Ben De Los Santos. Directors Von Studer and Abe McNamee were not able to attend.

AGENDA: Chairperson Philippi asked for additions to the agenda. There were none. Frederickson moved to accept the agenda as presented. Mueller seconded. Motion passed.

MONTHLY BUSINESS

APPROVAL OF MINUTES: Frederickson moved to approve the minutes of the September Board meeting. Mueller seconded. Discussion. Motion passed.

BILLS PAYABLE: Frederickson moved to approve the September accounts payable list in the amount of \$137,671.76. Mueller seconded. Discussion. Motion passed.

FINANCIALS: The Board reviewed the financial reports for the current year through September 30, 2023. Discussion.

De Los Santos went over the vehicle list, pointing out needed repairs and concerns about each vehicle. Pickup No. 5 was previously declared surplus. Pickup No. 9 is having some transmission or engine problems. Pickup No. 8 was stolen two years ago and has had starter and electrical problems since. The Board gave direction to him regarding follow-up. De Los Santos continued that No. 8 and No. 9 are the ones we want to replace this year and next, moving No.4 (3/4 ton flatbed) to the shop for use in emergencies and repairs, not a daily ditchrider truck. It would be kept inside the shop. The Board thought this was a good plan.

REPORTS AND CORRESPONDENCE

The Board reviewed the Manager's report. It is attached to and a part of the meeting minutes.

OPERATIONS:

NEW/USED VEHICLE: The 2023 Colorado that was ordered in January is delayed with no “build date” and concerns about future availability. Because we are one ditchrider short, the crew has enough vehicles for now, but we continue to use the flatbed daily. De Los Santos has checked pickup prices in the area and a matrix of twelve new/used pickups that could be considered was presented. The Board looked them over. They do not want a used truck. They are also concerned about a 4-cylinder engine. Discussion and questions. It is important that whatever purchase is made that the truck has a trailer package, is a 4WD and has a work truck package. One of the trucks from Dave Smith Motors in Kellogg does match what we are looking for. The Board would like to check other local options (Sherrell Chevrolet was on the list they have considered. They directed De Los Santos to contact Swain in Hermiston and to find if they have a truck that will fit our needs. Frederickson moved to authorize the purchase of a new pickup, based on discussion today, up to \$45,000 from any source. Mueller seconded. We have \$12,000 in the budget so we will exceed this line item in the budget, up to \$15,000 plus the cost of financing and warranty. The payment will be three payments, and we will finance through the dealership. We want to stay with a white truck as it reflects a utility vehicle. Motion passed. De Los Santos was directed to move ahead with the purchase.

TRUCK NO. 9: The truck has issues with transmission. Discussion. Frederickson will ask his repair guy to take a look at No. 9 to help identify the problem.

WATER TANK & TRAILER: A used set-up that includes a 1000 gallon water tank, trailer, pump, hoses, and nozzles has become available from a private owner. The trailer was parked outside the meeting space, and the Board members looked it over prior to the meeting. Questions were answered. Frederickson made a motion to purchase the unit for \$5000. Mueller seconded. Discussion about pump capacity, where it would be parked, how it would be used? The funds will be taken from those allocated to “Main Canal Repairs” in the 2023 budget. Motion passed.

OSHA CONSULTATION: October 24 is the consultation.. The chemical storage at the railcar was discussed. The board directed lights and ventilation for all places where chemicals are stored. The District should always be in compliance.

ADMINISTRATIVE:

COLLECTIONS: Baum reported that statements were sent out a few weeks ago. Also, 56 “Intent to Lien” notices and 41 “Intent to Foreclose” notices. Many folks have responded with payments. As of 10/18, there are 23 of the Lien landowners with no response and 26 of the potential foreclosures. There are four of the landowners in foreclosure with Morrow County and one in Umatilla. Discussion.

OFFICE STAFF: We have not brought in part-time office staff yet, but Lisa is working on it.

MANAGER REPORT:

UPDATE ON SCADA: Baum reported that Aqua Systems 2000 is transferring to a cloud-based option. Readings would go to the cloud and be accessed remotely. We won't need a designated computer (eliminating Wonderware) nor a communication tower. They have installed this in several areas, so we will see how it is functioning and do some research. Questions and discussion. This seems a great option for us.

NEW RAMP WEIRS: Bridgewater and De Los Santos reported that the District plans to install two ramp weirs this winter – below the Relocation Canal and at Patterson Ferry. SCADA here would provide actual cfs in the canal rather than the water level we are getting now with just the probes. This would complete the planned measurements on the canal once we get all the upgrades in Boardman.

RELOCATION CANAL PROJECT: We are making a decision on the type of gates for the project. The work is planned for this winter. The gates will have SCADA and will be integrated into the District's existing system.

CULTURAL ISSUES: Unfortunately, the archeologist we have been using through Anderson Perry has left them, and they have no replacement. She did not do our work for the Gattenbein corner before she left. Further, Reclamation's NEPA specialist has moved on, and we will be working with someone from the Boise office. Bridgewater has contacted folks for recommendations and will reach out to Reclamation later today to attempt to get a handle on the situation. We may not be able to do Gattenbein project this winter. But, we have plenty of work and some other drainage areas we can address as part of our annual maintenance. Discussion. We will do the best we can to get the environmental work underway.

DISTRICT BUSINESS

DIVISION ONE DIRECTOR: No one filed for the open position. A director will need to be appointed at the annual meeting in January, with the position to open up for the next election in November. Mueller said he is interested in staying on.

BUDGET MEETING: The Board set a budget meeting for the 2024 District Budget to follow the November Board meeting. So, November 16 starting approximately 11 am and running to 1 pm. Lunch will be brought in.

DECEMBER MEETING: A motion was made by Frederickson to move the December board meeting from December 21 to December 14. Seconded by Mueller.

Discussion. We will likely continue with a budget meeting at that time. Motion passed.

BRIDGE CROSSING AND DEVELOPMENT: Mueller brought up his concern that some of the bridges over the main canal may not be stout enough to handle the types of equipment that are crossing today. Load weights have evolved and most, if any, of the bridges do not have weight limit signs. Discussion. Board members are concerned. They directed management to look over our policies and to see what we can do to assure the bridges are safe.

OTHER BUSINESS

SERVICE AREA 25: De Los Santos reported that the landowners along service area 25 are making plans to get their irrigation systems installed for the 2024 season. They have met with NRCS and are working on designs. The crew is also getting ready for the installation. We meet with JUB next week to get the plans started for the pump station. Discussion.

ADJOURNMENT

With no further business, Chairperson Philippi adjourned the meeting at 11:06 am.

Signed:

Bev Bridgewater, Secretary

Attest:

Dalarie Philippi, Chairperson

West Extension Irrigation District
 Check Register / Accounts Payable List
 October 2023

CHECK#	DATE	VENDOR	DESCRIPTION	TOTAL	WEID EXPENSE	PAYROLL EXPENSE	OTHER REIMB.
		WEID GENERAL ACCOUNT:					
3rd Qtr 2023	10/6/23	OR Dept. of Revenue	Payroll	914.43		914.43	
SUI 3rd Qtr 2023	10/6/23	OR Unemployment Dept.	Payroll	693.51		693.51	
PERS 9/27/23 IAP	10/6/23	Oregon PERS	Payroll	625.79		625.79	
PERS 9/27/23 Pension	10/6/23	Oregon PERS	Payroll	2,310.98		2,310.98	
OR 10/12/23	10/17/23	OR Tax Deposit	Payroll	864.03		864.03	
US 10/12/23	10/17/23	US Tax Deposit	Payroll	4,223.79		4,223.79	
PERS 10/12/23 Pension	10/24/23	Oregon PERS	Payroll	2,508.22		2,508.22	
PERS 10/12/523 IAP	10/24/23	Oregon PERS	Payroll	642.93		642.93	
OR 10/27/23	10/30/23	OR Tax Deposit	Payroll	920.36		920.36	
US 10/27/23	10/30/23	US Tax Deposit	Payroll	3,710.69		3,710.69	
36771	10/16/23	Lisa Baum	Payroll	1,355.48		1,355.48	
36772	10/16/23	Bev Brodgewater	Payroll	2,293.44		2,293.44	
36773	10/16/23	Ben De Los Santos	Payroll	2,054.13		2,054.13	
36774	10/16/23	Seth Rhodes	Payroll	1,907.70		1,907.70	
36775	10/16/23	Bob Schlosser	Payroll	1,898.74		1,898.74	
36776	10/16/23	Alan Svatonsky	Payroll	1,197.33		1,197.33	
36777	10/16/23	Bev Brodgewater	Health Reimb.	675.54		675.54	
36778	10/16/23	Seth Rhodes	Health Reimb.	880.01		880.01	
36779	10/16/23	Bob Schlosser	Health Reimb.	793.52		793.52	
36780	10/18/23	Builders FirstSource	Lat. 17 check	16.03	16.03		
36781	10/18/23	CenturyLink	Office Telephone	251.68	251.68		
36782	10/18/23	Devin Oil Company	Fuel	962.65	962.65		
36783	10/18/23	Duke's Auto Repair	PU# 6 starter	510.00	510.00		
36784	10/18/23	Elmer's Irrigation	Stock / Lateral-Lines	1,171.79	1,171.79		
36785	10/18/23	First BankCard	Microsoft 365 monthly	50.00	50.00		
36786	10/18/23	Hermiston Auto Parts	Shop,Mower,PU#7 & 9	136.93	136.93		
36787	10/18/23	Helena Agri-Enterprises	Balance Due Argos	30.00	30.00		
36788	10/18/23	Sykes Publishing	Hepner Gazette - election	40.20	40.20		
36789	10/18/23	City of Irrigon	Utilities	649.43	649.43		
36790	10/18/23	Jimmy's Johns Portable Toilets	Utilities	80.00	80.00		
36791	10/18/23	Morrow County Clerk	Deed copies	21.00	21.00		
36792	10/18/23	NW Farm Supply	Division St. PS	51.84	51.84		
36793	10/18/23	Jack Paul	Yard September	208.00	208.00		
36794	10/18/23	Hermiston Quicky Lube	PU # 7, 9	127.45	127.45		
36795	10/18/23	Sage Software	Accounting software renewal	1,125.00	1,125.00		
36796	10/18/23	Special Districts Insurance	Health Insurance	5,079.16		5,079.16	
36797	10/18/23	Smitty's Ace Hardware	Office, MC-Boardman	31.89	31.89		
36798	10/18/23	Umatilla Electric Coop	Power	15,708.52	4,163.21		11,545.31
36799	10/18/23	US Postal Service	PO Box rent	152.00	152.00		
36800	10/18/23	Wesley Wise Excavating	Quail Lane, Downey Rd.	290.00	290.00		
36801	10/19/23	Devin Oil Company	Fuel	1,215.63	1,215.63		

West Extension Irrigation District
 Check Register / Accounts Payable List
 October 2023

CHECK#	DATE	VENDOR	DESCRIPTION	TOTAL	WEID EXPENSE	PAYROLL EXPENSE	OTHER REIMB.
	10/20/23	Jimmie Keen	Water Tank / Trailer	5,000.00	5,000.00		
1	10/30/23	Lisa Baum	Payroll	1,524.85		1,524.85	
2	10/30/23	Bev Brodgewater	Payroll	2,293.44		2,293.44	
3	10/30/23	Ben De Los Santos	Payroll	2,042.10		2,042.10	
4	10/30/23	Seth Rhodes	Payroll	2,050.31		2,050.31	
5	10/30/23	Bob Schlosser	Payroll	2,069.49		2,069.49	
6	10/30/23	Alan Svatonsky	Payroll	1,267.04		1,267.04	
7	10/30/23	Lisa Baum	Mileage/Supplies 7/1 - 10/31	196.58	196.58		
8	10/30/23	Cascade Natural Gas	Utilities	31.96	31.96		
9	10/30/23	Concrete Special Ties	Lat. 15, Lat/Lines	86.75	86.75		
10	10/30/23	Irrigon Mini-Storage	Rent	52.00	52.00		
11	10/30/23	Staples Business Advantage	Office Supplies	96.56	96.56		
12	10/30/23	Streamline	Website April, May	400.00	400.00		
13	10/30/23	Verizon Wireless	Cell Phones	517.02	517.02		
14	10/30/23	Western States Equip.	Window Cat Backhoe	322.59	322.59		
		TOTALS		76,330.51	17,988.19	46,797.01	11,545.31

MANAGER'S REPORT - NOVEMBER 2023

This report provides an overview of District issues and projects that we have been working on since the last board meeting.

OPERATIONS: Ben and crew have been very busy. The new pickup was purchased from Dave Smith and was picked up on Friday. He will report on operations.

MANAGER REPORT:

CITY OF IRRIGON INTERACTION: The attorney from the City of Irrigon (Peter Mohr) called our attorney and me to set up a “time to talk” about our interaction with the City and to understand the issues. We did that last week with Reclamation involved. We laid our cards on the table, so to speak. Basically, as our attorney, Bill Kuhn stated – the City was built around irrigation and now that it is “in the way,” the City is choosing to ignore it. But, they can’t. The rights of the District and Reclamation are superior to the City and they must be recognized and managed. I told Mohr that the City code does mention working with special districts and agencies, but the code is not clear on how that should be done. That may be a place to start. It was quite a discussion. I have followed up with info to Mohr. I have also gone through the City code and made notes where I think changes could occur, but haven’t had time to get these organized and to Kuhn and Mohr.

BRIDGE CROSSINGS: After the last meeting, I did some research on bridges. We require our bridges to be to current State standards. That is 86,000 lbs. If they are not to that standard, they are to be posted. If folks are taking a higher weight over the bridge, they do so at their own risk. I contacted the Boardman Fire Department and they would take their vehicles over any of the bridges in Boardman, including Paul Smith. They have no issue with any of the bridges. Sometime this winter, we will send notices to all bridge owners reminding them of standards and to be sure anything they take across meets that standard.

EAGLE CREST/TAYLOR: The Taylor LLC is complete and we are waiting for Reclamation to prepare the assignment.

BRISTOL ESTATES/PHILLIPS: I have prepared the Shared delivery agreement for Philips, just waiting for water right acres from our mapper at JUB. He has met our requirements, and the final plat is being prepared. Surveyor, Ron McKinnis, added a signature line for us which we requested at the planning meeting for the subdivision. There are a lot of factors around this subdivision that Al has worked on. The County has requested our signature be taken off the subdivision plat. I sent them an email about this, and attorney Kuhn has contacted them on our behalf. Surveyor plans to leave the signature on.

PLAT ISSUES: From the above, you can see that we are going to push back with Morrow County and the City of Irrigon about the plat reviews. We do sign plats for the City of Umatilla and Umatilla County. It remains the one way we can all assure the irrigation rights and facilities are protected. Unfortunately, we are needing our attorney to engage in this. I sent Kuhn a copy

of the letter that Mabbott put out. This has been a frustrating part of my job the past few years, so I put this on the agenda just so you know where we are and I can get any comments from the Board. I have included information about this issue as part of our discussion.

SET BUDGET MEETING DATE: Since we are not able to have our budget meeting in November without all the Board present, I wonder if we could meet on Dec. 7 for a budget meeting.

DECEMBER MEETING: Reminder that since the third Thursday in December is the 21st, we have moved the December meeting to the 2nd Thursday, the 14th. That means, if we do the budget meeting on the 7th, we will meet on the 7th and the 14th.

SUBDIVISION / PLAT ISSUES - OVERVIEW

FYI, ONE STEP FORWARD WITH THE MORROW COUNTY PLANNING DEPARTMENT

YOU MAY RECALL THAT IN 2020, TAMARA AT MORROW COUNTY WAS CONTACTED BY AARON AT THE CITY ABOUT THE NEW LEGISLATION ADDRESSING IRRIGATION DISTRICTS SIGNATURES ON PLATS. UP TO THAT POINT, ALL PLANNING DEPARTMENTS IN MORROW AND UMATILLA COUNTIES HAD SIGNATURE LINES FOR THE LOCAL IRRIGATION DISTRICTS (UMATILLA CITY AND COUNTY STILL DO).

TAMRA SENT A LETTER TO MARK AND I ALONG WITH HER INTERPRETATIONS OF THE NEW PLANNING LEGISLATION. (PAGES 1 – 6 ATTACHED).

I MET WITH HER SEVERAL TIMES. SHE ASSURED ME THAT SHE WOULD TAKE CARE OF THE DISTRICT. I DEVELOPED A “COMPLIANCE LETTER” THAT I WOULD SEND TO THE LOCAL PLANNING WHEN OUR CONDITIONS WERE MET. (SAMPLE PAGE 7). I ALSO SENT DISTRICT MAPS TO ALL PLANNING AGENCIES.

AS YOU KNOW, SHE DID NOT WAIT FOR CONCURRENCE FROM THE DISTRICT FOR THE TAYLOR SUBDIVISION AND SIGNED THEIR PLAT LAST FALL, 2022. JOE LOST ABILITY TO REMOVE THE WATER RIGHTS FROM THE PAVED GROUND AND HE STILL DOES NOT HAVE ACCESS. (THIS IS IN RECLAMATION’S “COURT” NOW AS WE HAVE AGREED). REMOVING THE SIGNATURE LINE ON THE CITY PLATS HAS CAUSED ISSUES WITH THE TWO NEW DREAMS SUBDIVISIONS AND TWO OTHER PLATS. WE WERE ABLE TO RESOLVE THE ISSUES WITH THE TWO PLATS. NEW DREAMS REMAINS.

LAST WEEK, THE COUNTY REQUESTED SURVEYOR RON MCKINNIS TO REMOVE THE WEID SIGNATURE LINE FROM THE BRISTOL ESTATES PLAT. (PAGES 8 AND 9).

I SENT AN EMAIL TO STEVE AT PLANNING, COPYING BILL KUHN. BILL ALSO FOLLOWED UP (PAGE 10)

IN THE MEANTIME, RON TOLD ME HE WOULD LEAVE THE SIGNATURE LINE ON.

THIS MORNING, WE RECEIVED AN EMAIL FROM TAMRA AGREEING TO THE SIGNATURE FOR SUBDIVISIONS. (PAGE 11).

SINCE THE CITY’S ATTORNEY ASKED FOR LANGUAGE FROM THE COUNTY’S CODE THAT WORKS FOR US, I CAN START WITH WHAT IS LISTED IN TAMRA’S LETTER. BUT, I DON’T THINK I WANT TO STOP WITH SIGNATURE LINE ON SUBDIVISIONS ONLY. I BELIEVE WE NEED TO BE ON THE PLATS AS WELL.

THIS WILL REQUIRE SOME PUSHBACK, BUT I THINK WE CAN MAKE A GOOD CASE. I HAVE SEVERAL EXAMPLES OF PLATS THAT HAVE GONE THROUGH THAT WILL BE ISSUES TO NEW OWNERS.

YOUR THOUGHTS.

BEV



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 x 5505

*Info sent by
Tamra
Dec. 2020*

December 22, 2020

Bev Bridgewater, Manager
PO Box 100
Irrigon, OR 97844

Mark Maynard, Manager
PO Box 47
Boardman, OR 97818

RE: Irrigation District Review of Partition and Subdivision Plats

Dear Bev and Mark:

The Planning Department is in the process of reviewing our Zoning Ordinance and Subdivision Ordinance to incorporate recent legislation as well as include some other minor revisions. As part of that effort, we took a closer look at relevant laws pertaining to irrigation and water district involvement in the review of land partition and subdivision plats.

For many years, Morrow County has required that the irrigation district be included on the partition (or subdivision) plat as a signatory. Where ORS Chapter 92 does not require that, and in order to streamline the overall review process, we will no longer require the irrigation district signature on a partition or subdivision plat.

Rest assured the county will continue to collaborate with your respective districts by incorporating your comments in the public review portion of the land use review process as required under ORS Chapter 92. More specifically, ORS 92.103 requires an irrigation district submit to city or county specific information "within 15 days of receiving notice of the "tentative plan." What that means for you is that you will need to be certain to respond to the public notice when it is mailed to you. For example, we send you a copy of the monthly Planning Commission agenda. Your comments would need to be submitted prior to or during the Planning Commission hearing. We will remind you of the timeline so that you can adjust to this change and assure that your comments are entered into the record in a timely fashion.

I've included the ORS Chapter 92 with relevant sections highlighted for your convenience. I sincerely appreciate your support of this change and our efforts to provide streamlined review of applications to landowners in Morrow County.



Please contact me if you have any questions or if you would like to chat.
tmabbott@co.morrow.or.us.

Cordially,

Tamra Mabbott
Planning Director

Enclosures

cc: Justin Nelson, County Counsel
Board of Commissioners
Planning Commission
West Extension Irrigation District Board of Directors
Columbia Improvement District Board of Directors
Matt Kenny, County Surveyor
Private Surveyors
Mike Gorman, Morrow County Assessor
Jacob Cain, Engineer, Port of Morrow
Aaron Palmquist, City of Irrigon
Karen Pettigrew and Barry Beyeler, City of Boardman
Robert Waldher, Planning Director, Umatilla County

Notice and Comment Provisions to Irrigation District, Drainage District, Water Control District or Water Improvement District re Plat Partition and Subdivision Approvals

Highlights in Bold.

92.100 Approval of plat by city or county surveyor; procedures; approval by county assessor and county governing body; fees. (1)(a) Except as provided in subsection (4) of this section, before a subdivision or partition plat that covers land within the corporate limits of a city may be recorded, the county surveyor must approve the plat.

(b) Notwithstanding ORS 92.170, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor or, with concurrence of the county surveyor, a contract surveyor to act as city surveyor. [Note: Not Applicable as concerns plat correction, but listed below for reference]

(c) Except as provided in subsection (4) of this section, if the land is outside the corporate limits of any city, the subdivision or partition plat must be approved by the county surveyor before it is recorded.

(d) All subdivision plats must also be approved by the county assessor and the governing body of the county in which the property is located before recording.

(e) Notwithstanding paragraph (d) of this subsection, a county may provide by ordinance for the approval of subdivision plats by:

(A) The county assessor; and

(B)(i) The chairperson of the governing body of the county;

(ii) The vice chairperson of the governing body of the county; or

(iii) A person designated in lieu of the chairperson or vice chairperson.

(f)(A) A partition plat is subject only to the approval of the city or county surveyor unless:

(i) The partition plat includes a dedication of land for public road purposes; or

(ii) Provided otherwise by ordinance of the governing body.

(B) The city or county surveyor shall review the partition plat only for compliance with the survey-related provisions of ORS 92.010 to 92.192 and 209.250.

(2) Before approving the subdivision plat as required by this section, the county surveyor shall check the subdivision site and the subdivision plat and shall take measurements and make computations and other determinations necessary to determine that the subdivision plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with survey-related requirements established pursuant to an ordinance or resolution passed by the governing body of the controlling city or county.

(3) Before approving the partition plat as required by this section, the county surveyor shall check the partition plat and make computations and other determinations that the partition plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with the survey-related requirements established pursuant to an ordinance or resolution by the governing body of the controlling city or county.

(4) Before a subdivision or partition plat prepared by the county surveyor in a private capacity may be recorded, the plat must be approved in accordance with subsection (2) or (3) of this section, whichever is applicable, by the surveyor of a county other than the county in which the land is located and who has been designated by the county surveyor.

(5) For performing the service described:

(a) In subsection (2) of this section, the county surveyor shall collect from the subdivider or declarant a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a city or county may establish a higher fee by resolution or order.

(b) In subsection (3) of this section, the county surveyor shall collect from the partitioner or declarant a fee to be established by the governing body.

(c) In subsection (4) of this section, the designated county surveyor shall collect the applicable subdivision or partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The subdivision or partition plat check fee and other expenses must be paid by the subdivider, partitioner or declarant prior to approval of the subdivision or partition plat by the designated county surveyor.

(6) Nothing in this section prohibits a city, county or special district from requiring engineering review and approval of a subdivision plat to ensure compliance with state and local subdivision requirements that relate to matters other than survey adequacy.

(7) Granting approval or withholding approval of a final subdivision or partition plat under this section by the county surveyor, the county assessor or the governing body of a city or county, or a designee of the governing body, is not a land use decision or a limited land use decision, as defined in ORS 197.015. [Amended by 1955 c.31 §2; 1955 c.756 §14; 1957 c.688 §1; 1963 c.285 §1; 1971 c.419 §1; 1979 c.824 §1; 1989 c.772 §15; 1991 c.763 §16; 1993 c.453 §1; 1993 c.702 §6; 1999 c.1018 §6; 2003 c.381 §1; 2005 c.239 §1; 2005 c.399 §12a]

92.102 [1997 c.586 §11; repealed by 2003 c.454 §81 and 2003 c.621 §49]

92.103 Notice to district of tentative plan. (1) Prior to approving a tentative plan for a proposed plat of a proposed subdivision or partition that is subject to review under ORS 92.044, and that is located in whole or in part within the boundaries, an easement or a right of way of an irrigation district, drainage district, water control district or water improvement district, a city or a county shall submit notice of the tentative plan to the district.

(2) Within 15 days of receiving notice under subsection (1) of this section, the district may submit to the city or the county a statement containing any information or recommended conditions for approval of the tentative plan for the proposed plat relating to:

- (a) The structural integrity of irrigation facilities;
- (b) District water supply;
- (c) Public safety;
- (d) Potential liabilities of the district; or
- (e) Other potential exposures to the district.

(3) The district shall base the information and recommended conditions of approval included in the statement described in subsection (2) of this section on rules and regulations adopted by the district.

(4) The city or the county may include the conditions for approval described in subsection (2) of this section in the final decision approving the tentative plan of the proposed plat. [2017 c.357 §2]

Note: 92.103 was added to and made a part of ORS chapter 92 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

92.104 District to report boundary locations. (1) For the purposes of providing cities and counties with the necessary information to fulfill the requirements of ORS 92.103, each irrigation district, drainage district, water control district and water improvement district shall submit a report detailing the locations of the district boundaries, district facilities and any easements and rights of way held by the district to each city and county in which any part of the district is located.

(2) An irrigation district, drainage district, water control district or water improvement district that submits a report to a city or a county under subsection (1) of this section shall give notice to the city or the county within 90 days of any change to the location of a district boundary, district facility or any easement or right of way held by the district. [2017 c.357 §4]

Note: 92.104 was added to and made a part of ORS chapter 92 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

92.105 Time limit for final action by city or county on tentative plan. The governing body of a city or county or its designate is subject to the provisions of ORS 215.427 or 227.178 in taking final action on an application for approval of a tentative plan for a subdivision or partition located within an acknowledged urban growth boundary. [1981 c.884 §2; 1983 c.827 §51; 1989 c.772 §16]

92.110 [Amended by 1955 c.756 §15; 1973 c.351 §1; 1989 c.772 §25; repealed by 1993 c.702 §10]

92.120 Recording plats; filing copies; preservation of records. (1) The plat of a subdivision described in ORS 92.050, when made and approved as required and offered for record in the records of the county where the described land is situated, must be recorded by the county recording officer upon the payment of the fees provided by law. The fact of recording and the date of recording must be entered on the plat and the plat must be indexed in the deed records by owner name and subdivision.

(2) The partition plat described in ORS 92.050, when made and approved as required and offered for record in the records of the county where the described land is situated, must be recorded by the county recording officer upon the payment of the fees provided by law. The fact of recording and the date of recording must be entered on the plat and the plat must be indexed by owner name and plat type or plat name. Partition plats must be numbered by year and sequentially and be recorded in deed records.

(3) At the time of recording a subdivision or partition plat, the person offering it for recording shall also file with the county surveyor and with the county recording officer, if requested by the county recording officer, an exact copy of the plat made on material that has the characteristics of strength and permanency required by the county surveyor. The surveyor who made the subdivision or partition plat shall certify that the photocopy or tracing is an exact copy of the subdivision or partition plat. The subdivider shall provide without cost the number of prints from the copy that are required by the governing body of the county.

(4) For the purpose of preserving the record of subdivision or town plats or partition plats, the plats may be microfilmed or stored for safekeeping without folding or cutting. All records

must be created and stored in accordance with all applicable rules and regulations and in a manner that ensures the permanent preservation of the record. [Amended by 1955 c.756 §16; 1973 c.696 §18; 1977 c.488 §1; 1985 c.582 §10; 1987 c.649 §12; 1989 c.772 §17; 1991 c.763 §17; 1993 c.702 §7; 1995 c.382 §9; 1997 c.489 §6; 1999 c.710 §4; 2005 c.399 §13]

92.122 [1987 c.649 §13; 1989 c.772 §18; 1991 c.763 §30; repealed by 1995 c.382 §11]

* * *

92.170 Amending recorded plat; affidavit of correction; fees. (1) Any plat of a subdivision or partition filed and recorded under the provisions of ORS 92.018 to 92.190 may be amended by an affidavit of correction:

- (a) To show any courses or distances omitted from the subdivision or partition plat;
- (b) To correct an error in any courses or distances shown on the subdivision or partition plat;
- (c) To correct an error in the description of the real property shown on the subdivision or partition plat; or
- (d) To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.

(2) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations.

(3) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability or retirement from practice of the surveyor who filed the subdivision or partition plat, the county surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

(4) The county surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this section.

(5) The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the county recorder where the subdivision or partition plat is recorded. The county clerk shall return the recorded copy of the affidavit to the county surveyor. The county surveyor shall note the correction and the recorder's filing information, with permanent ink, upon any true and exact copies filed in accordance with ORS 92.120 (3). The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the subdivision or partition plats.

(6) For recording the affidavit in the county deed records, the county clerk shall collect a fee as provided in ORS 205.320. The county clerk shall also collect a fee set by the county governing body to be paid to the county surveyor for services provided under this section. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk. [1983 c.309 §2; 1989 c.772 §23; 1993 c.702 §8; 1999 c.710 §6; 2001 c.173 §2]

6

West Extension Irrigation District

P. O. Box 100 Irrigon, Oregon 97844
541-922-3814 541-922-9775 (fax)

June 22, 2022

Alesia Hearn
78758 Olson Road
Boardman, OR 97818

SAMPLE

Re: Land Partition No. LD-N-502-21
Map No. T4N R25E Section 16 Tax lot 800

LETTER OF COMPLIANCE

Thank you for working with the District to assure that you have addressed all issues of concern to the irrigation district relative to your land partition.

We have reviewed the final plat and have filed a Water Delivery Agreement with the County. The criteria of the District has been met.

This Letter of Compliance confirms that the Applicant/Owner has met the conditions required for Land Partition No. LD-N-502-21 and the West Extension Irrigation District approves the land partition.

Beverly J. Bridgewater
District Manager

c\ Morrow County Planning Dept.
Matt Kenney

7



PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE
Irrigon, Oregon 97844
(541) 922-4624

November 09, 2023

Albert and Barbara Phillips
80610 Wagon Wheel Loop
Irrigon, OR 97844

Dear Albert and Barbara,

This letter is in reference to Subdivision Request SD-N-226-23 on property currently described as tax lot 1901 of Assessor's Map 5N 26 23D in the Rural Residential zone. The request was to subdivide an approximate 18.63-acre parcel to create seven parcels.

The Planning Department has received the Preliminary Plat according to the requirement of precedent Condition of Approval #1 as outlined below.

CONDITIONS OF APPROVAL: These precedent conditions must be completed before the Planning Director may sign the final Partition Plat or before the land may be deeded to a third party.

PRECEDENT CONDITIONS: (must be completed prior to approval of the final plat):

1. Provide both a preliminary and final Subdivision Plat as required by the Subdivision Ordinance and ORS Chapter 92. (Completed)
2. Each undeveloped lot shall have approved site suitability for septic systems prior to signature by the Planning Director on the final Subdivision Plat. (Incomplete)
3. Provide a certified statement from each serving utility company serving the proposed subdivision stating that each company is able and willing to serve the proposed subdivision. (Incomplete)
5. Provide a letter from the Irrigon Rural Fire Protection District confirming that the subdivision will meet the district's requirements for fire safety and protection. (Incomplete)
6. Submit to the Planning Department a report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property. The required title report shall have been issued within the past 60 days. (Incomplete)
7. The internal road shall be dedicated to the public at a 60-foot right-of-way width on the Subdivision Plat. (Completed)
8. Submit a Road Maintenance Agreement to the Planning Department and record it with the Final Plat. (Incomplete)

A handwritten signature in black ink, enclosed in a hand-drawn oval.

SUBSEQUENT CONDITIONS: (may be completed after approval of the final plat):

9. Access to lots 3, 4, 5 and 6 shall be from the internal roadway. (Completed)
10. The internal road shall meet the Rural Gravel Standard and be developed prior to residential development. (Incomplete)
11. The developer is to install street name, posted speed and other traffic control signage per standards from Morrow County Public Works and the Manual on Uniform Traffic Control Devices. (Incomplete)
12. The developer or subsequent land owners shall obtain necessary Zoning and Building Permits. (Incomplete)

After review of the Preliminary Plat and our files, it appears only Condition of Approval 1 has been completed. Please see the attached Final Findings of Fact and submit the remaining requirements prior to the Morrow County Planning Director signing the Final Plat.

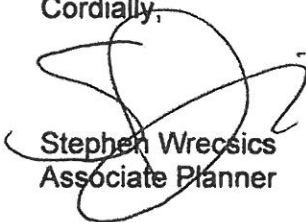
Planning Staff have the following comments related to the Preliminary Plat submitted by the Surveyor of Record:

1. Remove West Extension signature line.

Once the above corrections are addressed Planning staff would be prepared to consider the final Partition Plat for signature. Once the final Partition Plat is signed by the County Surveyor, Planning Director, and the County Assessor, the Partition Plat and its copies (two mylar, and 3 paper) will be ready to be recorded at the Clerk's Office in Heppner.

If you have any questions, please feel free to call the office at 541-922-4624 or email me at swrecsics@co.morrow.or.us.

Cordially,


Stephen Wrecsics
Associate Planner

cc: Mike Gorman, Morrow County Assessor
Ron McKinnis, R.V. McKinnis Engineering
Matt Kenny, Morrow County Surveyor





West Extension Irrigation District

P. O. Box 100; Irrigon, OR 97844-0100
541-922-3814 (ph) 541-922-9775 (fax)
westex@oregontrail.net

April 24, 2023

Morrow County Planning Department
P. O. Box 140
Irrigon, OR 97844

Bristol Estates
letter

Re: SD-N-226-23 - Proposed Subdivision
T5N R26E Section 23D, tax lot 1901
Albert and Barbara Phillips

The West Extension Irrigation District (WEID) is organized under ORS Chapter 545. It operates under Oregon and federal rules and guidelines to supply irrigation water to patrons that have water rights within the District.

WEID appreciates the pre-planning meeting held by the Planning department to discuss this proposed sub-division. The meeting was very informative.

The WEID has received and reviewed the Public Notice from Morrow County Planning and also reviewed the Preliminary Findings of Fact. In order to provide guidance to the developer and all interested parties, we have listed our comments and criteria below.

A. COMMENTS:

1. The land is within the boundaries of the WEID and is served by it.
2. The property has 17.0 water right acres under Certificate No. 94120 from the Columbia River. The water rights have a 4.5 acre-foot per acre allotment. The water rights have been put to beneficial use with recent use in 2022. They are not subject to forfeiture.
3. The parcel receives its delivery from the WEID mainline, a non-pressurized delivery.
4. There are two main irrigation lines (for WEID and a private irrigator) running along the east 50 (fifty) feet of the property.

B. CONDITIONS TO BE ADDRESSED UNDER SECTION II – QUANTITY AND QUALITY OF EXISTING OR PROPOSED WATER SUPPLY AND SECTION 3.080 B.

1. The owner is working with WEID to provide pressurized irrigation water to each lot. All deliveries will be in compliance with WEID's Development Policy.
2. Easements for the existing WEID line and the new delivery lines to each parcel shall be shown or dedicated on the final plat.
3. The District shall apportion the water rights in accordance with state law. Any water rights not currently being used shall be signed off for transfer elsewhere in the District.

Once these conditions have been met, the WEID will provide a statement to Morrow County Planning Department that we are ready, willing and able to serve the proposed subdivision.

Thank you.

A handwritten signature in cursive script that reads "Bev Bridgewater". The signature is written in black ink and is positioned above the printed name and title.

Bev Bridgewater
District Manager

Steve,

Please copy your reply to Bev Bridgewater to me. I am working with the District to ensure that Bureau of Reclamation and District easements, which are almost always superior to other property rights involved in subdivision planning matters, are recognized and protected.

Thank you.

Bill Kuhn

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. This Email is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 and is legally privileged.

KUHN LAW OFFICE

WILLIAM J. KUHN

EMAIL - WJK@KUHNLAWOFFICES.COM

From: Bev Bridgewater <bbridge@oregontrail.net>
Sent: Friday, November 10, 2023 12:17 PM
To: Stephen Wrecsics <swrecsics@co.morrow.or.us>
Cc: William Kuhn <WJK@kuhnlawoffices.com>
Subject: Re: Bristol Estates Plat

Stephen. I am curious why you would remove the WEID signature line from this subdivision. The District has an existing easement on the property, is concerned about the continued use of the irrigation line that is installed within the County ROW, is responsible to assure service is provided to the new lots and has the responsibility to assure water rights on the property are protected. Can you tell me how the County plans to assist the District in protecting its interests? Either a signature on the plat or waiting for a Compliance letter from the District that its criteria has been met will work. Past experience has indicated that the County may get ahead of the District (the Eagle Crest subdivision in Boardman comes to mind). Please advise. Thanks.

Bev

10

Subject: RE: Bristol Estates Plat

From: Tamra Mabbott <tmabbott@co.morrow.or.us>

Date: 11/14/2023, 8:08 AM

To: "wjk@kuhnlawoffices.com" <wjk@kuhnlawoffices.com>, "bbridge@oregontrail.net" <bbridge@oregontrail.net>

CC: Stephen Wrecsics <swrecsics@co.morrow.or.us>

This arrived this morning. Good!

Hello Bev and Bill - Stephen and I discussed the emails below today. County Planning continues to include WEID in the review of partition plats and subdivision plats as well as other land use applications. For the subject Bristol Estates (SD-N-226-23) county provided notice and Bev/WEID participated in the Subdivision pre-application meeting and the Planning Commission hearing. Bev provided comments which are part the record. See attached. As a result of Bev's participation and comments, county included a condition of approval requiring the applicant to "provide a certified statement from each serving utility company serving the proposed subdivision stating that each company is able and willing to serve the proposed subdivision."

Subdivision Ordinance Section 4.060(H)(8) requires certificate for execution by the irrigation district. Subdivision Ordinance Section 5.070 does NOT require signature for partition plats.

County will request that the signature block remain on the plat. We apologize for any confusion.

I also attach a section of ORS Chapter 92 that was amended to require notice to irrigation districts. Neither the state law nor County Subdivision Ordinance requires an irrigation district signature on a partition plat but again, we do require signature on a subdivision plat.

Sincerely,
Tamra

From: Stephen Wrecsics <swrecsics@co.morrow.or.us>

Sent: Tuesday, November 14, 2023 7:45 AM

To: Tamra Mabbott <tmabbott@co.morrow.or.us>

Subject: FW: Bristol Estates Plat

11