

**East Valley Water District
Resolution No. 2015-01**

WHEREAS East Valley Water District (the “District”) desires to establish the procedures under which new lands can be included within the District and made subject to the District’s charges and assessments; and

WHEREAS new lands to be included within the District and made subject to the District’s charges and assessments could include lands located outside the District’s exterior boundaries (“Exterior Lands”) or located within of the District’s exterior boundaries but not currently subject to the District’s charges and assessments (“Non-Assessed Lands”); and

WHEREAS the District finds that the decision to include any Exterior Lands within the District’s exterior boundaries or to make Non-Assessed Lands subject to the District’s charges and assessments must take into account the development assessments paid by District members since 2003:

NOW, THEREFORE, BE IT RESOLVED, that the following resolution shall be effective immediately:

1. Inclusion of Exterior Lands.

a. Generally. The boundaries of the District may be changed to include Exterior Lands only in the manner prescribed in ORS 545.051 to 545.126.

b. Condition Precedent to Granting Petition for Inclusion. As a condition precedent to the granting of a petition for inclusion, the petitioner(s) will pay, or agree to pay, such sums as the Board of Director determines are necessary. Such sums will include the cost of any additional facilities required to deliver water to the lands of the petitioner(s). The District has determined that such additional facilities include any water storage facility to be constructed by or for the benefit of the District and that the fair proportion of such costs attributable to new lands included within the District’s exterior boundaries include:

i. A one-time payment by each petitioner of the District’s current-year (i.e., the year in which the petition is granted) development assessment (as adjusted from time-to-time) for each acre-foot of water anticipated by the Board of Directors to be delivered annually to the petitioner in future years, taking into account the volume of water requested by the petitioner; and

ii. A one-time payment by each petitioner of the District’s annual development assessments from 2003 through the year prior to the current year, plus a 10% per year surcharge (as shown in the District’s Membership Calculator), for each acre-foot of water anticipated by the Board of Directors to be delivered annually to the petitioner in future years, taking into account the volume of water requested by the petitioner.

c. Future Charges and Assessments. If the Board of Directors grants a petition for inclusion, any lands included within the petition will become subject to all future charges and assessments of the District, including both operational assessments and development assessments (as applicable), on the same basis as all other lands previously subject to the District's charges and assessments.

2. Inclusion of Non-Assessed Lands.

a. Requests for Inclusion of Non-Assessed Lands.

i. Minimum Requirements. Any person or group of persons who owns Non-Assessed Lands and desires to become subject to the District's charges and assessments must submit to the District a written request that identifies the lands proposed to be made subject to the District's charges and assessments (a "Request for Assessment").

ii. Supplemental Information. The Board of Directors will require the submission of supplemental information from any person who submits a Request for Assessment if such information is necessary for the Board of Directors to make the findings required under this Resolution; to comply with the District's bylaws, rules, or regulations; or to comply with ORS Chapter 545 or other applicable laws.

b. General Terms.

i. Best Interest Finding. The District will grant a Request for Assessment only if the Board of Directors of the District determines that granting such request is in the best interest of the District.

ii. District Bylaws, Rules, and Regulations. Any lands made subject to the District's charges and assessments will be subject to the District's bylaws, rules, and regulations.

iii. Points of Delivery. The District will establish the points of delivery to which the District will make water deliveries at District's expense. Water deliveries so made are in full and complete discharge of the District's obligation of water deliveries.

c. Condition Precedent to Granting Request for Assessment. As a condition precedent to the granting of a Request for Assessment, the person or group of persons who filed such request will pay, or agree to pay, such sums as the Board of Director determines are necessary. Such sums will include the cost of any facilities required to deliver water to the points of delivery established by the District. The District has determined that such facilities include any water storage facility constructed by or for the benefit of the District and that the fair proportion of such costs attributable to new lands made subject to the District's charges and assessments include:

i. A one-time payment by each person (or the group of persons) of the District's current-year (i.e., the year in which the Request for Assessment is granted) development assessment (as adjusted from time-to-time) for each acre-foot of water anticipated by the Board of Directors to be delivered annually to the person or group of person in future years, taking into account the volume of water requested by the person or group of persons; and

ii. A one-time payment by each person (or the group of persons) of the District's annual development assessments from 2003 through the year prior to the current year, plus a 10% per year surcharge (as shown in the District's Membership Calculator), for each acre-foot of water anticipated by the Board of Directors to be delivered annually to the person or group of person in future years, taking into account the volume of water requested by the person or group of persons.

d. Future Charges and Assessments. If the Board of Directors grants a Request for Assessment, any lands included within the request will become subject to all future charges and assessments of the District, including both operational assessments and development assessments (as applicable), on the same basis as all other lands previously subject to the District's charges and assessments.

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Adopted by the Board of Directors of East Valley Water District at a regular meeting held on the ___ day of _____, 2015, by the following votes:

AYES: _____

NAYS: _____

Approved this ___ day of _____, 2015.

EAST VALLEY WATER DISTRICT

Signature: _____

Printed Name: _____

Title: _____

WITNESSED

Signature: _____

Printed Name: _____