

	<b>COLUMBIA IRRIGATION DISTRICT</b> <b>Policy 4.3</b>  "Protection of Pipeline Rights-of-Way and Easements"				APPROVED:  <u>Jerry Sleater</u> President Board of Directors  DATE: <u>6 June 2006</u>	
	Effective Date: 6 June 2006      Revision: No. 1					
<i>Revised</i>	<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 District operations are not hindered by encroachments along Rights-of-Way and easements of buried infrastructure.

**B. Policy**

The Columbia Irrigation District (District) will protect its rights to construct, operate, maintain, improve, reconstruct, replace and use the District 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 in easements which are located over piped canal systems, such as pipeline easements through yards.
  - a. Encroachments for which no permit or fee is required are limited to the following:
    1. Grass, bark, gravel, etc.
    2. Shallow rooted plants and bushes (30-inch maximum root growth)
    3. Fences
    4. Irrigation lines and/or sprinkler systems

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.

- b. All other encroachments must be approved through the permitting process. District will consider all the circumstances regarding the specific encroachment proposed. Encroachments that are frequently permitted include the following if they do not unreasonably interfere with District's rights:

1. Moveable non-permanent structures (small sheds, swing sets, vehicle parking)
  2. Overhangs, eaves, cantilever spaces, bay windows
  3. Retaining walls and/or patios
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 District. Any invasion of such land is trespass.

Definitions N/A

References N/A