

Eastern Irrigation District

**BYLAW 924 (2018)**

Being a Bylaw of the Eastern Irrigation District to set the Annual Agreement Rates, Irrigation Rate, Terminable Agreement Rate, Minimum Amount Payable, Surcharge, Discount and Penalty on Unpaid Amounts

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**WHEREAS**, section 118 of the Irrigation Districts Act requires every district, in each year, to make a rate bylaw which bylaw must specify an annual agreement rate, an irrigation rate and a terminable agreement rate and states that such bylaw may provide for the division of the district into 2 or more parts and may provide for different rates per acre in each part;

**AND WHEREAS**, section 121 of the Irrigation Districts Act authorizes a district to specify a minimum amount payable as an irrigation charge and as a terminable agreement charge;

**AND WHEREAS**, section 122 of the Irrigation Districts Act provides that the rate bylaw may specify a surcharge;

**AND WHEREAS**, sections 131 and 132 of the Irrigation Districts Act authorize a district to pass a bylaw providing for the allowance of discounts and for the addition of a penalty on unpaid amounts;

**NOW THEREFORE**, the Board of Directors of the Eastern Irrigation District hereby enacts as follows:

1. This Bylaw may be cited as the "**2018 Rate Bylaw**".
2. Definitions:  
When used in this Bylaw,
  - (a) "Irrigation Districts Act" and "Act" mean the Irrigation Districts Act, chapter I – 11, RSA 2000.
  - (b) "Board of Directors" means the Board of Directors of the District.
  - (c) "District" means the Eastern Irrigation District or the geographic area contained within the boundary of the Eastern Irrigation District, as the case may require.
  - (d) Any other word or phrase that is defined in the Act and used in this Bylaw shall have the same meaning as given to the word or phrase by the Act.
3. Pursuant to section 118(3) of the Act and for purposes of acres subject to an annual agreement, the District is hereby divided into the following three parts:
  - (a) Part One:
    - i. Includes all acres of land subject to an annual agreement where the number of acres being irrigated on the parcel exceeds the total of the number of irrigation acres plus the number of acres subject to a terminable agreement as shown on the current assessment roll for that parcel, and, the parcel is not eligible to receive additional irrigation acres from the District.
    - ii. Acres of land subject to a Part One annual agreement may be included in an annual agreement for a maximum of three irrigation seasons, as such irrigation seasons are determined by the District. If the acres of land subject to a Part One annual agreement have not been converted to irrigation acres on or before the date on which the annual agreement for the third irrigation season expires, the irrigator shall discontinue irrigating such acres and shall demonstrate, to the satisfaction of the District, that the irrigation infrastructure and irrigation methods for the parcel have been modified so that the acres of land that were subject to the Part One annual agreement will no longer be irrigated.
    - iii. The rate for all acres of land subject to a Part One annual agreement is established at **\$50.00** per acre.

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(b) Part Two:

- i. Includes all acres of land that are subject to an annual agreement and an irrigated lease agreement with the Eastern Irrigation District and have not been assessed for irrigation acres or acres subject to a terminable agreement.
- ii. The rate for all acres of land subject to a Part Two annual agreement is established at **\$0.00** per acre on the basis that the annual agreement fee is included in the rent.

(c) Part Three:

- i. Includes all acres of land subject to an annual agreement that are not included in Part One or Part Two.
- ii. The rate for all acres of land subject to a Part Three annual agreement is established at **\$26.00** per acre.

(d) The rates prescribed in this clause shall be charged in addition to any surcharge or penalty that may be imposed pursuant to this Bylaw.

4. The rate for all acres of land assessed as irrigation acres is established at **\$0.00** per acre. The rate prescribed in this clause shall be charged in addition to any surcharge or penalty that may be imposed pursuant to this Bylaw.
5. The rate for all acres of land subject to a terminable agreement is established at **\$0.00** per acre. The rate prescribed in this clause shall be charged in addition to any surcharge or penalty that may be imposed pursuant to this Bylaw.
6. The minimum amount payable as an irrigation charge or as a terminable agreement charge is established at **\$0.00** per point of delivery and shall be charged in addition to any surcharge or penalty that may be imposed pursuant to this Bylaw.
7. A surcharge of **\$15.00** per acre shall be charged for all acres irrigated under a terminable agreement, where such acres have been identified by the District as being eligible for conversion to irrigation acres, but have not been so converted at the request of the agreement holder. This surcharge shall be charged in addition to any other rate, charge or minimum amount payable established pursuant to this Bylaw.
8. A surcharge equal to the actual annual energy costs incurred by the District for pumping water into a pressurized water conveyance system shall be charged against all acres served by the pressurized water conveyance system. This surcharge shall be apportioned amongst the acres so served based upon the percentage of the volume of water delivered to each point of delivery on the pressurized water conveyance system compared to the total volume of water delivered through the pressurized water conveyance system. This surcharge shall be charged in addition to any other rate, charge or minimum amount payable established pursuant to this Bylaw.
9. The following pressurized water conveyance system maintenance surcharges shall be charged against all acres served by the applicable pressurized water conveyance system:
  - (a) H Cowoki Pressure System **\$6.00** per acre
  - (b) 03 East Branch Pressure System **\$6.00** per acre
  - (c) Springhill Pressure System **\$6.00** per acre
  - (d) Rolling Hills Reservoir Pressure System **\$6.00** per acre.
10. A discount in the amount of **0%** shall be allowed on any payment of the following current year charges:
  - (a) annual agreement charges,

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- (b) irrigation charges,
- (c) terminable agreement charges,
- (e) terminable agreement surcharges levied pursuant to clause 7 above.

11. No discount shall be allowed on any payment of a surcharge levied pursuant to clauses 8 or 9 above; or on any payment of a penalty added pursuant to clause 12 below; or on any payment of an amount in arrears.
12. If an amount shown on the collector's roll, or any part of it, has not been paid at the close of business of a calendar year, **8%** of the unpaid amount shall be added to the collector's roll as a penalty on the next succeeding January 1 and every 6 months afterwards for so long as any part of the amount remains unpaid.
13. Bylaw numbered **915 (2017)** is hereby repealed.
14. This Bylaw shall come into force and take effect on the 1<sup>st</sup> day of January, 2018.

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Chairman

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General Manager

Introduced and read the first time on the **18<sup>th</sup>** day of **January, 2018**.

Read the second time on the **18<sup>th</sup>** day of **January, 2018**.

Read the third time and finally passed on the **18<sup>th</sup>** day of **January, 2018**

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