

**POLICY AND OPERATING PROCEDURES
HELENA VALLEY IRRIGATION DISTRICT
(HVID) TABLE OF CONTENTS**

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1. STATEMENT OF DISTRICT OBJECTIVES

- A. To supervise, administer, maintain, and protect all HVID water rights filed under the laws of the State of Montana in cooperation with appropriate State and Federal agencies.
- B. To deliver HVID irrigation water equitably to lands assessed by the district in an efficient manner and at a cost consistent with good management practices and in general accord with Board Policies.
- C. To promote good water and soil conservation practices.
- D. To maintain and improve the total irrigation system to the degree necessary to preserve the capacity, sustainability, and condition of the facilities in perpetuity.
- E. To maintain sound fiscal management policies, including adequate reserves.
- F. To be constantly alert to technical advancement and adopt new practices which will improve system-operating efficiency.

2. DEFINITIONS

- A. Assessed Acre -An assessed acre is an equivalent acre of land within HVID boundaries that is taxed or otherwise assessed and thereby entitled to receive District water. The number of assessed acres for each Irrigable land is quantified, identified, and tracked by HVID.
- B. Assessment - The term Assessment means charges made by the District for whatever purpose which are collected by the County Treasurer and are based on the number of assessed acres assigned to an Irrigable land.
- C. Board- The term Board means the Board of Commissioners of the Helena Valley Irrigation District.
- D. District - The term District means the Helena Valley Irrigation District (HVID).
- E. Entity - The term entity means trusts, public and private corporations, partnerships or other legal entities or arrangements made for joint ownership or leasing of assessed acres.
- F. Irrigable Acre/Land - An identified and described parcel of land within District boundaries containing any number of assessed acres. An irrigable acre is an equivalent acre of land located within HVID boundaries that could be theoretically irrigated using either HVID project water or a private water right utilizing any method of irrigation. An irrigable acre is not necessarily entitled to receive District water unless the Producer has allocated and certified available assessment, under their immediate control, for such purpose.
- G. Irrigator - The term irrigator means the person authorized to order water on or off or alter an existing water order on an Irrigable land and whose identities have previously been made known to the district.
- H. Division- The term used for HVID commissioners.

- I. Landowner - The term Landowner means the person or entity owning an interest in land, and whose identity has properly been made known to the district.
- J. Qualified Recipient - Qualified Recipient means an individual, a married couple, a corporation, trust, or partnership that operates as an individual, independent farm operation.
- K. Producer - The Producer is the individual who is ultimately responsible for operations and management and specifically for how an Irrigable land will be irrigated using District water. The Producer is either the Owner or Lessee of the Irrigable land or Manager designated by the Corporation, Trust or other Entity owning or leasing the Irrigable land. The Producer must be actively engaged in the daily operations of the ranch or farm.
- L. Water Allotment- Water Allotment shall be that quantity of irrigation water entitled to be applied to each assessed acre as established each Spring by the Board. The standard allotment is 3 acre-feet per assessed acre. The Board may establish an allotment reduction commensurate with water availability or other parameters impacting delivery.
- L. Water User - The term Water User means a Qualified Recipient entitled to order and receive of water from the District and whose identity has properly been made known to the District.

3. DISTRIBUTION OF WATER

A. General

- 1) The District's water right is owned jointly by Helena Valley Irrigation District (HVID) and the U.S. Bureau of Reclamation (BOR). It does not belong to the Landowner nor the Water User. It is not appurtenant or attached to the land. Use of the water is a privilege bestowed upon of the Landowner by HVID. Abuse of the water, disregard for the HVID Board Policies, or failure to reimburse HVID for the water or related services and products, may result in a loss of this privilege.
- 2) District water shall not be conveyed, directed, diverted, or otherwise displaced outside District boundaries for consumptive or non-beneficial use.
- 3) Ditch Riders will be responsible for the final distribution of District water within their respective divisions and to satisfy authorized water orders. Water deliveries shall be accomplished in regard to the safe operation of all structures, the availability of water to satisfy daily water orders, the execution of daily water orders, and the accountability of all water within their division on a daily basis.
- 4) Ditch Riders shall report misuses, abuses, and any misappropriations of District water.
- 5) The District reserves the right to terminate or delay water deliveries to perform emergency, preventative, or necessary maintenance of District infrastructure to ensure safe and efficient water operations.
- 6) The District reserves the right to terminate or delay water deliveries to Water Users who misuse or waste their allotment, cause damage to District infrastructure or adjacent property owners or their neighbors or fail to maintain their private laterals ditches or control their run-off water.
- 7) The District reserves the right to enforce Board Policies. Violation of Board Policies may be subject to Board sanctions including but not limited to fines, penalties, and discontinuation of water deliveries as determined by the Board.
- 8) The District's responsibility for water delivery ends at the turnout or sump, and is based

on gravity delivery.

B. Water Usage

- 1) The Water User is ultimately responsible for keeping their own records and shall promptly settle any discrepancies concerning District records. Water use records are final as of October 1st of each year and no adjustments will be made thereafter.

C. Water Ordering Procedures

- 1) Orders for water deliveries, whether turning on, off or making flow adjustments, must be made in accordance with the following conditions:
 - a. For proper and consistent documentation of the water orders, water orders must be made only through the District Office staff. At their discretion, Ditch Riders may elect to take orders in the field.
 - b. Water Users desiring to cancel a water order shall request such cancellation between the hours of 7:30 AM and 3:00 PM on the day before such cancellation is to be executed. Water will be charged to the Irrigable land for a 24-hour period following the cancellation notice regardless of the actual time of cancellation.
 - c. Requests for transfer of water from one delivery point to another within the same Division must be made between the hours of 7:30 AM and 3:00 PM on the day preceding the desired time of transfer.
 - d. Written orders and phone orders must be received by 3:00 PM. Any order received after 3:00 PM, whether written or verbal, will be acknowledged as being received on the following day.

D. Water Rationing

- 1) During times of water shortages caused either by a short water supply in the Canyon Ferry Dam or any other situation when irrigation demand exceeds the capacity of the District's infrastructure to deliver, the Ditch Rider shall, under the supervision of the District Water Master, implement a water rationing plan within the Divisions according to the following conditions:
 - a. Whenever demands within a Division exceed the supply of water apportioned to that Division, rationing shall be conducted to distribute the supply of water evenly throughout the acreage demanding water.
 - b. Rationing shall occur District-wide when the total water orders exceed the capacity of the Regulating Reservoir and HVC Main Canal.
 - c. Within each Division, Water Users shall be allowed a water ration commensurate with the total number of acres they operate.
 - d. Subject to Ditch Rider approval, Water Users may mutually agree to combine and reciprocate their rations with another Water User in the same Division.

E. Excess Water Provisions

- 1) Excess water shall not be delivered if it interferes with delivery of the unused basic allotment remaining to other Water Users.
- 2) Payment for excess water used over and above the basic allotment shall become due and

payable before November 30th of the year in which it was used. After November 30th, the bill shall be delinquent and carry an interest charge of 12% per annum. No water will be delivered to Water Users who are delinquent in payment of excess water.

- 3) If the HVID Board has determined that no excess water shall be available due to limited supply, Water Users must terminate irrigation once their allotment has been reached. Charges for incidental excess water until shutoff shall be as described above.

F. Livestock Watering and Domestic Uses

- 1) The District may require landowners to fence livestock out of the rights-of-way if persistent damage to canals, laterals, and drains occurs. The District will not deny landowners access to the canals, laterals, and drains for stock water unless extraordinary maintenance is required. If repairs and/or fencing are required to maintain and control the access of stock to canals, laterals, and drains, then the landowner will be responsible for the related costs.
- 2) Domestic uses shall include the watering of trees, lawns, or the recharging of local groundwater wells. An M&I Contract is required for all domestic uses.

4. RIGHTS-OF-WAY AND EASEMENTS

A. General

- 1) A greater ROW is warranted where higher cut-slopes and fill-slopes exist.
- 2) The District may be required to work beyond the normal boundaries during emergencies.
- 3) It may be necessary to enter, access, cross, or otherwise traverse private ground in order to gain access to HVID's infrastructure and easement for maintenance. State Law MCA 70-17-112 prohibits interference with water conveyance easements and states the existence of an inherent "secondary easement to enter, inspect, repair, and maintain a canal or ditch or to operate the appropriation works".
- 4) All Rights-Of-Ways for operation and maintenance of canals, laterals, and drains of all types shall be operated under conditions for the exclusive use by District personnel and its designated agents.
- 5) Landowners shall not construct permanent structures, stack materials, park pivots or store equipment within the District's ROW.
- 6) Interference with O&M activities or encroachment onto the District's ROW shall not be permitted and, if necessary, the District shall reestablish the right-of-way at the expense of the landowner.
- 7) The District cannot grant permission to third parties to use District rights-of-way for any purpose, unless that purpose is related to the operations, maintenance, or well-being of the District. Likewise, the landowner cannot grant permission to third parties to use District's rights-of-way without District approval.
- 8) HVID's easement is year-round for access and maintenance and not just limited to operations for the water season.

B. O&M Easement Roads

- 1) Maintenance of easement roads is the responsibility of the District, and the District will maintain the easement to a level necessary to satisfy District operations.
- 2) O&M easement roads are not public roads and any unauthorized persons using the roads are traveling at their own risk.
- 3) Each canal, lateral and open drain shall have a right-of-way sufficient to maintain an O&M

easement.

- 4) Water Users shall not park machinery or irrigation equipment on District easement roads.
- 5) Water Users shall be responsible for damage caused by their irrigation practices and pivot movements to HVID's easements and structures. Repairs shall be made to the satisfaction of HVID or made by HVID crews and back charged to the water user.

C. Fences, Gates and Cattle Guards

- 1) No fences shall be installed within the District ROWs including main canals, laterals, drains and waste ways without permission the District. By special request, temporary gates may be permitted on District ROW.
- 2) Fences may be permitted only when sufficient area is left by the landowner for proper operation and maintenance of District infrastructure.
- 3) The District shall not be liable for fences installed within the right-of-way, and it shall be the landowner's responsibility to remove the fence at their own expense when requested by the District. The landowner shall be billed for the cost of removal for failure to remove the fence when requested by the District.
- 4) Fence gates across the District's O&M roadways shall be sufficient for District equipment and must remain open during the irrigation water season.
- 5) Cattle guards may be installed with District approval. Cattle guards shall permit a minimum load of 16 tons and must permit a minimum width of 12 feet. The District is not responsible for the maintenance of cattle guards installed by the landowner.

D. Utilities

- 1) All utilities crossing District rights-of-way must have written consent approved by the District and special-use permits issued by the District or Bureau of Reclamation.

E. Crossings (Bridges, Culverts, Flumes)

- 1) Erection of bridges, culverts, or flumes within or across the waterways of the District shall be allowed only upon prior, expressed permission from the District, and in accordance with specifications approved by the District.

5. HVID INFRASTRUCTURE

A. Operations

- 1) Ditch Riders will adjust the flow rates in a fair and equitable manner according to the water orders, limitations of the infrastructure and rationing criteria.
- 2) All District facilities, including check structures and turnouts, shall be operated solely by District personnel. Ditch Riders, at their discretion, may authorize a Water User or others to assist with operations within their division to facilitate deliveries and to avoid or minimize disruptions in service.
- 3) It shall be the duty of the Ditch Rider to measure, observe and record accurate daily records of all water diversions, including canals, laterals, waste way spills, and deliveries-whether turnouts or pumped extractions.
- 4) The District's responsibility for control of the irrigation water and any infrastructure maintenance ends at the turnout.

- 5) Ditch Riders will be advised of delinquent accounts with instructions to withhold deliver.
- 6) 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.

B. Structures

- 1) All modifications to and maintenance of District structures will be performed solely by the District unless otherwise authorized or delegated by the District. Modifications include the addition and/or removal of District structures.
- 2) The District will operate and maintain District structures at the expense of the District with the following exceptions. If the landowner permits damage from livestock, vegetation, debris, trash, or other destructive farm operations to occur to District structures, the District will invoice the landowner for full reimbursement of maintenance and/or replacement expenses

C. Open Drains

- 1) All run-off water entering a constructed drain must have pipe inlets provided by landowner, installed, and maintained to District specifications.
- 2) No sewage connections will be permitted nor drainage from corrals.
- 3) Livestock watering in drains will be permitted only when banks are stable and can accommodate livestock traffic. Any persistent damage by livestock to unstable drains will not be permitted. Controlled access areas installed to District specifications may be mandated.
- 4) The right-of-way shall not be encroached upon by the landowner. The District shall maintain the full rights-of-way for open drains converted to closed drains.
- 5) A landowner may request that an open drain be closed or altered and is subject to approval of the District. Work will be performed by District crews and may be delegated to others at the District's discretion. The landowner will accept full responsibility for any subsequent seepage or damage to their property as well as any adjacent property. All drain closures are not always 100% effective, and the landowner shall accept the risk.
- 6) Due to the District's inability to control the fluctuation of flows and the occurrence of plugging due to trash and debris, HVID will not be responsible for property damage resulting from drain closure including, but not limited to damage to pumps, well houses, drain fields, and personal property.

6. COLLECTIONS AND DELINQUENCIES

A. Termination of Water Delivery

- 1) At the District's discretion, deliveries of HVID project water may be withheld, suspended, or terminated if the Landowner, Producer, or Water User fails to pay for the assessment or other HVID-related fees.
- 2) Water deliveries may be precluded, withheld, or suspended when Landowners, Producers and Water Users are delinquent in their payment for services or goods which are due to HVID.

B. Notice of Water Service Termination

- 1) District staff will try to notify the Landowner or Water User of the District's decision to

suspend water delivery prior to disruption. However, HVID's recourse is the result of Landowner's or Water User's prior actions.

C. Appeal of HVID's Decision to Terminate Water Delivery

- 1) The Landowner and Water User may appeal the District's decision to terminate water service directly to the Board during the next scheduled Board meeting...
- 2) If the Landowner or Water User is dissatisfied with the final decision of the Board, that person may contest the decision of the Board to the District Court of the State of Montana, sitting in Lewis and Clark County in which lands affected by the decision of the Board are located.

D. Reinstatement of Water Delivery

- 1) If delivery of water shall have been terminated under these rules, water delivery may be reinstated upon payment in full of taxes and assessments, penalties, or other debts due the District at the time reinstatement is sought.
- 2) The HVID Board may temporarily reinstatement water service until a hearing before the Board hearing is arranged.

7. WORK FOR OTHERS

- A. District resources may be employed by Water Users to the extent they are available. District activities shall have priority over such private work. Private work will be prioritized according to date first requested. Private work shall be limited to activities directly involving the use of water as permitted under the District's water right, that is, irrigation and stock water uses, and work shall be confined to District Boundaries.
- B. Equipment rates, labor rates, and cost of materials shall be established by the District and subject to review and adjustment as needed. Administration, engineering, and surveying costs will be added to the cost of jobs.
- C. The District may require 50% prepayment based on job estimate.
- D. The District may provide preliminary estimates of jobs for planning purposes, however actual costs incurred will be billed. Debts are due within 30 days of billing, a service charge of 1.0% per month will be charged all delinquent bills. Certain jobs may be cost-shared by the District up to 25% if a conservation benefit will be realized by the District. Cost-share jobs will be prioritized according to date first requested.
- E. Jobs eligible for cost-share, subject to District approval, include the following:
 - Subsurface Drainage of Assessed Acres
 - District Waterway Relocations to Improve Farm Layout
 - Lining and Piping of District Laterals
 - Closing of Open Drains
 - Cattleguards on O&M Roads
 - Farm Delivery Improvements to Reduce Checking
 - Gravity Sprinkler Development
 - Other Improvements Which Improve Operations or Conservation
 - Weed Spraying
- F. At the discretion of the Manager, District resources may be employed for spraying noxious weeds on private property within the District boundaries. The landowner will compensate the District for the cost of labor, equipment time and chemicals. District weed spraying activities

shall have priority over such private work.

- G. District resources may be rented by District staff away from the District office; at home for personal use provided the does not impact District O&M activities. Staff shall not profit from this work and shall be responsible for damage or loss of resources while in their charge. District staff will be given a discount rate decided by the Board.

8. MISCELLANEOUS

A. Title 85 - Montana Code Annotated


- 1) Title 85 of the Montana Code Annotated, as periodically amended by State legislative action, will list appropriate State law which shall further govern District activities unless otherwise and previously delineated, detailed and adopted by the HVID Board of Commissioners.



President



Vice-President

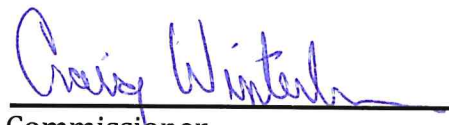


Commissioner



Commissioner

ATTEST



Commissioner



Board Secretary/District Manager