

Big Flat Irrigation District

P.O. Box <sup>1813</sup> 5664  
Missoula, MT 59806

BOARD POLICIES

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Adopted  
May 22, 1995

BIG FLAT IRRIGATION District  
MISSOULA COUNTY, MONTANA

District'S POLICIES

I. RIGHT-OF-WAY REGULATIONS

- A. General. All right-of-way for maintenance of main ditch, laterals, distributaries, drains of all types shall be operative under conditions solely defined by the Board of Commissioners. Interference with Operation & Maintenance (O & M) activities shall not be permitted and, if unauthorized, the District shall re-establish the right-of-way at the expense of the landowner.
- B. O & M ROADS
1. Maintenance of roads is the responsibility of the District. District will maintain roads only to satisfy District operations.
  2. O & M roads are to be used only for Big Flat Irrigation access.
  3. O & M roads are not public roads and any unauthorized persons using the roads are travelling at their own risk.
- C. Fences. No fence will be installed that interferes with the operations and maintenance of the ditch. In the event the fence is within the easement and interferes with operations and maintenance, it will be removed at the landowners expense.
- D. Gates. All gates must be of a width to be determined on a case by case basis, and may be required to be up to 16', and of the swinging type. Some gates may be approved only on a temporary basis with a specific purpose, duration, and design so as not to interfere with normal ditch operations and maintenance.
- E. Utilities.
1. District distributaries within the County road dedication have prior easements. Any utility constructed on District easements, without written consent approved by the Board of Commissioners must assume any and all costs involved when the District performs operation, maintenance, or rehabilitation within the District easement.

2. All utility crossings of District easements must have written consent approval by the Board of Commissioners through permits issued by the Bureau of Reclamation.

F. Crossings (Bridges, Flumes, Culverts)

1. When permitted by the Board of Commissioners, access crossings shall be constructed and maintained by the landowner according to specifications approved in writing by the District. The District must approve in writing any crossings over the irrigation and drainage system before construction is begun and may limit the number of crossings permitted.
2. Maintenance of all authorized private bridges, pipes, etc. crossing the ditch serving parcels of land shall be the responsibility of the landowners.

II. WATER MANAGEMENT

A. System Operation

1. The system will be maintained and operated to provide the maximum flow practical as determined by, and at, the sole discretion of the Board of Commissioners for the period beginning approximately May 1st and continuing through approximately October 1st each year. The following factors, among others, will be used to determine the maximum flow practical:
  - a. Availability of water from the District's sources and point of diversion.
  - b. Condition of the delivery system.
  - c. Entitlement and need of the users.
  - d. Financial resources of the District.
2. The system consists of the main canal and the "S" lateral only.
3. All turnouts from the system shall be operated by District personnel only.

4. The District reserves the right to shut down or withhold water on any part of the system in order to perform maintenance necessary for the safety or efficient operation of the system.
5. Depending on weather, ground conditions, and water availability, the system operating period of May 1 through October 1 may be modified by the Board of Commissioners at their sole discretion.

B. Water Distribution

1. Beneficial use shall be the basis, the measure, and limit of the right to use water at all times and the Board of Commissioners shall control all appropriated and permit water, return flows, its use, distribution, priority, and allied functions.
2. The system, as engineered and constructed, may not have the ability to provide water in amounts adequate to meet the established water rights of each user if used simultaneously. In recognition of this fact, the system will be operated to make available water on a modified demand basis as follows.
  - a. Whenever possible, water deliveries to turnouts or water taken from the system by pumps or otherwise will be in the full amounts ordered or required.
  - b. During periods when demand exceeds supply, water will be rationed out by the ditch rider to provide a fair and equitable division of water available to each water user insofar as it confirms efficient management. Such division of water must be coordinated with the Board of Commissioners.
3. The District reserves the right to withhold or stop deliveries to water users who waste excessive amounts of their allotment.
4. Deliveries will be made only to lands that are current on their assessment.

C. Water User Requirements.

1. All water users are entitled to the same amount of water for each acre of assessed land. If the available water supply is less than a full requirement, the water user can irrigate his land as long as his method of use does not adversely affect other users. It does not matter whether his land is owned in one parcel or more than one parcel. He will be permitted to move his allotted water supply around to any of his land as long as he can do so without adversely affecting the system, other users, or exceeding his water allotment.
2. Wise and efficient use of water is needed to prevent over consumption of irrigation water by some users which causes unfair distribution to other users. Also, to prevent excessive surface and subsurface waste from causing degradation to the drainage system.
3. Landowners are responsible for delivering water from the original turnouts or directly from the main canal and "S" lateral to their properties at their expense.
4. The District does not anticipate activating turnouts not currently operating or installing new turnouts in order to deliver water to users. Users will be required to remove water directly from the main canal or "S" lateral by means of a pump or similar device.

III. Transfer of Water Rights.

- A. Water delivery rights can be sold or traded using the criteria found in Appendix A.
2. When subdivision occurs, the irrigable acreage must be assigned according to the original allocation done by the U.S. Department of Interior, Bureau of Reclamation. Petitioning in or out of the District is done according to Title 85, Chapter 7, Part 18, M.C.A.

- VI. All assessments levied by the District for operation, maintenance, and repayment of capital construction costs shall follow state statutes set forth governing collection of assessments.

# APPENDIX A

## PROCEDURES FOR TRADING IRRIGATION RIGHTS

- I. In order for a trade of irrigation rights between landowners within the Big Flat Irrigation District to occur, the following criteria must be met:
  - A. The current user must be current on his/her District water assessments.
  - B. The District will only consider transfers on an acre-for-acre basis.
  - C. All land considered for water delivery must be within the exterior boundaries of the District.
  - D. All new parcels of land which are to receive water from the District will be required to adhere to all District policies. The costs of any new structures required for the diversion of water from the District's facilities to service new parcels shall be borne completely by the individuals desiring to receive such water.
  - E. No transfers or exchanges will be approved until all required information is provided to the District.
  - F. All exchanges or trades approved after May 1 will be assessed to original user. The parties involved shall be responsible for any prorating of assessments necessary. Any trades or exchanges approved prior to May 1 will be assessed to new user.
  - G. The District will maintain a list of parties interested in receiving irrigation rights and parties wishing to trade rights. This information will be available upon request.
- II. All requests for an exchange of irrigation rights must be submitted in writing and signed by all owners as listed on the County tax statement to the Board of Commissioners. The request must contain the following information:
  - A. The name of the current user along with a legal description of the property to which the water is assessed. A copy of the most recent tax statement should be included with the request.
  - B. Evidence of payment of taxes to date of trade.
  - C. The complete name, address, and phone number of the individual(s) desiring to receive water rights and a copy of their most recent tax statement.
  - D. A diagram outlining the proposed place of use of District water with the total acreage identified.

# Appendix B

## **GENERAL SAFETY RULES AND REGULATIONS:**

Safety rules and regulations are established to protect lives and property. There is no substitute for common sense and good judgment when it comes to safety.

1. All accidents must be reported immediately to the Secretary.
2. Use the right tool and equipment for the job. Adjust and repair equipment only when authorized. Any faulty equipment should not be used until repairs have been made.
3. Personal protective equipment will be worn, as the job requires. (For example, when necessary, use hard hats, safety glasses, hearing protection, breathing masks, etc.).
4. Never wear loose or torn clothing around moving machinery.
5. Never operate or use machinery or tools that you are unsure of what the proper and safe procedure is. If unsure, ask your supervisor to show you how to use the equipment in the safest way possible.
6. Never carry loads that are too heavy. Always lift properly using legs and keeping back straight.
7. There may be other special safety requirements or procedures that may arise while a project is in progress. Standards for these requirements or procedures will be issued as necessary and all employees will be informed of these additional standards and of compliance that is expected of them.
8. Use of illegal drugs or alcohol is not permitted while working for the Ditch.
9. Workers are not to bring their children.
10. If pets accompany the worker, it should not be allowed to run loose.