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PYRAMID LAKE PAIUTE TRIBE

IRRIGATION ORDINANCE

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Pyramid Lake Paiute Tribe
Irrigation Ordinance

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ORDINANCE NO. XX

Pyramid Lake Paiute Tribe
Irrigation Ordinance

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Chapter 1: General Provisions

XX-01-010 **Title:** This Ordinance shall be known as the "Pyramid Lake Paiute Tribe Irrigation Ordinance".

XX-01-020 **Purposes:** The purposes of this Ordinance are to:

- (a) Set forth operating and governing procedures related to Irrigation Operation and Maintenance (O&M) in identified irrigation areas on the Pyramid Lake Paiute Tribe Reservation.
- (b) Deliver water to irrigated lands in a fair, consistent, and efficient manner that will benefit all the irrigators on the Pyramid Paiute Tribe Reservation.

XX-01-030 **Policy:** It shall be the policy of the Pyramid Lake Paiute Tribe that the Administrator will operate maintain and manage the Irrigation Program on the Pyramid Lake Reservation so that the individual irrigators are delivered irrigation water in a fair, consistent, and efficient manner. It shall also be the policy of the Pyramid Lake Paiute Tribe that the operation, maintenance, and management of the Irrigation Program on the Pyramid Lake Reservation be carried out through an efficient program and in a financially responsible, cost effective, and self-sustaining manner.

XX-01-040 **Definition of Terms:** The following definitions shall apply to this Ordinance:

- (a) "Administrator" is the Department of Water Resources Director.
- (b) "Individual Irrigator" is the owner of the agricultural land assignment or their designee.
- (c) "Pyramid Lake Paiute Reservation" or "Reservation" means all air, land, and water, both surface and underground, located within the exterior boundaries of the Reservation and on any acquired properties outside the exterior boundaries.

Chapter 2: Establishment of Pyramid Lake Irrigation Program

XX-02-010 **Pyramid Lake Irrigation Program:** The Pyramid Lake Irrigation Program is hereby established.

XX-02-020 **Jurisdiction:** The Pyramid Lake Irrigation Program shall operate generally within the exterior boundaries of the Pyramid Lake Reservation.

XX-02-030 **Authority:** The ordinance is established and adopted by the Pyramid Lake Paiute Tribal Council pursuant to Article VI. Section 1 (i) and (j) of the Constitution of the Tribe and Article V. of the By-Laws of the Tribe.

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XX-02-040 **Authority of the Administrator:** To maintain and manage the Pyramid Lake Irrigation Program, the Administrator shall have the power to:

- (a) Levy and collect reasonable fees for irrigation services, including but not limited to irrigated acres, equipment use, late fees, late penalties, and other assessments deemed necessary.
- (b) Provide for hiring and compensation of appropriate management and maintenance personnel.
- (c) Adopt appropriate regulations and policies to implement the requirements of this Ordinance, subject to any Tribal Council approval required under this Ordinance.
- (d) Authorize disbursement of funds for the operation, maintenance, and repair of the irrigation infrastructure.
- (e) Contract with vendors and contractors to assure that the irrigation program operates in a safe, efficient, and reliable manner for the irrigators on the Pyramid Lake Reservation.

XX-02-050 **Regulations and Policies:** The Irrigation Program shall adopt regulations or policies as needed to implement the provisions contained in this ordinance. Regulations, fee schedules, and policies must be approved by the Tribal Council before becoming effective, unless Tribal Council delegates authority to implement certain regulations or policies without further tribal Council approval. Such regulations shall include, but are not limited to, the following subjects:

- (a) Fee schedules;
- (b) Billing policies;
- (c) Delinquent payment procedures;
- (d) Emergency notification and response procedures; and
- (e) Inspection procedures.

XX-02-060 **Amendments:** The Administrator shall recommend to the Tribal Council amendments to this Ordinance necessary to promote an efficient, cost-effective, and self-sustaining Irrigation Program.

Chapter 3: Administrative Duties

XX-03-010 **Tribal Council:** The Tribal Council provides policy requirements and enforcement support to ensure that said policies are enforced accordingly. The Tribe is responsible to ensure the irrigation system is providing sufficient water to the land assignees for irrigation purposes. The operation, maintenance and management must be executed in an efficient, cost-effective, and sustaining manner that does not adversely impact farm operation, in-stream flow requirements, river and lake habitat and economic progress.

XX-03-020 **Tribal Chairman:** It is the duty of the Tribal Chairman to follow and enforce said ordinances and policies as set forth and adopted by the Tribal Council. Under any

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circumstances that requires special administrative decision regarding irrigation operation and/or this policy, it must be consistent with Chapter 4.

XX-03-030 **Administrator:** The administrator will be responsible as supervisor to the Water Resources Technician and to administer daily activities. The Administrator is responsible for confirming irrigated acreage and assesses the charges to be applied. The Administrator will be responsible to provide an irrigation system roster and acreage of land assignments for individual land assignees and report any changes to the Committee/Board and Water Resources Technician. The roster will include accurate GPS mapping of all irrigated assignments, which are updated on a regular basis, to maintain a record of the yearly irrigation requirements. Under any circumstance that requires a special decision regarding this policy must be consistent to Chapter 4.

XX-03-040 **Committee/Board:** The Tribal Council shall appoint a five (5) member Committee/Board consisting of members of the Tribe. The committee/board will be responsible to oversee the administrative function and management of the program. It will provide direction and recommendations for Tribal Council approvals. It will provide direction and/or recommendations for administering and managing the Irrigation Program. It will review any changes in acreage of land assignment(s). It will record and/or monitor any improvements to the land assignments. All enforcement and dispute action must be reviewed by the committee/board who will meet on a monthly basis. The Committee shall have no management or supervisory authority over the Department of Water Resources staff.

XX-03-050 **Water Resources Technician:** The Water Resources Technician will be responsible to manage the daily operation and maintenance of the irrigation system on the reservation. Will plan and provide a rotation schedule to effectively deliver water to individual farmers. Will assure rotation schedules are followed accordingly by the assignees or leasers of land assignments. During the off season the Water Resources Technician will be responsible for inspecting the irrigation system and make necessary repairs and maintenance to the main ditches. Before beginning the irrigation season a comprehensive inspection will be conducted to provide efficient irrigation flows.

XX-03-060 **Individual Irrigator:** Individual irrigator will be responsible to irrigate their land assignments in an efficient and cost effective manner according to the rotation schedule established by the Administrator, and/or Water Resources Technician. Individual irrigators will be responsible to the operation and maintenance of their ditches from the main ditch to their fields to assure proper and efficient delivery of irrigation water (clear of debris, weeds, repairs, etc.). Individual irrigators must confirm acreage under assessment charges applied (hay production and pasture fields). Any dispute that arises will be followed according to Chapter 6.

Chapter 4: Management Function

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XX-04-010 **Irrigation Services:** The services provided by the Irrigation Program include the delivery of irrigation water to irrigators' ditches, system maintenance, and ancillary services. Tribal Council may provide additional services upon recommendations to the Administrator. The Irrigation Program is responsible for providing efficient, cost effective irrigation water for a fee to those farmers that are connected to the irrigation system within the exterior boundary of the Pyramid Lake Reservation. The Irrigation Program's responsibility for maintenance shall only extend to the end of the common delivery ditches, but does not include individual irrigators' private ditches than convey the irrigation water to the individual fields. When an irrigator needs help maintaining their private ditches, a fee will be assessed for the equipment, consumables, and operators time. The Irrigation Program shall not be responsible for, nor maintain nor repair, any private irrigation ditches, except by specific agreement establishing fair rates of compensation to the Irrigation Program. The Irrigation Program shall not be liable for any loss or damage beyond its control resulting from any defect in, or damage to, irrigators' ditches or land assignment.

XX-04-020 **Assessment Fees:** Assessment fees are established at a reasonable rate per acre, according to the O&M Costs. Acreage currently under operation, utilizing waters from the irrigation system, will be applied an assessment charge. Any changes in size of the acreage under operation must be tabulated on the irrigation roster kept by the Administrator and/or Water Resources Technician. The Administrator will conduct field surveys to maintain an accurate accounting of the irrigated acreage for each individual irrigator. The assessments collected by the Tribe will be applied towards Irrigation O&M funding responsibility. Each individual irrigator is responsible to pay according to acreage of their land assignment or acreage of leased land assignment(s). This policy sets forth the enforcement mechanism that denies the delivery of water until assessment fees are paid or arrangements are set up for payment. In the event that assessment fees are altered (increased, waived, lowered), it must be at the discretion of the administrative duties outline in Chapter 5.

- (a) **Delinquent Payments:** In the event the payments are delinquent, measures must be taken by the administrator and the individual irrigator to satisfy the assessment requirement. If it is not satisfied according to this policy, water will be denied. If necessary, payments can be accepted until the assessments are paid in full. Disputes will follow procedures described in Chapter 6.
- (b) **Equipment Use:** The use of equipment from the Irrigation Program will be billed to the individual irrigator. The fees are included in the Billing and Collection Policy as well as the Fee Schedule.
- (c) **Irrigation Credit:** When in individual irrigator is caught up on irrigation fees and paid into the future season; there is an irrigation credit that carries over to the next year. This credit is shown on the initial billing for the irrigation season.

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- XX-04-030 **Annual Federal Water Master (FWM) Notification:** The annual FWM assessment, once submitted to the Tribe will then be submitted to the B.I.A. Western Nevada Agency for payments to the FWM office.
- XX-04-040 **Federal Water Master (FWM) Notification:** The Administrator is responsible to notify the FWM of scheduled irrigation start up dates and ending dates. It is also mandatory to notify the FWM of diversions associated with certain diversions (Nixon, Proctor, Olinghouse #1 & #3, Fellnagle) that require special attention relative to monitoring ditch flows. Administrator is responsible to inform the FWM for additional water needed for new seeding or additional field developments. Allocation for the Irrigation Program is up to 110% of the water required every season; therefore irrigators must inform the Administrator of upcoming changes before the irrigation season begins to get the proper water allocated from the FWM.
- XX-04-050 **Rotation Schedules:** The Administrator and/or Water Resources Technician will be responsible for setting up rotation schedules and assuring the rotation schedules are followed and enforced. If there are special conditions, such as new seeding or field development, to follow certain schedules, the Administrator and/or Water Resources Technician will make provisional changes to accommodate special conditions. All land assignments must not exceed the minimum required duty for crop types irrigated. *SPECIALIST*
- XX-04-060 **Inspections:** The Irrigation Program and its agents are authorized to make limited inspections, at reasonable times, of the irrigated parcels and delivery ditches served by the Irrigation Program to the extent necessary to ensure that individual irrigators' are utilizing the water efficiently and not wasting irrigation water. Inspections would also ensure the individual irrigators are not operating in a manner that would likely disrupt or interfere with the irrigation schedule. The Administrator shall provide irrigators with at least 24 hour notice prior to entering and inspecting the premises, except in case of emergency where life or property are threatened, or in cases of immediate water shortages.
- XX-04-070 **Unnecessary Waste of Water:** The Irrigation Program reserves the right to terminate an individual irrigator's service when the individual irrigator has repeatedly and unduly wasted irrigation water. Such undue waste can be evidenced by the fact that irrigation water is allowed to run into the desert or area that has not been authorized for irrigation, allow the water to "overflow" from ditches or fields by not turning off the water in the allotted amount of time, or other unauthorized use of Tribal irrigation water without specific prior approval of the Administrator. Where these conditions have been observed, the Administrator or representative will issue the individual irrigator a written notice to correct the water waste. If the individual irrigator continues and does not terminate their water waste within the time specified in the notice, the Administrator may cease water delivery. Service shall be resumed only after correction of the condition causing water waste, and payment of any penalties, fines, or any other

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accounts in arrears to the Irrigation Program. An estimate of the amount of water wasted (Flow rate x time) may be developed and the remaining irrigation water delivered to the individual irrigator may be reduced by this estimation.

- XX-04-080 **Conservation of Resources:** The Administrator shall conduct operation, maintenance, and repair services in a manner that will maximize the conservation of natural, financial, and property resources.
- XX-04-090 **Construction:** All major construction to main delivery systems within the responsible areas of the Irrigation Program must have authorization by the Administrator. Any construction approved must meet the minimum qualifications that improve water delivery in reservation irrigation systems.
- XX-04-100 **Special Requests:** In the event there is a special request regarding scheduling, burning, planting, billing payments, operation and maintenance or negligence, all requests must be made in writing to the Administrator. The Administrator then must review said request(s) and make any necessary correction as needed. It is the individual irrigator's responsibility to inform the proper entities in addition to the Administrator, the Water Resources Technician in matters concerning schedules, planting changes, and O&M concerns. The Environmental Department, Police and Fire Department must be notified for all burning events. If the request involves a dispute, it must be followed according to Chapter 6.
- XX-40-110 **Ditch/Field Burning:** Any burning that involves the main canal will be coordinated by the Administrator and/or Water Resources Technician. If a control burn is required, all areas of potential hazard will be burned under the direction of the Water Resources Technician and/or the Administrator.
- (a) **Notification:** When any burning on a land assignment occurs, the individual irrigator must obtain a Burn Permit from the Environmental Department and notify proper authorities, such as Fire Department, Police, and Administrator, as it poses a potential hazard. The Tribe will not be held liable for negligence due to unauthorized burning. If burns occur on weekends, prior notification to proper authorities must occur to avoid potential hazards.
- (b) **Burning Times:** Any burning must take place during the daylight hours so proper authorities can be contacted, preferably between 8AM and 5PM. Burning should preferably not occur with high winds, excessive fuel present, inadequate resources or incapacitated operators. In the event burns occur without proper notification or preferred conditions, the Tribe will not be held liable for damages.
- XX-04-120 **Assignment Transfer/Changes:** The individual irrigator must notify the Administrator in writing of changes in land assignments ownership and billing within 90 days of beginning the irrigation season. The request for changes will be brought before the

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committee/board for review and acknowledgement, followed by a recommendation to the Tribal Council for the change.

XX-04-130 **Irrigation Program Equipment and Property:** The Irrigation program equipment and property is the property of the Pyramid Lake Paiute Tribe. Individual must not tamper with or impede the workings of the Irrigation Program property and equipment.

Chapter 5: Fee Schedules and Billing

XX-05-010 **Establish Fee Schedule:** The schedule of fees for irrigation services shall be set by the Administrator with the approval from Tribal Council. The fee schedule shall be based on the estimated average annual costs for operation of the Irrigation Program. The irrigation fee will be a basic rate per irrigated acre for services provided by the Irrigation Program. The fee schedule may be adjusted as needed to meet the expenses of the Irrigation Program O&M costs. The fee schedule may include irrigation fees, late charges, penalties, equipment use, and other assessments determined by the Administrator and approved by the Tribal Council. The fee schedule may be amended if flow meters are installed to determine actual usage.

XX-05-020 **Public Hearing:** The Administrator or representative shall hold a public hearing whenever a new or revised fee schedule is proposed for adoption. At least five days in advance of the hearing, notice of the public hearing with the proposed fee schedule shall be sent to current individual irrigators and posted in a public location. Following the public hearing, the Administrator shall set a fee schedule to be presented for Tribal Council approval, taking into consideration comments received at the hearing.

XX-05-030 **Notice to Individual Irrigators:** A copy of the new or revised fee schedule adopted by the Tribal Council shall be sent to each customer at least 30 days prior to the date the established schedule takes effect.

XX-05-040 **Billing Responsibility:** The Pyramid Lake Finance Department shall be responsible for billing individual irrigators for irrigation services.

Chapter 6: Dispute Resolution

XX-06-010 **Administrative Procedure:** All disputes that arise will be coordinated through the Administrator. If the dispute is not satisfied, it will then be taken to and addressed by the committee/board. If the dispute is still not satisfied, the Tribal Council will then be requested to resolve the dispute.

(a) **Damages:** If the dispute involves damages, it will be recommended for submission into Tribal Court, if the dispute cannot be resolved by the administration.

Chapter 7: Enforcement

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XX-07-010 **Remedies Authorized:** One or more of the following remedies are available to the Administrator for failure of the individual irrigator to comply within any provisions of this Ordinance or with any duly adopted regulation of the Irrigation Program.

- (a) Termination of irrigation service;
- (b) Assessment of penalties based upon regulations established by the Irrigation Program;
- (c) Assessment of late charges based upon regulations established by the Irrigation Program;
- (d) Assessment of damages from the irrigator's non-compliance;
- (e) Seeking damages based on the irrigator's non-compliance in Pyramid Lake Tribal Court; and/or
- (f) Referring violations that may involve criminal conduct to the Pyramid Lake Tribal Police.

In all cases, the billing policy and due process must be followed.

XX-07-020 **Remedy Guidelines:** The Irrigation Program shall use the following guidelines when considering the appropriate sanctions to be imposed in any given case:

- (a) Whether the sanction is required by this Ordinance or other applicable law, or whether imposition is discretionary;
- (b) The minimum sanction needed to effect compliance;
- (c) The harm to operation of the Irrigation Program and to the Tribe if the sanction is not imposed;
- (d) The individual irrigator's past record of compliance or non-compliance, or good faith efforts to achieve compliance;
- (e) The harm to other persons or property if the sanction is not imposed; and
- (f) The effectiveness of similar sanction in securing compliance in other cases.

Chapter 8: Irrigator Grievances

XX-08-010 **Time Period:** The aggrieved person must file a written grievance with the Administrator within ten (10) working days from the date of the action from which the grievance arises, which may be the date the aggrieved person receives the determination letter or other notification of a determination by the Irrigation Program, or else the person's right to grieve the matter is forfeited.

XX-08-020 **Contents of Grievance:** The written grievance must be addressed to the Administrator and set forth the specific grounds for the grievance. The person shall submit all documentary evidence the person wants the Administrator to take into consideration.

XX-08-030 **Administrator Decision:** The Administrator shall issue a written decision on the grievance within ten (10) working days after receipt of the grievance. The written

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decision shall set forth a statement of facts leading up to the grievance and grounds for the decision on the grievance.

XX-08-040 **Administrative Appeal:** If the person is not satisfied with the Administrator's decision on the grievance, he may submit a written request for an administrative appeal to the committee/board. The written request for an administrative appeal to the committee/board must be submitted within ten (10) calendar days from the date the person receives or should have received notice of the Administrator's decision.

XX-08-050 **Committee/Board Hearing:** The person may request an administrative hearing in his/her request for an administrative appeal. If the person requests a hearing, the committee/board shall schedule the hearing within twenty (20) calendar days of the date of receiving the administrative appeal request. The committee/board shall send the person written notice of the time and location of the hearing. At the hearing, the person may present evidence, inspect the evidence of the Administrator and be represented by legal counsel.

XX-08-060 **Finality of Decision:** The decision of the committee/board shall be final.

Chapter 9: Miscellaneous Provisions

XX-09-010 **Sovereign Immunity:** The Irrigation Program, as a governmental entity of the Pyramid Lake Paiute Tribe, is immune from suit. Nothing contained herein is intended to waive the Pyramid Lake Paiute Tribe's or the Irrigation Program's sovereign immunity from suit.

XX-09-020 **Severability:** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part (s).

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Pyramid Lake Paiute Tribe Irrigation Program Billing & Collection Policy

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Pyramid Lake Paiute Tribe IRRIGATION PROGRAM BILLING & COLLECTION POLICY

This statement of official Irrigation Program policy establishes standards for the timely collection of all debts owed to the Irrigation Program.

Section 1: Responsibility

It is the responsibility of all Irrigation Program customers to insure compliance with these policies and procedures in accordance with the Pyramid Lake Paiute Tribe Irrigation Ordinance. Administration of the policies and procedures is the responsibility of the Irrigation Program located at the Tribal Water Resource Department, 210 Capitol Hill, Nixon, NV 89424.

Section 2: Scope

This collection policy applies to:

- Any customer with a new or a current billing account,
- The personnel responsible for administration of the Billing policy, which includes but not limited to the Department of Water Resources staff, Committee/Board members, and Tribal administrative staff; and
- Any private counsel or private collection agency employed by the Tribe for the purpose of debt collection.

Section 3: Customer Account Rights and Responsibilities

Section 3.1 Rights

Each account holder has the right:

- To have access to information about the nature and amount of the charges incurred;
- To receive their bill in a timely manner, unless extreme circumstances occur;
- To have access to information on payment procedures;
- To have access to the account record of the customer;
- To dispute charges believed to be in error;
- To petition for removal of charges due to changes in their account status;
- To have the confidentiality of the account protected to the extent of the law;
- To be notified of any impending collection action;
- To be treated with respect and be free from harassment; and
- To have access to all Tribal ordinances or policies governing the account.

Section 3.2 Responsibilities

Each account holder has the responsibility:

- To read and comply with all written policies and procedures governing their account;
- To insure payment of all charges legitimately incurred on the account by the payment due date;
- Assignees for irrigated fields are responsible for all charges regardless of leasing or other arrangements;
- To notify and request a change of address form to update address and names on account;
- To notify the Irrigation Program in the event that the acreage or land status changes;

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- To insure that the billing address is correct;
- To notify the Irrigation Program if no billing statement is received;
- To submit disputes of charges in writing within 10 days;
- To pay all penalties, legal fees and incurred costs associated with collection of the account.

Section 4: Irrigation Program Responsibilities

The Irrigation Program will be responsible for providing accurate and timely billing information to customers. The billing cycle will be every January 15th with subsequent reminder 30 days before the irrigation season begins. Charges accrued during the irrigation season will be billed separately on a 30 day billing cycle.

Section 5: Fee Schedule

Irrigation Program service fees shall be paid at a rate of \$X.00 per acre of Irrigated Land. Irrigated land acreage amounts shall be filed with the Department of Water Resources each year before the Irrigation Season begins for correct invoicing.

Section 6: Payment

- The Irrigation Program will take appropriate steps; including withholding of services, to collect debts owed to the Irrigation Program.
- Payment Requirements: All payment requirements will be established by the Administrator, and will be clearly disclosed.
- Payment Options: Standardized payment options will be provided to enable customers to meet their financial obligations with the Irrigation Program.
- Payment Procedures: Payments must be made at the Pyramid Lake Tribal Finance Office during normal business hours (8:00 am – 4:30 pm, Monday – Friday). If paying by mail, send your check or money order to:
 - Pyramid Lake Paiute Tribe
Finance Department – Irrigation Billing
PO Box 256
Nixon, NV 89424

Section 7: Payment Plans

Section 7.1 Account Payment Plans

The Irrigation Program shall provide standardized payment plan options to assist an individual in meeting their financial obligation to Irrigation Program. All plan requirements or agreements will be documented by the Irrigation Program, and shall be clearly disclosed in writing to the customer.

Section 7.2 Payment Arrangements

If a financial hardship prevents a customer from making payment in full, a formal payment arrangement may be established with the Irrigation Program. However, once a debt has been referred to an outside collection agency, all arrangements for repayment will be made with the outside collection agency.

Section 8: Contested Charges

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The Irrigation Program will address any contested charges as part of the grievance procedures stated in PL Irrigation Ordinance Chapter 8: Irrigator Grievances. However, if the customer wishes to appeal the decision of the Administrator, then the customer can make a formal appeal to the Committee/Board for resolution, wherein the decision of the Committee/Board shall be final. The account holder loses the right to petition once an account has been referred to a collection agency.

Section 9: Non-Payment of Customer Accounts

An account is past due when payment of the amount due has not been received by the close of business on the due date. A minimum grace period of five (5) working days will be allowed for payment. Failure to pay by that time may result in:

Section 9.1 Late Payment Penalties

The amount of the late payment penalty will be \$2.00 per each 30 days the account is past due. All customers will be notified of any changes to the late payment penalty.

Section 9.2 Cessation of Services

All accounts that are past due greater than 60 days will have services ceased immediately until the account has been brought current or a payment plan has been agreed upon by the account holder and Irrigation program.

Section 9.3 Holds

All seriously past due accounts (90 days or greater) will have a hold placed on the accounts. Any requests for new services or a new account will be denied until a payment plan has been arranged and only if it is current.

Section 9.4 Delinquent Accounts

Delinquent accounts will be prepared for collection as defined in section 13 of this policy. An account is delinquent when a customer account has an account balance more than 120 days past due.

Section 10: Customer Default

If no mutually satisfactory agreement can be reached to bring the account current or if the account holder fails to meet the terms of any payment plan, the Irrigation Program may accelerate collection efforts on the debt in accordance with Section 13 of this policy.

Section 11: Returned Checks

A returned check is any check tendered to the Tribe that is subsequently dishonored by the bank. The following steps will be taken to deter any repeat issuance of a returned check by an account holder:

Section 11.1 Returned Check Penalty

A penalty will be charged to the account in an amount established by the Tribe. The penalty may be waived if the check was returned in error from the bank (written confirmation required).

Section 11.2 Payment of a Returned Check Item

The returned check must be paid by cash, certified check, or money order.

Section 11.3 Loss of Privileges

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An account holder who has written two or more returned checks will lose check-cashing privileges for a period not to exceed two (2) years.

Section 11.4 Non-Payment

If the returned check was intended as payment of a customer account, it will be considered a non-payment and subject to the conditions listed in Section 9 of this policy.

Section 12: Notification

Reasonable measures will be taken to insure that all account holders are informed of general policies and procedures of the Irrigation Program related to Irrigation billing accounts, and of the financial status of the customer's Irrigation account. All bills and written correspondence will be mailed to the most recent active address on file for the customer. Electronic notification may be used if the account holder has provided an e-mail.

Section 13: Customer Account Collections

Collection is initiated when an account becomes delinquent, and there are no satisfactory payment arrangements in place as provided in Section 9 of this policy. The collection process may be expedited or delayed as deemed necessary. The Irrigation Program will normally take the following actions to collect a delinquent account:

Section 13.1 Courtesy Contacts

The Irrigation Program will make a reasonable effort to notify the account holder of the status of the account, and of possible referral to an outside collection agency.

Section 13.2 Placement with an Outside Collection Agency

If the account holder fails to respond to the courtesy contacts, the debt will be referred to an outside collection agency for further action.

Section 13.3 Credit Reporting

Upon second placement of an account with a private collection agency, individuals who have failed to pay their delinquent account balance may be reported to one or more nationally recognized credit reporting bureaus. The collection agency will be responsible for the initial report, and for all future status updates.

Section 13.4 Tribal Court

The Irrigation Program shall have the option at any time to file an action in the Pyramid Lake Paiute Tribal Court to collect on any continually delinquent account.