



## **RULES & REGULATIONS<sup>1</sup>**

### Rule 1. Water Service Season:

The normal water service season will run from mid-April until mid-September. The length of this season can vary depending on water supply, weather and the need to perform rehabilitation projects on the system. Notices of actual water-in dates will be published each year, at appropriate times.

### Rule 2. Water Use:

The District was organized for the purpose of supplying irrigation water service for farm crops. The water quality and District facilities are not suitable to supply water for domestic uses.

The District will serve water for flood irrigation by the water users, only, to the turn-out(s) of the original farm unit (circa 1927). If any water user elects an alternate method of irrigation all costs to implement and operate said system would be at their expense. Such alternate systems cannot interfere with the agricultural operations of other landowners and must be approved by the Board of Commissioners prior to installation.

Any water service for purposes other than irrigation of pay class lands must be granted by the Board of Commissioners on an annual basis, with such granting done at regular or special meetings and said granting be recorded in the minutes of such meetings.

### Rule 2-a. Condition of Private Conveyance Systems:

All private conduits and ditches must be kept free from weeds, silt, trash or other obstructions and shall be of sufficient capacity and properly constructed and maintained to carry the flow of water requested, without danger of overflow, breaks or undue seepage.

The Manager may shut off the delivery of water to any private conveyance not meeting the above requirements, and require them to be cleaned, repaired or reconstructed before water is returned into them. Failure to comply with the order of the Manger shall relieve the District of any liability on its part. Nothing herein shall be construed as an assumption of liability or responsibility on the part of the District, it's officers or employees for any damages occasioned through improper maintenance,

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<sup>1</sup>refer to Title 85-7-1902 4 & 5 MCA



construction or use of any private conveyance or by reason of permitting the flow of water or turning water therein.

The District will not maintain or operate private conveyance system. The owners and users of water within private conveyance systems shall be solely responsible for their maintenance and operation and hereby agree to indemnify and hold harmless the District from any claims or liabilities arising from the conduct of water in those facilities.

### Rule 3. Control of the System:

The operation of the works of the District shall be under the exclusive management and control of the Manager and no other person(s), except employees and assistants authorized by the Manager shall have any right to interfere with or modify said works in any manner.

### Rule 4. District Employees:

The Manager shall employ such assistants and other employees, as he may deem necessary for the proper operation of the system, subject to the approval of the Board of Commissioners and at rates previously established by the Board for personnel employed by the District. The Manager shall delegate authority at his discretion.

All persons employed in the operation and maintenance of the system shall be under the direct supervision of the Manager. An organizational chart showing the chain of responsibility is hereinafter provided.

Each ditch rider shall distribute any waters under his supervision, fairly and impartially to all persons entitled to water service and shall apply these Rules & Regulations without favor.

It is the responsibility of each employee to maintain cordial relations with all landowners and water users within the District. Every user is entitled to equitable, courteous and prompt service.

Complaints by water users shall first be referred to the field person responsible. If, field person(s) or the immediate supervisor does not satisfactorily settle such complaints, they should then be taken up with the Manager. Final appeal may be made to the Board of Commissioners.

### Rule 5. District Property:

The Manager shall have general responsibility and control over all property of the District.

All works constructed or acquired by the Bureau of Reclamation are the property



of the United States and must be respected accordingly. No structure or obstruction shall be placed upon the property of the United States, except upon written agreement with the Manager, and approved by the Board of Commissioners.

Rule 5-a. Rights-of-ways:

- Main Canal, 60' low side, 40' upper side....100' total
- Laterals (30+ cfs) 30' each side..... 60' total
- Laterals (-30 cfs) 25' each side..... 50' total
- Laterals (-15 cfs) 15' each side..... 30' total
- Main Waste Ditches 25' each side..... 50' total
- Type 30 Waste Ditch 20' each side..... 40' total
- Type 8 Waste Ditch 10' each side..... 20' total

There will be required on all Canals, Laterals, Open and Closed Drains owned by the United States<sup>2</sup>, whatever right-of-way is required and necessary for the operation and maintenance of the system, whether it be more or less than set forth above. In a few cases owing to borrow pits, a greater width shall be required in order to provide a proper roadway, while in other cases the entire width will not be required and can be used by the adjacent landowner, subject to approval and the needs of the District. Provided, that houses and other building, trees and other permanent structures may not be placed on said Rights-of Ways.

Rule 5-b. O&M Roads:

The United States requires complete, unobstructed access to all canals, laterals and drains operated by it or operated by the District under contract. These roads are not maintained for public access, however the water users in their day-to-day operations required for farming, may use them. No person may place a temporary or permanent obstruction across any O&M road of the United States.

Rule 6. Ownership of Water:

All water diverted is the property of the State of Montana<sup>3</sup>, and is subject to diversion and use by the District. No landowner or other consumer does not acquire any proprietary right in the water by reason of such use, nor does such landowner or consumer acquire any right to re-sell the water or use it for purposes other than irrigation.

All persons intercepting, using or impounding District water will be charged for such water at the rates established by the District, irrespective of whether the water is diverted from a conduit or taken from or impounded in a natural channel or drain, or

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<sup>2</sup>Refer to Contract #Ilr-102 & amendatory Contracts

<sup>3</sup>Water rights are held in the name of the Bureau of Reclamation



whether it is waste, spill, seepage, runoff or other waste.

Rule 7. Time for fixing of Assessments:

The Board sets the O&M Assessments in July of each year, said assessments shall provide operation and maintenance monies for the year to follow. Assessments are payable no later than November 30th of the year in which they are due, for the first half and May 31st for the second half.

The District may charge a higher rate for services of water to any lands that are not subject to the assessments for irrigable lands normally assessed by the District. This service is referred to as Sale of Surplus Water.

Rule 8. Sale of Surplus Water<sup>4</sup>:

The Board grants Sale of Surplus Water for a period not to exceed one year from the date of application. The Agreement holder is required to re-apply for such surplus water each year. Payments for purchase of Surplus Water shall be made in accord with and at the time the Sales Agreement is executed.

There is no guarantee of service for any purchases of Surplus Water, and water shall be supplied on an if-and-when available basis.

The water user purchasing surplus water will be responsible, as per State law<sup>5</sup>, for the construction, operation and maintenance of the system required for diversion and distribution of such water.

Rule 9. Unpaid Charges and Refusal of Service<sup>6</sup>:

All taxes, assessments and any other financial obligations owed to the District must be paid in full prior to any water being delivered. If charges are paid in halves and the second half, due by May 31st, becomes delinquent, all water service shall be curtailed immediately.

The landowner of record is responsible for all charges whether or not the land is being leased, sold, rented or farmed by other than the landowner.

Nothing herein contained shall deprive the District from any remedy at law to enforce payment of charges due them.

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<sup>4</sup>Refer to Title 85-2-415 & 85-7-1911. 3

<sup>5</sup>Refer to Title 85-2-416

<sup>6</sup>Refer to Title 85-7-1902. 4



### Rule 10. Delivery of Water<sup>7</sup>:

All requests for water to be turned-on must be received by the ditch rider no less than forty-eight (48) hours prior to the time of delivery. During periods of high demand, water deliveries could be delayed as much as seventy-two (72) hours from the notice of need.

All shut-off requests must be made no less than twenty-four (24) hours before the time desired. When shut-off requests are for less than twenty-four (24) hours, it must be made in conjunction with the order for turn-on.

If any water user shall shut off his water without first giving the above required notice, he shall be liable to the lower water user(s) for any and all damages that may be sustained by reason of the increased flow of water upon their lands.

Water delivered for the purpose of irrigating; stubble and/or second opportunity crops such as sorghum, winter peas, sudan grass, etc., shall be on an “if and when available” basis. Such crops shall not receive any water when such delivery could be a detriment to “First Crop”. Water being delivered to crops in the above stated categories could be subject to having that delivery terminated on Twenty-Four (24) hour notice from the District. The determination of water availability is the sole responsibility of the Irrigation District, through the Board and Manager.

For the purposes of these rules “FIRST CROPS” will basically be crops that are planted at the beginning of each growing season, such as, but not limited to: malt barley, sugar beets, corn, potatoes, beans, sunflowers, etc. Irrigation of new hay plantings shall have the same status as “First Crops”.

### Rule 10-a. Wasting of Water<sup>8</sup>:

The wasting of water will not be permitted. Any water user(s) wasting water off of their property for any period exceeding eight (8) hours or more shall have their delivery terminated for a period of not less than seventy-two (72) hours.

Any water user that continuously applies a head of water (3 cfs) to any approximately forty (40) acre parcel of land in excess of five (5) days will have their water delivery terminated, immediately, for a period of not less than five (5) days.

Water that is delivered to any water user(s) must be handled and cared for by the user(s). Liability for damages to other users and the property of the United States will be the sole responsibility of the individual, not properly handling or using the water

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<sup>7</sup>Amended by Board 3/8/91 by adding paragraphs 4 & 5

<sup>8</sup>Amended April 10, 1987, by insertion of paragraph 2



delivered. No further deliveries of water will be made to said individual(s), until all debts owned as a result of improper use of water have been paid in full to all parties.

Rule 10-b. Erosion of District Facilities:

It will be the responsibility of the landowner and/or water user to prevent any erosion of Canals, Laterals, Waste and/or Drain Ditches, whether caused by livestock or wastewater being returned to said facilities. Landowners will be required to install pipes or chutes, at their cost where flows have damaged the system and the cost of any reconstruction due to livestock damaging the facilities. If any landowner does not take immediate action to remedy the problem the District will perform the work and charge the landowner accordingly.

Rule 11. Apportionment of Water<sup>9</sup>:

All water will be measured, in cubic feet per second, to the users, and will not be delivered in a quantity exceeding the amount specified in the instructions issued by the Bureau of Reclamation for the Project, and will be reduced in quantity or terminated if improperly handled or wasted.

In the event of water shortages, the District will endeavor to distribute as equitably as possible all waters available for use on assessable (righted lands) lands, ONLY!

Rule 12. Establishment of Duties of Water:

The Board, at its regular or special meeting, may establish reasonable average annual water requirements for different types of land and/or crops within the District. Notice of such meeting to consider adoption of the proposed schedule, shall be published in a newspaper of local circulation and letters announcing the Board's intentions shall be sent to each landowner of record. The Notice shall be published no less than seven (7) days prior to such meeting.

The schedule adopted shall be effective each year thereafter unless changed by written order of the Board.

Rule 13. Turnouts:

The turnouts for delivery to the Original Farm Units, in most cases, are sufficient for the irrigation of the land. Where the turnouts on some farms are found inconveniently placed, the Manager, after inspection, may issue written approval for relocation of the turnout.

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<sup>9</sup>Refer to Title 85-7-1911



Under no circumstances will ADDITIONAL turnouts be permitted!

Rule 13-a Subdivision of Original Farm Units<sup>10</sup>:

When an Original Farm Unit is divided for the purpose of selling those portions of land to another person(s), the Subdivider(s) and the Purchaser(s) of such land are totally responsible for the distribution of water within the boundaries of the Original Farm Unit. The point of water delivery for the subdivision shall remain the same as for the Original Farm Unit; NO additional turnouts will be permitted.

It shall be the responsibility of the Subdivider (landowner) to gather information on the rights-of-ways for canals, lateral, open and closed drains and whatever other facilities there may be that are the property of the District and Federal Government. This information is readily available from the District, at their office in Ballantine, Montana.

Except as approved by the District NO additional access across any of the District's canals, laterals or open drains will be permitted for the subdivided lands. All subdivision of lands is to have an internal road system by which to ingress and egress from the existing crossing of the original farm unit.

Rule 14. Bridges and Crossings:

The landowner(s) will be permitted, subject to approval of the United States and the District, to place bridges or culverts over/in canals, laterals, and waste ditches. Specifications must be presented to District for review and must include the size and placement of the culvert with cement headwalls, or height placement of bridge with cement abutments. All installations must be done by a contractor approved by the District of the District itself, at the landowner(s) expense. The responsibility for maintenance or replacement shall belong to the landowner(s). The Huntley Project Irrigation District assumes no liabilities, whatsoever.

Rule 15. Acreage Changes and Reclassification:

Any acreage changes involving irrigated (righted lands) ground may be requested in any year, however, reclassification of irrigated lands can only be done when sufficient requests have been made that the costs involved can be equitably distributed to various parties (approximately once every five years), this applies only to the righted lands. Purchases of Surplus Water applications and/or acreage changes must be requested each year, prior to April 1st.

Requests for reclassification on lands must be submitted to the Board of Commissioners, in writing for approval. If approved, such requests will then be forward

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<sup>10</sup>Amendment May 13, 1988 by the Board & March 2005



to the Bureau of Reclamation for further action.

Request for land reclassification to lands south of any main canal within the District boundaries shall be furnished water by a private conveyance system of the landowner. The District will not maintain or operate private conveyance systems. The owners and users of water within private conveyance systems shall be solely responsible for their maintenance and operation and hereby agree to indemnify and hold harmless the District from any claims of liabilities arising from the conduct of water in those facilities.<sup>11</sup>

#### Rule 16. District Owned Equipment<sup>12</sup>

No equipment owned by the District shall be let to any person(s).

#### Rule 17. Pooling Agreements:

At the discretion of the Board of Commissioners, pooling agreements for the rehabilitation of existing District facilities may be made with any person(s) owning irrigated lands within the District. These agreements may also cover routine operation and maintenance of facilities. However, all agreements must be in writing and recorded in the minutes of a regular Board meeting.

#### Rule 18. Emergencies:

All landowners and/or water users are fully expected to cooperate with the District in the event of a declared emergency, involving the irrigation facilities.

When in the opinion of the Board of Commissioners or the Manager, an emergency situation exists that threatens any portion of the facilities or threatens human lives, the system may be dewatered to whatever extent necessary to correct the situation.

The cooperation of every person is needed and expected in an emergency.

Revised and Adopted the 2nd day of May 1986.

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<sup>11</sup> Amended by Board

<sup>12</sup>The Board of Commissioners done away with any work for others program, by Board action in 1990