

BURLEY IRRIGATION DISTRICT POLICIES AND BY-LAWS

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BURLEY IRRIGATION DISTRICT POLICIES AND BY-LAWS

The policies and procedures in this manual consist of three parts: Policies and By-Laws, Water Management Policies, and the Employee Handbook. They are for general reference only and may not be applicable in all cases. The Board of Directors of the Burley Irrigation District reserves the right to amend or change this manual at any time. All previous District Policies and By-Laws are hereby rescinded.

STATEMENT OF OBJECTIVES

To deliver irrigation water equitably to all landowners in the District in the most efficient manner and consistent with good management practices.

To maintain the total irrigation system to the degree necessary to preserve the capacity and to maintain the condition of the facilities in a manner which avoids undue depreciation; and to store and deliver irrigation water as required by the water users.

To maintain sound fiscal policies, including adequate reserves.

To promote the wise and efficient use of available water and the conservation of project soil.

To hold to a minimum, system seepage and operational waste.

To be constantly alert to technical advancement and adopt new practices which will improve system operating efficiency.

INFORMATION REGARDING BURLEY IRRIGATION DISTRICT

The Burley Irrigation District is a political subdivision of the State of Idaho, organized under State law by the landowners within the District who own land susceptible to irrigation from a common source and system. The powers and duties of the District are dictated by State law, Federal law and contract.

The Idaho Code provides the procedure for the organization of the District, the election of its Directors and the duties of its Directors and Officers. Idaho law further provides the method and procedure for the levying of operation and maintenance and construction assessments on land within the District and allows the assessments to become a lien upon the land for enforcement of the same. It further provides for the appropriation of water by the District for diversion and application to beneficial use.

The irrigation system operated and maintained by the Burley Irrigation District was built by the Bureau of Reclamation, commencing in the year 1905. By a contract executed in 1926, the District had assumed the operation and maintenance of the system within its boundaries and would retain control of the system so long as it is able to equitably deliver the water to the lands in the District having a primary right thereto.

On February 24 2000, the Bureau of Reclamation, Department of Interior, United State of America, pursuant to public law 105-351, passed on November 3, 1998, transferred to the District the title to all property, easements, natural flow water rights and physical structures, operated and maintained by the District. The United States, through the Bureau of Reclamation, holds title to American Falls Dam, Minidoka Dam, Palisades Dam, and appurtenant water rights in those facilities, in-which storage facilities, the District owns contracted storage space for water for the lands within the District.

The boundaries of the District encompass approximately 88 sections of land and approximately 48,000 irrigable acres are within the District, all located in Cassia County. There are also approximately 7,100 acres served by laterals from the Gravity Southside Canal that are part of the Minidoka Irrigation District.

Management of this large property we call the "System" is basically the responsibility of the people who own the land within the District, the Water users. There are State and Federal rules and laws that must be followed in order to receive the benefits of the use of the water but the responsibility for the equitable distribution of the water is that of the District.

The District holds, for the benefit of the lands within the District which have a primary water right, the following system and water rights:

13.5 miles of Southside Gravity Canal with capacity of----1450cfs

1.5 miles of Feeder Canal with capacity of -----1100cfs

19 miles of G Canal with capacity at the head of ----- 175cfs

25 miles of H Canal with capacity at the head of ----- 320cfs

29 miles of J Canal with capacity at the head of ----- 550cfs
 88 miles of Canals occupying about ----- 940 Acres
 205 miles of Laterals occupying about ----- 1025 Acres
 33 miles of Drains occupying about ----- 165 Acres
 332 miles of rights-of way & 405 miles of Roads ----- 2130 Acres

PUMP STATIONS

Pump Stations	Pumps	HP	Capacity	Gal. P/M
1st Lift	6	4390	1015 cfs	456,750
2nd Lift	6	3910	830 cfs	373,500
3rd Lift	3	2500	545 cfs	245,250
8 Drain Pumps	9	135	45 cfs	20,250
9 Deep Wells	9	90	16 cfs	7,200
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Totals	33	11,020	2451 cfs	1,102,950

WATER RIGHTS

NATURAL FLOW RIGHTS

(Shared with Minidoka Irrigation District getting 62%, with the right to use all the water if not needed by MID)
 38% of 1,726 cfs with a priority of March 26, 1903. BID has 656 up to 1,200 cfs.
 38% of 1,000 cfs with a priority of August 6, 1908. BID has 380 up to 544 cfs.
 38% of 430 cfs, flood water, with priority of April 1, 1939. BID has 163 up to 430 cfs.
 A total of 1200 cfs from the Snake River for Burley Irrigation District, when it is available.
 100% of 150 cfs, from Marsh Creek with priority of April 9, 1909.

STORAGE RIGHTS

(Rights Held by the U.S. Government)

33.5% of Lake Walcott equaling- 33,706 acre ft. December 14, 1909
 (23,233 acre ft. usable)
 American Falls----- 155,395 acre ft. March 30, 1921
 Palisades Reservoir- 36,528 acre ft. July 28, 1939
 Palisades Reservoir- 2,672 acre ft. March 29, 1921
 38% of 1,500,000 AF of ground water priority of June 10,1909 under the lands within the BID and MID boundary.

RETURN FLOWS

38% of the return flow to the Snake River between Neely Gauge and Milner Dam when stored water is being used.

ASSETS

BUILDINGS AND PROPERTIES

8.2 Acres, Pumping Plant, Electrical equipment, and Buildings at First Lift Station.
 2 Houses at First Lift Pumping Stations
 12 Acres, Pumping Plant, Electrical equipment, and Buildings at Second Lift Station.
 5 Houses at Second Lift Pumping Stations
 7.5 Acres, Pumping Plant, Electrical equipment, and Buildings at Third Lift Station.
 Houses at Unity shop
 Unity shop and office complex
 Gravel pit at 550 south Oakley highway
 10 Acre water holding pond on river at west end of system

BOARD OF DIRECTORS

I. Election and Qualification of Electors.

A. The qualifications of electors of the District are defined by Chapter 1 of Title 43, Idaho Code. Every director must be a qualified elector of the District and a resident in the division of the director whom he is to succeed in office. Written nominations for the office of director, must be signed by at least twelve (12) electors of the district, and filed with the secretary of the district not less than twenty (20) days nor more than forty (40) days before the date of election; and the names of the persons so nominated shall be placed upon official ballot to be furnished by the district.

B. 43-111: Qualifications of Electors. - No person shall be entitled to vote at any election held under the provisions of this title for the purpose of electing directors, for the purpose of determining whether indebtedness shall be created or bonds issued by the district, or for any other purpose, unless he shall possess all the qualifications required of electors under the general laws of the state, and own land within the district or the proposed district, and be a resident of the county in which the district, or a portion thereof, is located for a period of thirty (30) or more days next preceding the election.

C. 43-119: Rights and privileges of corporations and partnerships. - A corporation, the stock of which is owned entirely by natural persons related by blood or affinity, and a partnership, in which all the partners are natural persons related by blood or affinity, shall have the same rights and privileges in the conduct of irrigation district business as do natural persons, including, but not limited to, voting in elections and signing petitions. A corporation or partnership shall vote or otherwise act by and through its majority stockholder or majority partner, and for voting purposes the residence of such majority stockholder or partner shall establish the residence of the corporation or partnership. If the majority of the stock or partnership interest is owned by more than one (1) person, the corporation or partnership must furnish the irrigation district a written designation stating the name of the majority stockholder or partner who is authorized to vote and otherwise act for the corporation or partnership. If the majority or designated stockholder or partner is married, his or her spouse shall have the same rights and privileges in the conduct of irrigation district business as do the spouses of individual land owners in the district. A person, or the spouse of a person, voting for a corporation or partnership shall not be entitled to vote again as an individual. (I.C., 43-119, as added by 1983, ch.49, 1,P.120.)

II. Functions of the Board of Directors.

The Board of Directors makes the rules and is the final authority in all matters of policy and administration of the affairs of the District. The duties and responsibilities of the officers and supervisory personnel of the District, whether established by law or otherwise assigned, shall be subject to that authority. Each Director shall be bonded as the law directs.

A. Operate within legal authorizations.

1. The Board is responsible that its actions and the actions of the Manager conform to all federal, state and local statutes and ordinances; provisions of Government contracts; and by-laws of the irrigation district.

2. Burley Irrigation District does hereby indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by reason of the fact that he is or was a Director, officer, employee or agent of the District, or is or was serving at the request of the District as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, under the provisions of Section 43-204A, Idaho Code and to the extent therein allowed, if:

- a. The person acted in good faith and in a manner he reasonably believed or appeared to be in the best interest of the District.
- b. The person had no reasonable cause to believe his conduct was unlawful.
- c. The action was not by the District against said person.

3. Burley Irrigation District does hereby eliminate the personal liability of a Director to the District or its qualified electors for monetary damages for breach of fiduciary duty as a Director, provided that this provision shall not eliminate or limit the liability of a Director:
 - a. For any breach of the Director's duty of loyalty to the District or its qualified electors.
 - b. For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
 - c. For any transaction from which the Director derived an improper personal benefit.

B. Meetings of Board of Directors.

1. Regular meetings shall be held on the second Tuesday of each month or on the date set by resolution in advance by the Board of Directors.
2. Special meetings may be ordered at any time by the President or a majority of the Board.
 - a. The order must be entered of record and the Secretary must give each member not joining in the order five (5) days notice of such special meetings, and the order must specify the business to be transacted.
 - b. Whenever all members of the Board are present, however called, the same shall be deemed a legal meeting for any lawful business.
 - c. The Board may hold Annual meetings for the landowners in the District.
3. An order of business will be adopted for all regular meetings and followed until amended.
4. Minutes of each meeting shall be written in permanent form and should include:
 - a. Date, place and time of meeting.
 - b. A record of the Directors and other persons who attended the meeting, as well as the Directors who were absent.
 - c. A brief statement of all matters pertaining to the business of the District brought before the meeting.
 - d. All motions considered by the Board should be recorded, together with the vote taken.
5. The minutes of the Board of Directors are not public property. The minutes of the Board of Directors meetings may be read by any water user, in the presence of the Secretary, if the minutes have been approved. All persons reading the minutes shall sign the ledger showing the date and time he was provided access to the minutes.

C. Board Fees and Expenses.

1. Compensation of Board members shall be set by the Board of Directors. Any changes in the fees and manner of expense reimbursement must be approved by the Board.
 - a. Directors shall receive a fee of \$100.00 per meeting or for each full day spent attending the meetings or while engaged in official business under the order of the Board and actual and necessary expenses.
 - b. Directors may choose to participate in all, non, or part of the medical/hospital insurance including the medical savings program of the district.
 - c. Directors and their duly appointed representatives shall be paid or reimbursed, when no other reimbursement is received, for travel or mileage at 45 cents per mile, room, meals and convention expenses when attending as a representative of Burley Irrigation District for pre-arranged assignments from the Board of Directors. These assignments may include but are not limited to: Advisory Meetings; Committee Meetings; Board Meetings; Idaho Water Users Meetings; National Water Resources Association Meetings; State Legislative Meetings and Hearings; and Educational Meetings.
 - d. Spouses of a Director or representative who accompany a Director or representative engaged in official business of the District which requires the parties to be away from

home overnight shall have their room, board and convention expenses paid or reimbursed by the District in lieu of the daily compensation otherwise to be paid to the Directors or representatives while attending official business.

D. Elections.

1. The Board shall cause regular and special elections in accordance with the laws of the State of Idaho and the By-Laws of the Irrigation District. Neither absentee ballots or proxies shall be allowed in any election. The official polling place for all elections will be the Burley Irrigation District Office.

2. On the first Tuesday of January or on the first meeting of the Board of Directors in January following the election, the Board of Directors shall meet and organize as a Board, elect a President from their number, and appoint a Secretary and Treasurer, who shall each hold office during the pleasure of the Board. The Board of Directors may also appoint an Assistant Secretary or an Assistant Treasurer, or both, and fix the duties, the length of term and the amount of bond, of each of them.

E. Execution of all contracts and agreements.

All contracts and agreements of the Irrigation District approved by the Board shall, be executed by the President and the Secretary as the duly appointed representatives of the Irrigation District.

F. Collection and disbursement of Irrigation District funds.

1. The Board shall levy assessments upon the lands in the District and shall set all toll charges.

2. The Secretary of the Board of Directors shall be the assessor of the District. The Treasurer of the Board of Directors shall collect assessments, excess water charges and rentals and miscellaneous revenues.

3. The Board shall adopt an annual budget.

4. Payments of all of the District obligations must be approved by the Board.

G. The Secretary shall maintain an adequate and complete set of records and accounts, including:

1. An assessment book.

2. Financial reports.

3. Permanent water ledgers.

4. Minutes of meetings of the Board.

H. Other duties and responsibilities.

1. The Board shall cause an annual audit to be conducted by a competent accountant, employ a competent Manager to supervise the affairs of the District, retain and employ a competent attorney to represent the District in legal matters, all of whom shall each hold office during the pleasure of the Board. The Board shall fix the duties and the amount of bond of each of the above appointees, if any.

2. Furnish the Manager with a clear statement of the authority and responsibility that is delegated to him by the Board.

3. Furnish the Manager with an approved set of operating procedures, criteria and standards.

4. When called on, be ready and willing to assist the Manager with major decisions.
5. No individual member of the Board of Directors may, except when authorized by the Board, interfere with the supervisory functions of any appointed or employed personnel, nor with any District employee in the performance of that employee's duties. It is important to the morale and efficiency of the organization that individual Directors refrain from exercising any direct authority over any employee. The Board as a unit must have complete control and exercise that authority through the rules it makes.
6. Direct public relations program and the dissemination of information to water users.
7. Cause all the necessary functions of the Irrigation District not previously mentioned or delegated to the Manager, to be carried out.
8. Establish control which can be used in appraising the effectiveness of the operation.
9. Review periodic reports from the Manager and check for conformance program policies, objectives and long-range plans. These reports should be of sufficient scope and detail to enable the board to:
 - a. Prevent unauthorized action.
 - b. Determine progress in key operating areas.
 - c. Determine where remedial action is necessary to prevent serious deviations.
 - d. Measure the District's performance against the budget.
 - e. Measure the Manager's performance against the budget.
 - f. Measure the District's performance against long-range plans.
 - g. Measure the Manager's performance against long-range plans.

III. Delegation of Responsibility and Authority from Board to Manager.

A. The Board of Directors, by furnishing the Manager with this Policy and Employee Handbook, has defined all the duties, responsibilities, and authority that are delegated to him. The statement shall be reviewed by the Board periodically and amended when necessary.

B. The Board has delegated to the Manager the responsibility to perform the following functions in conformance with the Board's adopted policies and procedures:

1. Storage, regulation and distribution of District's irrigation water supply.
2. Operate and maintain District's irrigation facilities and equipment, within accepted annual budget.
3. Assist the Secretary and Treasurer in maintaining the District's accounts and records.
4. Prepare and submit the annual budget to the Board, on or before the 15th day of October each year.
5. Initiate and carry on the District's public relation program.
6. Manage and maintain the District's real property.
7. Establish and direct operating organization as approved by the Board of Directors.
8. Re-delegate certain authority and responsibility to subordinates.
9. Recruit, select, employ, assign, and promote District personnel.

10. Direct the activities of the District's operation and maintenance staff by directing day-to-day operations of the District, and when necessary to consult with the foreman and employees.

DUTIES AND RESPONSIBILITY OF THE MANAGER

I. Operations.

- A. Comply with all rules and regulations adopted by the Board of Directors and at all times recognize the full scope of the authority of the Board of Directors.
- B. Insure that all employees are properly trained for their particular job by each employee's immediate supervisor, with the assistance of the Manager.
- C. Make every effort to train present employees for other jobs in the organization.
- D. Set the pay of all employees within the wage scale adopted by the Board of Directors.
- E. Work towards more efficient water delivery and to reduce the cost of the operation and maintenance of the District.
- F. Assist the Secretary and Treasurer in preparing a meaningful analysis of the revenues and expenditures of the District for the benefit of the Board of Directors.
- G. Cause a complete and reliable record to be kept of the measurement of water at diversions, waste ways, canals and lateral turnouts.
- H. Cause a ledger to be maintained with posting for deliveries to individual Water users to be kept current.

II. Planning.

- A. To assist and direct the Secretary of the District to send out, five (5) days prior to the monthly meeting of the Board, the proposed agenda for said meeting. Additions to the agenda must be approved by the Board.
- B. Formulate, with staff, viewpoints, objectives and policies to be recommended to the Board.
- C. Formulate, with staff, short and long-range plans, finances, and water user relation policies to be recommended to the Board.
- D. Formulate, with staff, an annual work program and budget to be recommended to the Board.
- E. Plan and develop a comprehensive safety program.
- F. Formulate annually a detailed maintenance program to be recommended to the Board.

III. Organization.

- A. Review periodically all activities of the District organization and initiate changes which will carry out the objectives of the District in the most efficient manner.
- B. Make recommendations to the Board of Directors for additional positions, transfers, reassignments or elimination of positions.

IV. Personnel.

- A. Select, employ, reassign, promote, discipline, and dismiss employed personnel.
- B. Prepare and present to the Board for approval a systematic wage and salary plan for all job positions.
- C. Adjust salaries for employees within the approved rate and salary plan adopted by the Board.
- D. Evaluate new positions and re-evaluate positions when responsibilities change substantially.
- E. Periodically appraise performance of personnel and assist them to develop and improve.
- F. Prepare and update written position descriptions for all employees of the District.
- G. Administer or approve activities or actions with respect to vacations, sick leave, holidays and other fringe benefits approved by the Board.

V. Management.

- A. Direct the day-to-day activities of the District within the limits of his delegated authority.
- B. Direct the operations of the District in accordance with objectives and policies of the District, as outlined in this District's Policy and Employee Handbook.
- C. Delegate, within the limits of authority vested him, responsibility and authority to staff assistants.
- D. Designate staff assistant to act in his absence.
- E. Direct approved public relation programs.
- F. Foreman and Water master are responsible to the Manager for their work, their men and all company equipment. Their duties will be defined by the Manager from time to time as circumstances change, by job descriptions and personnel instruction.

VI. Fiscal.

- A. Direct the expenditure of funds in accordance with the approved budget, and as approved by the Board.
- B. To assist the Treasurer of the District in investing and reinvesting District funds, as directed by the Board.
- C. To purchase supplies and equipment as budgeted monthly in the annual budget approved by the Board of Directors up to the current month. The Manager shall not spend more than \$2,000.00 of unbudgeted funds without prior approval of the Board, except in the case of an emergency.
- D. All fund disbursements shall be signed by the Chairman of the Board and the Secretary/Treasurer of the District.

VII. Reports.

- A. Submit periodic and special reports to the Board on conformity of operations to approved objectives, policies, and programs.
- B. Assist and direct the Secretary and/or Treasurer of the District to submit fiscal year reports to date with running monthly totals of the District's revenue and expenditures.
- C. Assist and direct the Secretary and/or Treasurer to submit periodic and special reports (including annual auditor's report) to the Board on receipts, disbursements and cash balances to keep them informed of the

District's financial status.

D. Maintain an accurate inventory of the District's property and assets and furnish a current report of the same to the Board annually.

E. Report unresolved water user complaints to the Board.

F. Submit periodic report of employees' performance to the Board.

VIII. Annual Inspections.

A. Manager will schedule an annual tour of the District for the Board of Directors and key staff members.

B. Water master and ditch riders will report to the Manager any system deficiencies noted while patrolling the system.

DUTIES AND RESPONSIBILITY OF THE SECRETARY - TREASURER

I. The Secretary-Treasurer is appointed by the Board of Directors and shall have such duties and responsibilities as are prescribed by law and as a public officer responsible under the law.

II. The Secretary-Treasurer shall be bonded and a Notary Public, at the expense of the District.

III. The Secretary- Treasurer, under the direction of the Manager, shall supervise and perform work in the administrative functions of banking, finance, budgeting, recording and programming. Secretary- Treasurer shall acquire supplies, assist in property management, and supervise water user's accounts. Secretary- Treasurer shall supervise personnel records and benefits, public relations, and office personnel and such other duties as are prescribed by law. A more detailed statement of duties is as follows:

A. Supervise office personnel and be responsible for all books, financial records, Government Reports, Forms and Records, posting of assessments and collections thereof. (Board of Directors, II F and G)

B. Make financial deposits in banks to the proper depository accounts and report balance monthly to the Board of Directors.

C. Make Federal and State payroll tax reports quarterly and yearly.

D. Take minutes at Board meeting and make accurate records of proceedings of same. (See Meetings of Board of Directors, II B,4)

E. Prepare invoices timely for Board's approval of payment-noting any allowable discounts.

F. Prepare payroll bi-monthly.

G. Various duties as prescribed by law, i.e.:

1. Elections: prepare nomination, give notice of elections as required by law, prepare petitions, notice of elections, ballots, and accept nominations for Directors. Arrange for a polling location(s) in each precinct or division. Prepare and deliver certificates of election to elected Directors. (See II D)

2. Prepare tax liens and file such tax liens with County Recorder by 4th Monday in July. Publish delinquency notifications as law directs. Take tax deeds as directed by the Board when necessary as law directs. (See II F)

3. Publish financial statement on or before 2nd Tuesday in February of each year.

H. Other duties as outlined by Employee Handbook, Job Description, and as may be directed by the Manager or the Board of Directors.

BURLEY IRRIGATION DISTRICT WATER MANAGEMENT POLICIES

The Board of Directors of the Burley Irrigation District reserves the right to amend or change this Water Management Policies at any time.

I. Apportionment of Water.

A. Water will be apportioned to each division of the canal system by the Water master as directed by the Manager and Board of Directors, based on the water available and the ability to deliver water to each location. The Ditchrider will be held responsible for the economy of water distribution. The Ditchrider will be held responsible for the operation of the canal and lateral structures and the wells in his respective section, including the diversion of water through head gates to private pumps and ditches.

1. The constant flow of water to each landowner in the District and the amount of the flow can be varied by the Board of Directors if the water supply changes for any reason.
2. Water from BID is allotted on a basis of (.75) miners inches of water per acre. When the system is running at full capacity this is the most water users may receive.
3. A flow of water of 120 miners inches is sufficient to irrigate 160 acres of land.
4. A rotation of water may be necessary to provide a flow of 120 miners inches for a limited time for irrigation of the lands of a landowner in the District.
5. Extra water is water that is not needed by a water user for a short period of time, which may be allocated by the District to be used by another water user above his normal flow.

B. Responsibility for Water, Facilities and Water Management

1. The District's responsibility is to get the water to the point of delivery for each farm unit. This entails all concrete work, trenching, gates and weirs to accurately deliver and measure water to the point of delivery as established for original farm units or as otherwise agreed.
2. The responsibility of the District for the water delivered to a water user ends at the point of delivery measuring device. The water then becomes the responsibility of the water user(s) who use that turnout.
 - a. Any washouts or other water damage that takes place after the water passes the measuring device is the Water users responsibility. Any damage caused by this water, if unauthorized to be place back into the canal or lateral is the responsibility of the water user.
 - b. All ditches below the measuring device are the responsibility of the landowners for maintenance or repairs.
 - c. The District may help the landowner or water user, if requested, to do maintenance or repairs on an equipment rental basis as time permits.
3. The District will make every effort possible to insure a continuous supply of water to its Water users. However, since most of the water flows through many miles of open ditches and is subject to pollution, blowing sand, silt and weeds, loss by gopher damage, power failures, etc., it is impossible for the District or its agents to guarantee continuous un-interrupted water delivery. Consequently, any damage to the Water users equipment or crops caused by defective delivery are to be born by the water user and not by the District.
4. The irrigation season will begin on April 15 and continue through October 12 each year, unless otherwise stated by the Board.

5. The system will be operated to deliver water on a modified demand or rotation basis. This means that water will be provided to the requester within 24 hour after ordering during regular water order time, if it is available or the water will be provided to the requester when the rotation allows it to be.
6. The District reserves the right to withhold or stop deliveries to Water users who waste excessive amounts of their water allotment.
7. No water will be delivered to any land except those lands in the District, except by written agreement approved by the Board relative to transported and surplus waste water.
8. Water requests shall be made not less than 18 hours in advance of the water delivery, which should be by 2:00 PM of the day prior to the desired delivery time. Ditchriders will be available for water calls by phone from 7 A.M. to 2 PM daily. Requests for shut-offs shall be by the same fashion. Orders submitted by telephone shall be deemed binding.
9. District personnel will make all deliveries, changes and shut-offs, unless previous arrangements have been made with the District personnel . Deliveries, changes and shut-offs will be made once daily, unless water user has made previous arrangements with the District personnel. Each delivery will be measured and checked once daily.
10. All turnouts will be locked and operated only by the District personnel, if necessary.
11. Equitable allotments of water will be made to the designated headgate for each eligible acre in the District, but deliveries will only be made to the land on which water charges have been paid in advance.
12. The District reserves the right to shut down or withhold deliveries in order to perform maintenance necessary for the safety or efficient operation of the system.
13. Any person who interferes in any way with the setting or adjustments of gates and checks will be held strictly liable for any damage resulting from such interference. (See "Unlawful Practices")
14. No water is to be allowed back into the Canal or Lateral after delivery has begun for that day and no adjustments will be made on water deliveries after a scheduled delivery has been made except in case of emergency. Emergencies example may include the following:
 - a. The ditch breaks and you need to repair it before you can continue watering.
 - b. The canal level raised or dropped after the delivery was made.
 - c. You have too much water or you are short of water because the Ditchrider made an error when measuring your water.
15. Emergencies do not include power outages, pump shut down, or pipe moving. (See Landowners Responsibility II C).
16. When it is determined that there is an emergency and the water is turned off:
 - a. If the emergency originated with the water user, the water user will be charged for that day as he would be for the turn-off of any water use period. The only difference being that the water will be turned off immediately instead waiting until the next day.
 - b. If the emergency was the fault of the District, there will be no charge for the time the water is not available for use.
17. The amount of spill at the end of the canal and into waste ways will be at the discretion of the management through the Ditchriders.

18. The employees of the Burley Irrigation District are allowed to spill water into district spillways whenever and wherever they feel it is necessary.

II. Landowner's Responsibility.

A. When leasing property to someone else, it is the responsibility of the landowner to notify the Burley Irrigation District about:

1. Who will be operating the land, therefore, authorized to order water.
2. Who will be responsible for payment of the assessments for the benefit of the landowner, excess water, etc. However, unpaid assessments and excess charges shall constitute a lien on the property.

B. If you buy or sell land in the District, it is your responsibility to notify the District of the change in ownership for payment of the Assessments, etc. All assessments are liens on the land and the land transferred is subject to that lien. (If selling only part of your land, see ("Subdivisions"))

1. We request the prior landowner or his agent notify the new landowner of his obligation to the District and encourage them to stop at the District office to let us know of the change and to file a Certificate of Sale.
2. Notice of the assessments, etc., stays in the name of the prior owners until the District receives a legal document such as a Deed or Sales Contract which transfers ownership, making it possible for the District to make the necessary changes in the assessment records. It would be to the advantage of the prior owners and the new owners to bring the needed document into the District office as soon as possible after it has been enacted. Your voluntary submission of this document at the time the change takes place will be a big help in preventing problems and misunderstandings between the District, and the new landowner.

C. The landowner is responsible for the water that has been delivered to them until its return has been authorized by the ditchrider as stated below. The Irrigation District does not have the capacity to handle the water after it is delivered to the water user. To avoid flooding, landowners and farm operators have to provide a place for the water to go through a natural drain or to keep ordered water on their property. This includes water that is being pumped by Water users when the power goes off or pumps are turned off.

D. Landowner will request from the ditchrider and be acknowledged by the ditchrider as acceptable, all water changes before 2:00 p.m. the day prior to the change.

E. Return flows from Landowners into District canals, laterals, drain ditches, creeks or the Snake River are to maintain the water quality as good or in better condition than it is received. If there is a standard set by the State of Idaho or EPA for that system it is to be met by the water user.

F. Landowners are to keep right-of-ways open and free of obstacles. Landowners assistance in weed control on the right-of-ways is appreciated, but certain chemicals are not legal to be used over water and may contaminate it. Please read the labels. (See Right-of-Ways).

III. Water Assessments.

A. Operation and Maintenance (O & M Assessments).

1. The O & M Assessments are used to operate and maintain the District.
2. This assessment is set in November the year before the season for which it will be used. Sometimes this is a little confusing. For example, the November 1994 Assessment pays for the 1995 Water Season.

3. The Billing is mailed about December 15th, coming due before you receive water and becomes delinquent on June 1. If the due date falls on a Saturday, Sunday or a Holiday, any payment required by that date shall be payable on the next regular workday following. If the O & M assessment is paid on or before March 1st a 5% discount is allowed. If not paid by the due date of June 1st they are delinquent and there will be a monthly charge of 1% interest added to the account, and on the first of each month until it is paid. Payment of your O & M Assessment provides 4 acre feet of water for each acre of assessed land when the water is available. If more than the allotted amount of water is used, this extra water shall be classed as Excess Water. (See "Excess Water Charges")

4. All assessed acreage within the District must pay the assessments, which have been or will be charged against it, whether they use the water or not.

5. There is a one acre minimum assessment for all assessments charged.

6. O & M Assessments can only be paid after the assessment is set for the year by the Board of Directors.

B. Irrigable Acreage.

1. All assessed land in the District may not be Irrigable Acreage, but non-irrigated lands may have a right to the water.

2. Irrigable land shall be land which is, or was capable of being irrigated from any District source including its canals, laterals, drains or return flows.

3. Irrigable land shall be land, regardless of present use, which can be irrigated by gravity flow and has an original water-right. "Gravity flow" capability will be determined by the Burley Irrigation District management, which shall take into account adequate fall from the supply source.

C. Excess Water Charges.

1. When a water user, uses more than the allotted 4 acre feet of water per acre, there is an additional charge for the extra water used. We call this extra water "Excess Water".

2. At the end of the water season, the Excess Water charges are computed and a billing mailed with a due date of June 1st each year. If allowed to become delinquent a 1% interest charge is added on each month until paid in full. This charge is based on assessment per acre divided by 4 acre feet multiplied by excess use per acre as follows: 150% for the 5th acre foot per acre; 200% for the 6th acre foot per acre; 300% for the 7th acre foot per acre; etc.

D. The name(s) and address found on the County Recorders Tax Assessment Rolls will be used on your assessment accounts unless a name change form, new Deed, or other legal document is received showing cause for it to be listed differently.

E. Assessments charged by the Burley Irrigation District are considered by law to be a preferred lien against the land. The lien is perpetual and responsibility transfers with ownership.

F. Each tract of irrigable land under separate ownership is assigned a Serial Number (irrigation district assessment number) to help correlate the Assessment Rolls and Turnout Numbers with the Irrigable Acreage Plat Maps.

G. No water will be delivered to the farm units until all Assessments and other charges are paid in full each year. Also, no water will be delivered until the Reclamation Reform Act reports are filed, when necessary.

IV. Delinquencies.

Assessments and other charges which are allowed to remain delinquent into the month of July will be recorded on or before the fourth Monday. At the time it is recorded there will be charged to your Assessment Account a filing fee for the delinquency and a filing fee for the future redemption of the delinquency. For each additional year it is recorded, another filing fee will be charged. If it is allowed to remain delinquent for three (3) years, a notice of pending issue of tax deed will be posted and printed in the newspaper or mailed to all known interested parties. All expenses incurred will be charged to the Assessment Account. If it is not redeemed by January 1st of the next year, a tax deed will be issued and the District will take possession of the land.

V. Landowners on Multiple Turnouts.

A. A multiple turnout is a single head gate used by more than one land owner to receive water on their property.

B. When one of the landowners on a multiple turnout has not paid his assessments and is, therefore, not allowed to receive water until it is paid, the other landowners involved, who have paid their assessments and have the right to receive water will also have the responsibility to see that the non-paying water user does not use water. This is important since the unpaid water user can't order or use water until his assessments is paid, possibly causing the paid water user on the same turnout to go into excess.

C. The District will not be responsible for dividing and keeping track of who uses what water or how much water from any such multiple turnout. However, where ever possible, the Ditch rider will try to cooperate and may keep separate accounts of water ordered by the different water user.

D. If there is a dispute over the records provided by the Ditch rider, the water will be pro-rated according to acreage owned and each landowner who is eligible to receive water will be responsible for his or her proportioned share of the water used at that turnout, whether he feels he has used it or not.

E. Your cooperation in ordering water and reporting any changes in your water usage will help keep good feelings among the landowners who share your turnout.

VI. Sprinkler Irrigation Systems.

A. Water entitlement.

1. Sprinkler pumps are to be installed behind a headgate and measuring device.
2. Sprinkler irrigation systems should be built with a capacity of .75 inches per acre.
3. Water is delivered as a constant flow to the Landowners headgate. Water from pump bypass, pump shut down, power outage, etc. should be kept on the property of the Landowner.

B. Sprinkler systems crossing District Canals and Laterals. (See Right-of-Ways and Easements)

1. Sprinkler systems are not allowed to cross the District easements without written approval from the board of directors.
2. Irrigation of District easements is not allowed.
3. Pumps and systems should not be placed on the District easement.

VII. Interruptible Water Rental Acres.

These are lands that are not classed as irrigable acreage or that are not included in the Assessed acres of the District for which the water user wishes to purchase District water. Since these lands do not have a water right they must be placed on an interruptible basis.

1. Water user's purchasing water for non-District acres are required to sign a water rental agreement prior to delivery of water. This agreement is subject to approval by the Board of Directors.
2. Water rental acres must pay an O & M Assessments and are subject to Excess Water Billings.
3. There is no water right or entitlement given to users of Supplemental, Transported, Surplus, Waste, Extra, or Rental water.

VIII. Unlawful Practices.

A. It is a misdemeanor if any person shall, without authority of the owner or managing agent, interfere with the free flow of water in a canal system or *to* raise, lower or otherwise disturb any gate or other appurtenance thereof used for the control or measurement of water. (Idaho Code: 18-4301)

B. A person wastefully using irrigation water is guilty of a misdemeanor. (Idaho Code: 18-4302)

C. Any person who obstructs a flow in a water way which is regulated by a water master, is guilty of a misdemeanor. (Idaho Code: 18-4303)

D. It is unlawful to draw off or use any portion of the water flowing through or contained in any ditch, canal, trench, pipe, dam or reservoir owned or operated by the District without proper authorization. (Idaho Code: 18-4304)

E. It is unlawful to dump sewage, animal matter, rubbish, garbage, or other refuse, including all containers, both empty or full, and specifically those that hold or did hold chemical or other material that will or could contaminate water, into the District water distribution system.

F. It is unlawful for any person to maliciously or wantonly cut, breakdown, injure, destroy or remove any ditch, canal, trench, pipe, headgate, dam, reservoir, bridge, road, or other property appurtenant to or owned by the District. Any person or persons who shall cause either accidental or malicious damage to any facility or property belonging to or being operated by the District shall be held responsible and shall pay for any and all needed repairs or replacements of such facility or property. (Idaho Code: 18-4305, 18-4306)

G. It is a misdemeanor for any person or persons to cut, break, injure, destroy, enlarge, change or alter any head gate, measuring devices, water box, valve, or regulating device which is the property of any irrigation district. (Idaho Code: 18-4307, 18-4309)

H. Section 40-925, Idaho Code, states that any damage to the ditches or rights-of-way of the District must be repaired or removed within five (5) days by the person responsible for the damage or he is guilty of a misdemeanor. This section includes livestock damage and fences of any kind that obstruct rights-of-way necessary to maintenance. Controlled pasturing of rights-of-way will be allowed and encouraged. This section is also an operating policy of the Bureau of Reclamation (Chapter 6 of Right-of-Way Utilization, Series 230 Irrigation O & M).

I. In the event it comes to the attention of the Irrigation District that any person is violating any of the above provisions of the Criminal Code of the State of Idaho, criminal prosecution may be commenced against that person. Such persons will also be subject to a civil action by the District to enjoin them for their unlawful activity and to recover punitive damages from the wrong doer.

IX. Right-of-Ways and Easements.

A. The Bureau of Reclamation exercised its privilege of right-of-way in the location and construction of the District canals, laterals, roads, stilling pools, pump and well locations, electrical substations, control works,

etc. It has reserved in perpetuity for itself and the District sufficient right-of-way to adequately and satisfactorily operate, maintain, and repair these works.

B. All landowners, water users, and the general public shall refrain from encroachment in any manner upon these Right-of-Ways. These Right-of-Ways are not to be used as public thoroughfares. The general public does not have the right of free access or use of the laterals, canals or other service roads of the District.

C. No person shall be allowed to water or damage the Canal & Lateral banks or the roads of the District.

D. Private individuals wanting to use Irrigation District facility or maintenance roads for public access to and from a residence must sign a special agreement with approval of the District and the fee owner of the Land.

E. Idaho Code: Chapter 11 Section 42-1102 Gives a landowner who uses an irrigation ditch, canal or conduit the right to enter lands where the irrigation ditch, canal, or conduit are located to repair, maintain and clean it.

F. Idaho Code: Chapter 1 Section 42-1102 States that the existence of a visible ditch, canal, conduit constitutes notice of a right-of-way to the owner, or any subsequent purchaser.

G. All right-of-ways are to be accessible to District employees, equipment or agents. Idaho Code: Chapter 11 Section 42-1204 Gives the District at all times the right to enter the land across which the right-of-way extends and occupy such width along the ditch, canal or conduit as is necessary to clean, repair, maintain and deposit debris or other matter on the banks.

X. Operation Policy on Right-of-Ways.

A. The construction or placement of roads, pipelines, transmission lines, telephone lines, bridges, flumes, fences, pumps, or any other structures on project right-of-ways will be allowed on terms and conditions that are deemed to be adequate to protect the interest of the District and the project for which the particular lands are being administered and to be compatible with the purposes for which the right-of-way was acquired. Construction may not be undertaken until after such time as the District has issued a license for the erection and maintenance of the structure.

B. Controlled pasturing of the project right-of-way may be allowed at owners risk. Damage to the project facilities caused by livestock or overgrazing must be repaired by the owner or will be repaired by the District and charged to the water user responsible for the damage.

C. Landowner facilities to apply chemicals, placed on District right-of-ways requires a special permit with approval of the system by the Health Department, EPA, and the District. Liability for chemicals placed into irrigation water either intentionally or accidentally remains with the landowner and his agent.

D. Moving headgates or other control structures for the convenience of the farmer will be done only on an individual basis according to District specifications, at the convenience of the District. The costs of the move including the new structure and equipment is the responsibility of the landowner.

E. Additional head gates for the convenience of the landowner will not be installed unless the installation is advantageous to the entire District and the landowner pays for the structure construction and head gate. No head gate will be increased in size for any reason except the good of the entire District.

F. Access roads are to be built on District canals and laterals wherever possible for the general improvement of the District.

G. Any modification of laterals or replacement with cement ditches or pipelines will be installed and maintained at the landowners expense, unless otherwise stated in writing by the Board of Directors.

H. Any landowner desiring to straighten or otherwise alter any lateral, canal, or drain of the District must first obtain the written permission of the Board of Directors by presenting in advance a written request with a certified survey or engineered drawing or blue prints. Permission shall be contingent upon water delivery remaining unaffected to other water users located on the lateral or drain. The cost of alteration shall be born by the landowner. The person altering the canal, lateral or drain shall be responsible for the maintenance of the altered canal, drain or lateral for a period of not less than five (5) years following the date of alteration. Following five (5) years after the date of alteration, the altering water user may request in writing that the District take over maintenance of the altered lateral or drain. The District must agree in writing to take over maintenance, and such agreement can take place only after inspection of the altered drain or lateral by the Management of the District and a finding that the drain or lateral is in a condition satisfactory to the District. In addition, such other terms may be imposed upon the water user as deemed reasonable by the Board of Directors. The permission granted by the District, and acknowledgment of the above terms by the water user, must be in writing, must describe the property upon which the lateral or drain is located and must be recorded with the County in which the property is located.

I. All landowners in the District, or their tenants (if any), are required to exercise good farming practices, and are required to utilize reasonable measures to avoid soil erosion. Should a landowner, or his tenant, fail to exercise good farming practices, or fail to take proper measures to avoid soil erosion, and should damage result to any ditch, drain ditch, canal or equipment operated by Burley Irrigation District, the owner and tenant shall be notified in writing of the damage. The owner and tenant shall have ten (10) days from the date of notice to correct the damage. If the damage is not corrected within ten (10) days, the District will take such action as is necessary to correct the damage, and the owner and tenant shall jointly and severally be responsible for the costs incurred by Burley Irrigation District.

J. If water has not been ordered or delivered for five years from an original point of diversion or permission has been requested by the landowner and granted by the Board of Directors to receive water at a new point of diversion the landowner will have abandoned the right to use the District facilities to the original point of delivery if it has been removed or if the volume of water or conveyance system has been altered by the District.

XI. Reclamation Reform Act.

At the present time the District has been release of any obligation to report under the Reclamation Reform Act. However, at times the Bureau of Reclamation through the Reclamation Reform Acts and the rules and regulations for implementation of that law, require that landholders and renter who receive water from a Federal Reclamation project on owned or leased land anywhere in the Western United States as a Legal Entity, Limited Recipient of which you own 4% or more, an Individual or as a qualified Recipient, are required to report as to their landholding. When this is required as a water user and/or landowner of BID, you will be required to comply with the Regulations. Failure to do so may lead to fines and/or legal action that you will be responsible for.

XII. Subdivisions

In subdividing land it is the responsibility of the landowner(s) to provide access to water from the original turnout provided on the canal, lateral or a delivery point approve in writing by the District Board of Directors to each lot of a subdivision or each small acreage and to provide an easement to allow the ditch or pipeline to be maintained. Failure to obtain an access by new owners for water delivery to individual parcels of land in a subdivision is not considered reason to abandon any water right or assessment on the property. (See Water Assessment III). Headgate use will be treated as a multiple head gate turnout. (See Multiple Turnout V). Maintenance and construction of delivery systems

from the District point of delivery to the individual property is the landowners responsibility. (See Responsibility for Water I,B). This maintenance and construction can be handled as stated below (XII, C,D). All subdividing should be done in accordance with County Ordinance. (See Cassia County Subdivision Ordinance.)

A. Ditchrider.

When a parcel of land lying within an Irrigation District is subdivided into tracts of four (4) acres or less, and plats of such subdivision are filed as provided by law, and the owners fail to properly apportion the water to their various tracts in the subdivision, or upon request made by fifty percent (50%) or more of the owners of the tracts in the subdivision, the Board of Directors may employ some competent person to distribute and apportion water for such tracts. The reasonable costs of such services shall be apportioned each year by the Board to such tracts. The costs of such services shall be assessed by the Board as a special charge to the tracts in the same manner as other assessments are made by the Board. The assessments so levied and apportioned shall be a lien upon the tracts, and shall be collected in the same manner as all other assessments are levied and collected by the Board. (Section 43-332, Idaho Code)

B. New Improvement.

The holders of title, or evidence of title, representing a majority of the acreage of any body of land within the District may file with the Board of Directors a Petition in writing, praying for the construction of any improvement necessary or expedient for the efficient irrigation of the lands. The Petition shall in a general way describe the proposed improvement and shall describe the tracts, or body of land, owned by the Petitioners, and shall contain a description of the exterior boundaries of the land for which the proposed improvement is to be constructed, and describing therein any lands that are to be excepted from the benefit or use of the proposed improvement. The Petition shall also contain an agreement on the part of the Petitioners that the cost of construction of the improvement shall constitute a lien upon the lands within the exterior boundaries of the land described in the Petition, except the lands that are therein excepted from the benefit of use of the proposed improvement. The Petition shall be deemed to give assent to the District to construction of the improvement and shall authorize the assessment of the cost of such improvement upon and against the lands described in the Petition and not specifically therein excepted. The Petition shall be acknowledged in the same manner that conveyances of land are required to be acknowledged. (Section 43-328, Idaho Code)

If the Board of Directors deem it for the best interest of the District that the proposed improvements be constructed, it may by resolution call an election to be held within the boundaries of the land described in the Petition for the purpose of submitting the question as to whether or not the proposed improvement shall be constructed. The Board at the time of calling the election within the land described in the Petition shall also by resolution call an election to be held within the District at large for the purpose of submitting the question as to whether or not the proposed improvement shall be constructed. Upon the approval by a majority of the votes cast in these elections, the improvements may be constructed by the District. (Sections 43-329 and 43-330, Idaho Code)

C. Delivery.

When a parcel of land lying within an Irrigation District is subdivided into tracts of four (4) acres or less, and the owner has made no provisions which in the opinion of the Board of Directors is adequate for the proper distribution of water thereto; or when improvements for the distribution or delivery of water to any tract of land are not owned by the District and the owner or person in control of the improvement fails to maintain, repair or replace the improvement as required for the proper and efficient distribution or delivery of water to any tract; or when fifty percent (50%) or more of the owners of the tracts in any such subdivided parcel requests that the Board provide for the proper distribution of water thereto or requests that the Board maintain, repair or replace the improvement as required for the proper and efficient distribution or delivery of water to any tract, the Board may construct, repair or maintain such improvement, and levy and collect an assessment upon all tracts especially benefitted thereby, to defray the whole or any portion of the cost and expense thereof. (Section 43-331, Idaho Code)

D. Assessment.

1. The owners of two (2) or more lots each of which is less than five (5) acres in size in any subdivision which has been given assessment numbers may request of the assessor of the District in writing that those lots be combined for assessment purposes, whereupon the assessor shall combine those lots into a single assessment number, which may be the same as the number previously assigned to one of the lots, which number with an accurate description of the lots designated by such numbers shall be included in the list of Irrigation District assessment numbers filed with the Board of Directors. Thereafter, such combined areas shall be deemed to be a single parcel for all purposes related to the levy and collection of assessments and shall constitute a single lien against the entire combined area. The request to combine the parcels for assessment purposes shall include the name and mailing address of the person designated by the requesting landowners to receive notices from the District. All assessments notices which otherwise would be sent to the individual landowners, shall be sent to the person thus designated, and shall be deemed to have been sent to the owner of each parcel included in the combined area. (Section 43-701 (2), Idaho Code) (See Water Assessment III).

2. Whenever the cost of making and collecting assessments against residential tracts, one (1) acre or less in size, is determined by the Board of Directors to be burdensome on the District and on the owners of such lots, the Board may assess all such tracts at a flat rate, to be determined by dividing the total amount assessable against all such tracts by the total number of such tracts, and the flat rate assessment thus determined may be certified to the county auditor of the county in which the lands are situated, and said assessments may be collected by the county, or the assessment shall be collected by the District in substantially the same manner that other assessments are collected. The Board, in the reasonable exercise of its discretion, may establish the maximum lot size for flat rate assessments at any size within the range between one-fourth (1/4) acre and one (1) acre.