# NORTH UNIT IRRIGATION DISTRICT JEFFERSON COUNTY, OREGON

**RESOLUTION No. *\_\_\_\_\_\_\_\_\_***

# A Resolution Regarding Water Delivery for Growing and Cultivating Industrial Hemp

FINDINGS:

1. The North Unit Irrigation District (the "District") delivers water from and through Federal facilities, pursuant to its contract with the U.S. Bureau of Reclamation ("Reclamation") and other authorities. Reclamation and the District are required to comply with Federal laws with respect to activities involving the delivery and use of Reclamation water.
2. The Controlled Substances Act of 1970 (84 Stat. 1236) ("CSA") and its implementing regulations prohibit the cultivation of marijuana, as defined at subsection 102(16) of the CSA (codified at 21 U.S.C. § 802(16)). Section 102(6) defines marijuana as "all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin."
3. Section 7606 of the Agricultural Act of 2014 (128 Stat. 649) (the "2014 Farm Bill") legalizes the growing and cultivating of industrial hemp for research purposes in states where such growth and cultivation is legal under state law. The 2014 Farm Bill defines industrial hemp as "the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol [("THC")] concentration of not more than 0.3 percent on a dry weight basis." Although Section 7606 permits the growing and cultivation of industrial hemp in accordance with the statute, Section 7606 did not remove industrial hemp from the controlled substances list under the CSA. Therefore, Federal law continues to restrict hemp-related activities, to the extent that those activities have not been legalized under Section 7606.
4. The U.S. Department of Agriculture and the U.S. Drug Enforcement Administration have interpreted Section 7606 of the 2014 Farm Bill to allow the growth and cultivation of industrial hemp only "in accordance with an agricultural pilot program to study the growth, cultivation, or marketing of industrial hemp established by a State department of agriculture." 81 Fed. Reg. 53,395 (Aug. 12, 2016). The Oregon Department of Agriculture ("ODA") administers the state's industrial hemp program.
5. The District's water distribution system delivers Reclamation water. To ensure that water delivered by the District is used in conformity with Federal and state, a policy concerning the use of water to irrigate industrial hemp crops needs to be enacted.

NOW, THEREFORE, be it resolved by the Board of Directors as follows:

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# Section 1. Resolution

The District hereby adopts a policy for water delivery for growing and cultivating industrial hemp as follows:

1. Purpose. This policy is intended to establish a uniform standard for District patrons that desire to use District-delivered water to irrigate industrial hemp crops, and is further intended to ensure District-delivered water is used in conformity with Section 7606 of the 2014 Farm Bill, the CSA, and state law.
2. Certificate and License. "Industrial hemp" has the meaning given to it in ORS 571.300(5). Patrons may only use District-delivered water to irrigate industrial hemp if the patron has a valid and current industrial hemp grower registration issued by ODA. Prior to the delivery of District water to a patron growing or cultivating hemp, a patron who intends to use District-delivered water to irrigate industrial hemp must provide a written copy of that patron's current, valid industrial hemp grower registration to the District office in advance of any water delivery.
3. Non-compliance with Policy. The District shall work with patrons to ensure their understanding of this policy. Patrons who fail to comply with the policy will not be entitled to District-delivered water.
4. Policy Review. The District will periodically review these procedures with legal counsel to ensure the District is in compliance with new or revised Federal and state laws.

# Section 2. Effective Date

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION BY THE BOARD.

ADOPTED BY THE BOARD OF DIRECTORS OF (NORTH UNIT IRRIGATION

DISTRICT AT A REGULAR MEETING HELD ON THE \_\_\_\_\_\_ OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_\_.

*By:*

*Name:*

*Title:*

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ATTEST:

By:

Name:

Title: