

**NORTH UNIT IRRIGATION DISTRICT
JEFFERSON COUNTY, OREGON**

RESOLUTION No. 2022-07

A Resolution Regarding the Adoption of a Revised Hemp Policy (2022)

FINDINGS:

- A. 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.
- B. The Controlled Substances Act of 1970 (84 Stat. 1236) (“CSA”) and its implementing regulations prohibit the cultivation of marijuana, as defined at section 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 . . . and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin,” *but excluding* “hemp, as defined in section 1639o of title 7.” The term “hemp” means “the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o(1).
- C. Section 10113 of the Agriculture Improvement Act of 2018 (132 Stat. 4490) (the “2018 Farm Bill”) authorized the production of hemp for “commercial” purposes in accordance with a state hemp plan approved by the U.S. Department of Agriculture (“USDA”).
- D. In January 2022, the USDA approved the Oregon Hemp Plan administered by the Oregon Department of Agriculture (“ODA”). The Oregon Hemp Plan authorizes ODA to issue hemp production licenses and registrations consistent with Federal law.
- E. Accordingly, as of the Effective Date of this Resolution, the District’s patrons producing hemp may operate consistently with Federal law only by obtaining a valid license or registration from ODA pursuant to the Oregon Hemp Plan, unless otherwise exempt from licensing or registration under the Oregon Hemp Plan.
- F. 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 law, a policy concerning the use of water to irrigate industrial hemp crops needs to be enacted. This policy updates and replaces the Resolution Regarding the Adoption of a Revised Hemp Policy (Resolution No. 2020-07), adopted by the Board of Directors of the District on June 9, 2020.

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

Section 1. Resolution.

The District hereby adopts a hemp policy 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 hemp crops, and is further intended to ensure District-delivered water is used in conformity with the 2018 Farm Bill, the CSA, and State law.

2) Proof of Registration or License. In each irrigation year, prior to delivery of District water to a patron growing, cultivating, handling hemp, or a patron who intends to use District-delivered water to irrigate hemp must provide to the District office a written copy of either

(a) a current, valid license or registration issued to that patron by ODA pursuant to the Oregon Hemp Plan

or

(b) confirmation from ODA that the patron is exempt from the requirement to obtain a license or registration under the Oregon Hemp Plan.

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 12 DAY OF April 2022, BY THE FOLLOWING VOTES:

AYES: 4
NAYS: 0
ABSENT: 0

By: *Martin Richards*
Name: Martin Richards
Title: Chairman

ATTEST:
By: *Joshua Bailey*
Name: Joshua Bailey
Title: Secretary - Manager