

Bitter Root Irrigation District Operating Policies
(Approved) October 11, 2022

Table of Contents

<u>SUBJECT</u>	<u>ARTICLE</u>	<u>PAGE#</u>
Land Provisions	I	
Irrigable acreage adjustments		2
Acreage Limitation		2
Distribution of water	II	
General		2
Basic Water Allotment		3
Water Ordering Procedure		4
Stock Water		4
District Structures	III	
Land Division		4
Measuring Devices		5
Structure Maintenance		5
Right of Way	IV	
O & M Roads		6
Fences		6
Gates & Cattle Guards		6
Utilities		7
Crossings (bridges, flumes, etc.)		7
Water Management	V	
Transferring of user's rights		7
Water Supply		7
Grouping of Deliveries		7
Work for others	V1	8
Three Mile	VII	9
Private Gravity System	VIII	10
Sub-divisions adjacent to the canal	IX	11
Safety Responsibility	X	11
District Impact Fees	XI	12

I. Land Provisions

A. Irrigable Acreage Adjustments

1. Total irrigable acreage within the district which shall be included on the District's assessment role be confined to approximately 16,665 irrigated acres
2. The district may allow inclusions and exclusions of irrigable acreage within the service area. This procedure is a legal transaction and will only be allowed under the following conditions:
 - a. Approval of the Board of Commissioners
 - b. Approval of the Bureau of Reclamation
 - c. Approval of the District Court

B. Acreage Limitation

The District will comply with the Reclamation Reform act of 1982 (public Law 97-293) as directed by the Bureau of Reclamation

II. Distribution of water

A. General

1. The existing water supply for the district is to be distributed to all classified irrigable acres under water rights vested in the name of Bitter Root Irrigation District
2. Water is to be distributed on the basis of beneficial use only. The board shall maintain control of all appropriated and permit water, return flows, its use, distribution, priority and allied functions.
3. At the direction of the board, determination of the irrigation season timeline will be subject to conditions of weather, soil moisture and available water supply.
4. The District Manager, under the direction of the Board, will administer the storage, release from storage & distribution of water to land within the district.
5. Ditch riders will be responsible for the complete manipulation of water within the divisions which shall include the safe operation of all structures, the execution of water orders, and the accountability of all water with the division on a daily basis.
6. All district facilities including check structures and farm turnout shall be operated solely by the district personnel Any operation of district facilities by others will result in the locking of such facilities (MCA 85-7-1924)
7. The district office shall maintain daily records on the canal and shall make records available to water users upon request.

8. The District reserves the right to shut down or delay deliveries of water to perform emergency or otherwise necessary maintenance of the district facilities to assure safe and efficient water operations.
9. Water users shall be conscientious of erosion problems in waste ways and drainage systems and shall take reasonable steps to reduce such erosion problems.
10. The District reserves the right to withhold or stop deliveries to water users who use excessive amounts of their allotment.
11. District policy will not allow any new irrigation deliveries to parcels of land on the upper side of the canal.
12. Shareholder use of Bitter Root Irrigation District (BRID) water to supply ponds. Ponds require a beneficial use (stock, recreation, fish & wildlife, etc.) and any beneficial use of water requires a water right. Ponds/reservoirs not covered by a Groundwater Certificate, Provisional Permit, or Statement of Claim are in violation of the Montana Water Use Act and subject to civil penalties up to \$1,000 per day, each day constitutes a new violation for each pond. The authority of DNRC to investigate and enforce statutes under its jurisdiction include MCA Sections §85.2.114, §85.2.115, §85.2.116, and §85.2.122:

https://leg.mt.gov/bills/mca/title_0850/chapter_0020/part_0010/sections_index.html.

Currently the only beneficial use listed on BRID's water rights is irrigation, except for a fish and wildlife/recreation water right for recreation use in Lake Como. The beneficial uses allowed are limited to what is listed on the water rights, and as such water delivered through the BRID canal system is for irrigation only. In the event that BRID were to move towards bringing existing and potential future ponds into compliance, the District would have to go through a change process, filing a Form 606 with Water Resources Division (WRD). If there are multiple water rights used to supply water to ponds, the irrigation district may have to file multiple change application forms. If there are ponds being filled with irrigation district water and you do not go through the change process, BRID could potentially be in violation of the Montana Water Use Act and may be subject to the fines indicated above. In the event that BRID chooses to eliminate any existing ponds that utilize BRID water and you run into non-compliance on the part of the shareholder that is diverting water to fill and maintain their ponds, you can file a formal complaint with the Water Resource Division Missoula Regional Office.

- B. Basic water allotment: A basic water allotment of ½ miner's inch per assessable acre shall be made available to water users. The amount of irrigated acreage assigned to any parcel of land shall not exceed one irrigated acre per acre of land. (Can't have more irrigated acres than acres of land)

C. Water ordering procedure

1. Water deliveries must be ordered on and ordered off in accordance with the following conditions:
 - A. Requests for water shall be made at least 24 hours in advance of the desired delivery date.
 - B. Water deliveries will not be curtailed unless an order to do so is received by the district at least 24 hours in advance.
 - C. Orders may be received by phone contact with the district office
 - D. Phone orders must be received by 4 pm, any order receive after 5 pm will be acknowledged as received on the following day.
 - E. Requests may be made to the ditch riders by phone or in person. Such orders should be made 24 hours in advance of the desired deliver date and should be reported to the office for proper record keeping. At the ditch-riders discretion, the twenty-four-hour advance notice may be waived if water is available to make the delivery.
 - F. The district will not encourage water orders to be made on Sunday.

D. Stock Water

It is the policy of the District that NO stock water shall be delivered after regular irrigation season to any landowner excepting a landowner who has legal proof of ownership and his written legal proof that the district must convey their water throughout the Bitter Root Irrigation canal. Any exception from standard policy will only be allowed from Mar 1 to Apr 30th and Oct 1st to Dec 1st. These conveyances must be annually contracted with the district. The owner is responsible for the water and any damage caused by the water.

III. District Structures

A. Land Division

1. On all Subdivisions of land, regardless of acreage, it shall be the responsibility of the seller of the land to provide a right-of-way and delivery system across the divided land to permit delivery of the water. The operation and maintenance of the delivery system, including all lateral structures, and the distribution of the water within the sub-divided parcel of land will be the responsibility of the landowners within the subdivision.

2. No water will be delivered to any divided land (which includes subdivision, boundary relocation, family transfers, etc.) until a water allocation form is properly filled out and signed by the parties that hold title to the land being divided, Indication correct division of irrigated acreage and is on file at the district office. In order for the Board of Commissioner to consider a request for subdivision approval. The following information must be provided and agreed to by all parties.

a. A survey map, prepared by a professional surveyor or person with expertise in designing irrigation water delivery systems, showing the size and location of all measuring devices, new and existing ditches, abandoned ditches, new and existing pipelines and appurtenances, and new and existing turnouts. The drawing shall also show the allocation of water to each unit in the subdivision, and the proposed method to restrict the amount of irrigation water allocated to each divided lot.

b. A written statement detailing an irrigation schedule for each unit in the subdivision (as required by the board)

c. A statement from the sub-divider certifying that all new pipelines and appurtenances will conform to the natural resources conservation service specification for underground irrigation pipelines.

d. All meters, valves, measuring devices and any other required appurtenances approved for a divided property shall be paid for and maintained by water users. All required easements must be recorded for proper division and water allocation will be paid for by landowners.

Information as to the location, size and operating pressure of existing underground pipelines may be obtained from the natural resources conservation service.

3. The landowner may be granted permission to change the point of delivery from the original unit or previously amended unit to a more convenient point. The landowner shall pay for all costs of installing an approved turnout. Measuring device and any other appurtenances.

B. Measuring devices

1. Not all measuring devices which are approved by the Board of Commissioners acting through the management, will be maintained by the landowners, Cipolletti, V-notch and rectangular weirs, flow meters (GPM meters only) and Parshall flumes are the standard measuring devices acceptable to the district. These measuring devices installed by the District for District regulation will be maintained by the District. Unless conditions otherwise determine, the above measuring devices shall be used to avoid supply and administrative problems
2. Interference with existing District measuring devices shall be basis for non delivery of water by the District, as well as a penalty. (MCA 85-7-1924)
3. All new sprinkler systems must have an approved measuring device installed and maintained at the expense of the landholder and at a location that is convenient and readily assessable to the ditch-rider. The District may require a sprinkler bypass to prevent water from returning to the distribution system during power interruptions. Such system may be required at the time of sprinkler development or at any other time thereafter.

C. Structure Maintenance

1. Lateral maintenance from the main canal to the point of deliver is the responsibility of the users of the laterals. (BY-LAWS March 15, 1961)
 - a. Water will not be delivered to laterals that have not been properly maintained.
2. Lateral structure construction and maintenance is the responsibility of the district from the canal to the original point of diversion.
3. Lateral structure construction and maintenance from the original point of diversion to the place of use is the responsibility of the users.
4. The original point of diversion is defined at the original turnout.

IV. RIGHTS OF WAY

A. All Rights-of-ways for maintenance of canals, laterals, distributaries and drains of all types shall be operative under conditions solely defined by the Board of Commissioner, Interference with O&M activities shall not be permitted and if unauthorized, the district shall re-establish the right-of-way at the expense on the landowner.

The District will not grant permission to third parties to use District right-of-way for any purpose. Where rights-of-ways are owned in fee, the District may grant use of right-of-way upon board approval

B. O & M Roads

1. Maintenance of roads is the responsibility of the district. The district will maintain roads only to Satisfy district operations.
2. O & M roads are not public roads and any unauthorized persons using the roads are doing so at their own risk.
3. O & M roads are to be used for Bitter Root Irrigation District access only
2. Fences will not be allowed within the District's right-of-way on the main canal. The District shall not be liable for fences installed within the right-of-way and is shall be the landowner's responsibility to remove the fence at their own expense whenever the District deems it necessary. Upon failure to remove the fence upon request, the landowner shall be billed for the cost of removal. The landowner shall be responsible for re-installing, by survey, any fence removed by the District.
3. No new gates will be allowed across the main canal right-of-way. All existing gates across the right-of-way must be a minimum of eighteen gauge five bar tubular steel manufactured gates hung on a 4" well casing or equivalent steal post with adjustable hinges. Gates must be maintained to swing freely and horizontally away from the canal with no ground interference. Any gate not maintained to swing freely will be left open during the irrigation season. Cattleguards may be installed across the main canal right-of-way by permission only. Cattleguards must be built in accordance with Forest Service cattleguard specifications as per drawing number R-1.. All costs associated with the installation and maintenance of gates and cattleguards will be the responsibility of the landowner. The minimum width of gated and cattleguards will be determined by District personnel. **All Locked gates must be approved by the Manager or by the Board.**

E. Utilities

The District is not responsible and will not be responsible for any and all damages to any utilities and their lines, cables, etc. constructed within the District right-of-way.

F. Crossing, (Bridges, flumes, etc.)

1. No bridges will be constructed or maintained by the District except for project operation and maintenance unless the landowner provides written proof of District responsibility.

2. Access crossings when permitted by the Board of Commissioners shall be constructed and maintained to District specifications by the landowner. All expense and maintenance for any crossing permitted will be at the expense of the landowner. The Board of Commissioners must approve any crossings over the irrigation and drainage system before construction is begun and shall sanction the number of crossings permitted. Access crossing may not interfere with the integrity of the canal in locations where canal liner is in place.

3. Any bridge deemed to be unsafe (as per board or management) and/or in poor condition which may interfere with the integrity of the canal may be removed by the District.

G. Storm Water Drains

1. There will be no storm water drains allowed to dump into canal.

V. WATER MANAGEMENT

A. Water may be transferred up and down the canal at the discretion of the Board. No additional water will be transferred north of head gate #95.

B. In the event of an irrigation season when water is in short supply, the basic allotment may be reduced to assure a fair distribution of water

C. Diversifying or grouping of farm unit deliveries will be permitted under the following conditions.

1. Lands must be under the same farm ownership or operation unit unless a rotation is mutually agreed upon by the district and landowners

2. The total rate of delivery for grouping of deliveries does not exceed the amount of the individual farms or parcels would be entitled to under individual operation and does not interfere with the entitlement of other water users.

2. Grouping of deliveries must be within the same lateral system or under the same ditch rider.

VI. WORK FOR OTHERS

- A. Bitter Root Irrigation District resources may be employed by water users to the extent they are available. BRID activities shall have priority over such private work.
- B. Equipment rates, labor rates and cost of materials shall be established by the board and are subject to review and adjustment on a periodic basis
- C. BRID may provide preliminary estimates of jobs, however actual costs incurred will be billed.
- D. Debts are due within 30 days of billing, a service charge of 1% per month will be charged to all delinquent accounts.
- E. Private work should be limited to activities directly involving the use of water as permitted under BRID's water right, which is irrigation
- F. Administration, engineering, and surveying costs will be added to the cost of jobs.
- G. Certain jobs may be cost-shared if significant benefit to the project is expected and the District resources are employed for the job. The cost-share arrangement must be approved by the Board prior to job commencement.

VII. THREE MILE SUB-DISTRICT GRAVITY FLOW SYSTEM

- A. Transferring of user rights out of the Three Mile Gravity Flow system is not allowed, Inclusion of irrigated land into the system may be allowed at the discretion of the Board & Sub-District as well as approval from DNRC. All costs of adding lands will be the responsibility of the landholder.
- B. Water assigned to lands within the Three Mile Gravity flow system cannot be used for any purpose on lands not within the system.
- C. Water assigned to lands within the Three Mile Gravity flow system may be used on other farm units within the system at the discretion of the District/Sub-District, within the limits of safe operation of the system.
- D It shall be the responsibility of the landowner to repair any damage to above ground equipment on the main line of the Three Mile Gravity Flow system. All damage to a new system approved after original installation of the Three Mile Gravity system will be the responsibility of the water user of that additional system.

E. It shall be the responsibility of the District, in care of the Sub-District to operate and maintain all buried equipment on the main line of the Three Mile Gravity flow system. All buried equipment installed on a new system approved after the original installation of the Three Mile Gravity system, will be the responsibility of the water users of that additional system.

F. Water will be delivered only to above ground turnout assemblies, No private on farm irrigation system will be attached permanently to the pipeline.

G. If the Board of Commissioners & Sub-District gives approval of irrigated acreage to be removed from a parcel of land, the riser will also be removed from the property

H. A landowner may not fence off any District appurtenance as to obstruct access for daily district maintenance.

I. Subdistrict approved this Maintenance Agreement at the at the April 18, 2022 Subdistrict meeting.

J. NRCS has the final say on systems adding or taking water out of the Three Mile Gravity system

Note

Final Judgement & Order was signed by Judge Haynes on July 21, 2018, creating the Three Mile Sub-District. The Three Mile Irrigation subdivision landowners shall form an organization capable of entering into operational agreements with BRID on behalf of the subdistrict.

VIII. PRIVATE IRRIGATION SYSTEMS

A. When land within the District is included within a privately owned irrigation system, the District's Only obligation will be to deliver the total allotted amount of water to the inlet of the system. The private irrigation system organization will be responsible to deliver the water to each individual parcel within the system.

B. Upon notification of delinquency of water assessment, the President of the private irrigation system Organization shall stop delivery of the water to the delinquent property

C. Before land can be included or excluded within a private irrigation system, a written letter of authorization must be submitted to the Board of Commissioners from the private irrigation system organization.

D. No water will be delivered through any private irrigation system to any land except that which is entitled thereto.

E. The District reserves the right to withhold or stop delivery to any system operating in excess of its allotment.

IX. SUBDIVISION OF LANDS ADJACENT TO THE CANAL

A. The sub-divider must construct and provide for maintenance of a fence along the entire length of the canal right of way within the subdivision boundaries. The fence should be substantial enough to keep livestock out of the canal right of way and restrict all other access to the canal. Any ponds owned by the District within the subdivision should be fenced to eliminate all but District access.

B. Gates should be installed to District specifications at all public access point of the District right of way. (i.e. Bridges, etc.)

C. Because bridges, flumes, fences, etc. across the canal can create an obstacle for canal maintenance and an access for trespass, any new structures are highly discouraged, any bridge or other structure constructed on or across the District right of way must have prior approval of the Board of Commissioners of the District and must be built to District Specifications. Any approved structure is to be maintained at the expense of the landowner. Any structure not approved prior to construction is subject to removal the expense of the landowner.

D. All structures on the District right of way that are no longer necessary for the original farm operation will be removed. (i.e. bridges, flumes, fences, etc.)

E. Roads constructed adjacent to the canal must be built off of the District right of way. Roads below as well as above the canal should not be cut into the toe of the canal berm but should be built up and provided with adequate drains to prevent water build up on the toe of the canal. Any loss of integrity to the canal from construction to close to the canal shall result in damage expense to the construction CO, or landowner.

F. The position of septic tank drain field and storm drains are a concern to the District and should be constructed in such a manner that they do not threaten the integrity of the canal from erosion. Sloughing of saturated soils or pose a danger of contamination. Any loss of integrity to the canal from incorrect installation of drain fields or storm drains shall result in liability expenses for the landowner.

G. The District requests that all landowners owning land adjacent to the main canal recognize that the District has a right and an obligation to control vegetative growth on the canal right of way, by any means necessary as determine by the District Board of Commissioners. (MCA 7-22-2116)

H. The District is not responsible for structures built along the canal or low lying areas that may be susceptible from subbing (MCA 85-7-2212)

X. SAFETY RESPONSIBILITIES

- A. An irrigation district or private person or entity owning or operating irrigation ditches must keep irrigation ditches in good general repair and condition, but for the purpose of protecting persons and property from injury or damage. (MCA 85-7-2211) The District encourages all citizens to take responsibility for canal safety by staying alert and cautious of areas of weakness as well as any threat to the integrity of the canal

XI. DISTRICT IMPACT FEE'S

A. As of October 11, 2022, the Bitter Root Irrigation District incorporated Impact Fees on the following Items

1. New gates installed on the canal	\$300
2. New Bridges	\$1500
3. Foot Bridge	\$500
4. Change of Diversion	\$500
5. Parcel fees	\$125 (Per Parcel)
6. Culverts	\$500
7. Cattle Guards	\$500

REVISIONS: SEPT 11, 2012

PAGE 4 UNDER LAND DIVISION ITEM 1
REMOVE THE WORDS "PURCHASER AND"

REVISIONS: SEPT 09, 2020

Page 3 item 12 Added the following;

12. Shareholder use of Bitter Root Irrigation District (BRID) water to supply ponds. Ponds require a beneficial use (stock, recreation, fish & wildlife, etc.) and any beneficial use of water requires a water right. Ponds/reservoirs not covered by a Groundwater Certificate, Provisional Permit, or Statement of Claim are in violation of the Montana Water Use Act and subject to civil penalties up to \$1,000 per day, each day constitutes a new violation for each pond. The authority of DNRC to investigate and enforce statutes under its jurisdiction include MCA Sections §85.2.114, §85.2.115, §85.2.116, and §85.2.122:

https://leg.mt.gov/bills/mca/title_0850/chapter_0020/part_0010/sections_index.html.

Currently the only beneficial use listed on BRID's water rights is irrigation, except for a fish and wildlife/recreation water right for recreation use in Lake Como. The beneficial uses allowed are limited to what is listed on the water rights, and as such water delivered through the BRID canal system is for irrigation only. In the event that BRID were to move towards bringing existing and potential future ponds into compliance, the District would have to go through a change process, filing a Form 606 with Water Resources Division (WRD). If there are multiple water rights used to supply water to ponds, the irrigation district may have to file multiple change application forms. If there are ponds being filled with irrigation district water and you do not go through the change process, BRID could potentially be in violation of the Montana Water Use Act and may be subject to the fines indicated above. In the event that BRID chooses to eliminate any existing ponds that utilize BRID water and you run into non-compliance on the part of the shareholder that is diverting water to fill and maintain their ponds, you can file a formal complaint with the Water Resource Division Missoula Regional Office.

Page 4 Item D Added the following

The owner is responsible for the water and any damage caused by the water.

Page 9 Heading Added Sub-District

Page 9 Item A Added Sub-District

Page 9 Item C Added Sub-District

Page 10 Item E Added in care of the Sub-District

Page 10 Item G Added Sub-District gives

Page 10 Added Note

Final Judgement & Order was signed by Judge Haynes on July 21, 2018, creating the Three Mile Sub-District. The Three Mile Irrigation subdivision landowners shall form an organization capable of entering into operational agreements with BRID on behalf of the subdistrict

REVISIONS OCTOBER 11, 2022

A. As of October 11, 2022, the Bitter Root Irrigation District incorporated Impact Fees on the following Items

- | | |
|-------------------------------------|--------------------|
| 1. New gates installed on the canal | \$300 |
| 2. New Bridges | \$1500 |
| 3. Foot Bridge | \$500 |
| 4. Change of Diversion | \$500 |
| 5. Parcel fees | \$125 (Per Parcel) |
| 6. Culverts | \$500 |
| 7. Cattle Guards | \$500 |

