

	<b>COLUMBIA IRRIGATION DISTRICT</b> <b>Policy 4.2</b>  "Protection of District Canal Rights-of-Way and Easements"			APPROVED:  <u>Jerry Sleater</u> President Board of Directors  DATE: <u>3 April 2012</u>		
	<b>Effective Date: 1 November 2011</b> <b>Revision: No. 0</b>					
<i>Revised</i>	<i>Revised</i>	<i>Revised</i>	<i>Revised</i>	<i>Revised</i>	<i>Revised</i>	
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**A. Purpose**

To ensure that District operations are not hindered by encroachments on Rights-of-Way and easements along open canals.

**B. Policy**

The Columbia Irrigation District will protect its rights to construct, operate, maintain, improve, reconstruct, replace and use the District rights-of-ways and easements from encroachments that make the District's exercise of those rights more difficult, more time consuming, more expensive, less efficient, or less convenient, while recognizing the underlying landowners' rights to use the property in a manner that does not unreasonably interfere with District's rights.

1. General Requirements for encroachments along open canal:
  - a. A permit is required for any encroachment along open canals.
  - b. District will consider each application for encroachment near an open canal based on the all the circumstances.
  - c. District will generally allow requests for the following encroachments unless there are circumstances that would interfere with District activities:
    1. Grass, bark, gravel, other easily removed landscaping materials
    2. Shallow rooted plants and bushes (30-inch maximum root growth)
    3. Placement of sign in a manner that they can be easily removed and replaced.

Landowners are advised that District will not be responsible or liable for damage to or destruction of such encroaching improvements. Accordingly, landowners should construct any such improvements so that they can be easily removed and replaced without substantial damage or destruction.

2. The District may demand removal of any encroachment and may revoke a permit with a 30-day notice to the landowner. If removal is demanded, or if the

permit is revoked, the landowner shall remove the encroachment at the landowner's expense. If the landowner fails to do so, the District may, at its option, remove the encroachment and charge the cost of removal to the landowner.

3. The District will not be responsible for the repair or replacement of any encroachment that is allowed without a permit or that was approved through the permitting process if damaged while maintaining and operating District facilities. All permits shall include conditions that allow District to engage in reasonably necessary activities without liability to the permittee for damage to or destruction of encroaching improvements, and conditions that protect District from liability to third parties for injuries or damages caused by the encroachment. Such conditions will generally include agreements by which the land benefited by the encroachment is bound to maintain any improvements they make within the easement and /or right of way, will be liable for additional expenses to District created by the encroachment and will hold District harmless from any claims by third parties for injuries or damages caused by the encroachment. Any landowner who encroaches without a permit shall be deemed to do so under the same conditions.
4. This policy does not cover real property owned in fee simple title by the Columbia Irrigation District. Any invasion of such land is trespass.

**C. Definitions**

N/A

**D. References**

N/A