

# Arrowhead Water District By Laws

11/01/11 Rev 4

## **PREAMBLE**

These Rules and Regulations Governing the Operation and Distribution of Irrigation and Domestic Water within the Arrowhead Water District are established pursuant to Idaho Water Law Title 42, Chapter 32 which states that, each District shall establish rules for the distribution and use of water. Arrowhead Water District has established these rules to ensure equitable, economical, and efficient distribution, use, and conservation of water resources available to the District. The Arrowhead Water District is dedicated to and will strive for the orderly and timely delivery of those water resources through every effort possible within the physical and operational constraints of the distribution facilities and operator. The District is committed to excellence in resource management and all aspects of operation.

## **MISSION STATEMENT**

To protect, deliver, and develop the Arrowhead Water Districts water resources for the maximum benefit of the Arrowhead Water District community by providing excellent irrigation and domestic water service.

## **GENERAL INFORMATION**

The District is a local public agency of the State of Idaho organized in 1984. It includes approximately 500 acres and maintains over 20,000 feet of ditches and pipelines. The District also holds title to 3 wells located on 2.1 acres of property in the District's name. The District also currently maintains and operates a single irrigation storage reservoir for members with an additional small reservoir under development. Easements for the aforementioned facilities are on file at the Lemhi County courthouse in Salmon, Idaho. Water to supply the District comes from the Jesse Creek Watershed under water rights 75-00019D, 7500021, 75-14467, 75-00022, 75-00005, and 75-14465 currently under review by the Idaho Department of Water Resources . Arrowhead also owns water right 75-07568 associated with the wells and water right 75-14491(storage and irrigation from storage currently being developed for use). The District also may deliver irrigation water to non-members that have separate water rights and are located within Stormrider Estates. These lot owners each have four separate water rights. Each water right has a separate diversion rate and priority (1894, 1889, 1883 and 1868). The 1894 priority will provide approximately 6.9 gallons/minute/acre usually until mid to late July. The 1889 priority will provide approximately 2.7 gallons/minute/acre, usually until late August. The 1883 and 1868 priorities can normally be expected to provide at least partial flows for the normal irrigation season. The two rights combined provide approximately 0.3 gallons/minute for each acre of land. Non-members do not have access to Arrowhead

storage water rights. Flow rates stated above are “maximum diversion rates” allowed at the point of diversion and have not been reduced for line or ditch loss. Also, at times the maximum diversion rates are not available for delivery.

The Arrowhead Water District is part of the State administered Water District 75A. The District is governed by a five member Board elected by the members within the District’s boundaries (see attachment 1). Regular monthly meetings of the Board are held at the Slavin Law office located at 116 North Center Street, Salmon, Idaho, typically at 11:00 a.m. on the last Friday of each month. All meetings are open to the public. Water users in the District are particularly urged to attend. Special meetings are also held. Advance notice of special meetings is posted at the Slavin Law Office. The Board endeavors to carry on the affairs of the District in an economical, businesslike, and orderly manner and to distribute water equitably to both member and non-member water users at cost. The District makes no profit. To assist in this effort and to secure the greatest good to the greatest number, the following rules are adopted. Each Irrigator and Landowner, as a party directly interested in the welfare of the District, should make every effort to see that the rules are complied with. These rules and regulations may be changed at any time by order of the Board.

## **DISTRICT PERSONNEL**

The Board employs an acting secretary to provide general legal advice and to accurately record, file, and store meeting minutes. During the irrigation season the District employs a Water Master to manage and maintain the water and water delivery system. In general the Water Master is responsible for maintenance, repair, and improvement of District works and for apportioning and distributing District water to its Water Users.

## **TABLE OF CONTENTS**

SECTION 1:	<a href="#"><u>DEFINITIONS</u></a>
SECTION 2:	<a href="#"><u>ENFORCEMENT OF RULES &amp; REGULATIONS</u></a>
	<a href="#"><u>General</u></a>
	<a href="#"><u>Failure to Comply with Rules &amp; Regulations</u></a>
	<a href="#"><u>Restoration of Service</u></a>
	<a href="#"><u>Disputes</u></a>
SECTION 3:	<a href="#"><u>FACILITIES</u></a>
	<a href="#"><u>Control of Facilities</u></a>
	<a href="#"><u>Operation of Facilities</u></a>
	<a href="#"><u>Private Use of District Facilities</u></a>
	<a href="#"><u>Access to Lands</u></a>
	<a href="#"><u>Encroachments</u></a>
	<a href="#"><u>Construction of Water Conveyance Facilities</u></a>
	<a href="#"><u>Design of Water Conveyance Facilities</u></a>
SECTION 4:	<a href="#"><u>DUTIES OF WATER USERS</u></a>
	<a href="#"><u>Responsibilities</u></a>
	<a href="#"><u>Use of Water</u></a>
	<a href="#"><u>Charges</u></a>
SECTION 5:	<a href="#"><u>DISTRIBUTION OF WATER</u></a>
	<a href="#"><u>Allocations &amp; Entitlements</u></a>
	<a href="#"><u>Scheduling &amp; Notification</u></a>

[Measurement](#)  
[Interruption or Refusal of Service](#)  
[Unauthorized Use of Water](#)

SECTION 6:

[LIABILITY](#)  
[District Liability](#)  
[Water User Liability](#)  
[Claims for Damages](#)

Attachments

- 1 Board of Directors
- 2 Rules for assessment of water charges
- 3 Revision Log
- 4 Arrowhead Water District Boundaries

## SECTION 1: DEFINITIONS

**Board:** elected Board of Directors of the District.

**Conduits:** ditches, pipes, measurement, and control devices, and all related to the District's water conveyance facilities.

**District:** means the ARROWHEAD WATER DISTRICT functioning under Irrigation District Laws of the Idaho Code, Title 42, Chapter 32

**District Conduit:** any conduit owned, managed, or leased by the District.

**District Facilities:** includes dam, structures, wells, conduits (pipelines), pumps, risers, reservoir, and all other facilities of the District.

**Irrigating:** the application of water to land regardless of water source (domestic or irrigation).

**Irrigator:** the person responsible for distribution and control of irrigation water applied to the irrigated parcel.

**Landowner:** holder of title or evidence of title to land within the District.

**Member:** land owners to which the District delivers water and who's water rights are appurtenant to their land but are owned and managed by the District. Arrowhead may also deliver water through Arrowhead Systems to non-members who either themselves or their predecessor in ownership have chosen to maintain separate water rights.

**Person:** any person, firm, association, organization, partnership, business trust, corporation, or company.

**Private:** any interest belonging to, restricted to, or intended for an individual or group of individuals' benefit.

**Tenant:** person or entity that leases, rents, or sharecrops land from a Landowner.

**Shall:** is mandatory and **may** is permissive.

**Vehicle:** any motor vehicle, self propelled vehicle, motorcycle, motorized bicycle, or all terrain vehicle.

**Water Allotment:** means the base quantity of water that can be legally applied to each acre of land within the District that can receive District water from District Facilities.

**Water Master** means the Districts employee serving under the direction of the District in regard to the control and delivery of irrigation water.

**Water User:** the person who has the primary responsibility for irrigating or the use of domestic water.

## SECTION 2: ENFORCEMENT OF RULES & REGULATIONS

### ***General***

2.1-Landowners and irrigators should realize that it is in their interest that District personnel perform their duties and maintain order and control in the distribution of water. Cooperation in this effort is the key to satisfactory service to all. District personnel have been instructed to carry out their duties without favor or bias to any person and to do so in a courteous and respectful manner.

2.2- All Water Users, by applying for or receiving water service from the District, agree

to be bound by and to comply with all rules and regulations of the District, as adopted from time to time by the Board.

2.3- All District employees and board members are charged with enforcing the rules and regulations as established by the District and by the State of Idaho.

### ***Failure to Comply with Rules & Regulations***

2.4- Failure or refusal of any Landowner, Water User, Irrigator or renter, member or non-member to comply with the rules and regulations governing the distribution of irrigation or domestic water within the District's service area, or any part thereof, may be sufficient cause for curtailment or termination of delivery of water.

2.5- Interference by any Landowner, Water User, Irrigator, or renter with a District employee, agent or official in the discourse of their assigned duties may be sufficient cause for curtailment or termination of delivery of District water to any and all lands of such Landowner, Water User, Irrigator, or renter.

2.6- The District reserves the right to terminate or discontinue the delivery of irrigation water supplied to any parcel of land if the condition of the land or irrigation facility presents an immediate danger to any person, to the general public, or to any property, including, but not limited to, the flooding of property.

2.7- Compliance with each and all of these rules shall be a condition precedent to the delivery of water to any irrigator. The Board of Directors retains the authority to rule in all instances that are not specifically contained in these rules and regulations

### ***Restoration of Service***

2.8- Water delivery that has been curtailed or terminated shall be restored upon full compliance with the rules and regulations governing the distribution of irrigation water within the District's service area unless the Board has instructed otherwise. The Board may require a \$100 fee prior to restoring water service after the Board has curtailed or terminated water delivery for cause.

### ***Disputes***

2.9- Where the Water Master or other District employee and an Irrigator or Landowner cannot agree, the matter shall be referred to the Board for hearing and discussion. The decision of the Board shall be final and binding in the absence of court proceedings.

## **SECTION 3: FACILITIES**

### ***Control of Facilities***

3.1- All District Facilities are under the exclusive control, direction, and management of authorized District personnel. At no time shall any unauthorized person, private or public, interfere with, regulate, or control any District facility.

3.2- Facility inquiries in regard to control shall be directed to the Water Master.

3.3- No unauthorized opening shall be made in any District conduit (pipeline, ditch, etc.) until an application, in writing, has been made to the District and approved by the Board.

### ***Operation of Facilities***

Limits of Liability

3.4- The District's responsibility for water shall cease when the water is diverted into any Private Facility.

3.5- The District shall not be liable for any nuisance or neglect, wasteful or other use, or handling of water by any recipient or user thereof.

3.6- The District shall not be responsible for any trash, debris, or other matter that may flow or accumulate in the water. The District shall not be responsible for any interference with, decrease in the operation or capacity of, or damage to facilities, public or private, as a result of such trash, debris, or other matter.

3.7- The District is not a guarantor of service and shall not be liable for any damage any person may suffer as a result of insufficient water, water fluctuations, untimely delivery of water nor water not delivered.

#### Conduits (ditches, & pipelines)

3.8- The operation of District Conduits shall be at the discretion of the Water Master with oversight from the Board. This includes the determination of the safe operating level or capacity of all Conduits.

3.9- Operation of the District Conduits is subject to change at anytime without prior notice.

#### Control Structures

3.10- Center gates, valves, weirs, flashboards, and other control devices not listed here, are to be operated by the Water Master or his/her designee. Properly trained non-district personnel, under the approval of the Water Master may adjust any such facility at anytime without prior notice to ensure the safe operation of the delivery system. The Water Master must be notified immediately of such action. Permission is granted to perform the activity once, and shall not establish any precedence for future consideration.

3.11- District personnel are authorized to take any measure necessary to secure control structures including, but not limited to, the use of locks and chains.

#### Reservoir

3.12- The reservoirs shall be operated by the Water Master. The reservoirs are to be operated in conjunction with irrigation deliveries and to supplement said deliveries to provide members efficient and economical delivery of irrigation water.

3.13- Inflow and outflow rate of the reservoirs shall be determined by the Water Master in order to maximize efficiency and safety of operations.

#### Wells

##### *General*

3.14- The District owns three deep wells and associated systems. These systems may, in the future, supplement the water supply for either domestic and/or irrigation purposes.

#### Private Facilities

3.15- All new delivery facilities (pipelines/risers/shutoff/etc) shall be paid for, by the owner and shall then become the property of the District. All laterals, pipelines, take outs etc. shall be constructed under the control and to the standards specified by the district.

3.16- All Private facilities beyond the shutoff shall be properly maintained by the owners to permit sufficient capacity to convey appropriate flow in a manner that minimizes the potential of pipeline breaks or pressure surges, seepage, or any other unreasonable use of irrigation water.

3.17- The operation of Private facilities is the sole responsibility of the owners and shall

be in such a manner as to prevent the unnecessary waste of water and prevent damage to third parties.

3.18- In the event that an owner of a Private facility in disrepair has been notified of the inadequacy of the facility by the District and has failed to improve the condition of said facility, the District, at its discretion, may complete the necessary repairs in order to protect the interests of the District. In such an event, the District shall bill the owner of the Private facility for any and all costs associated with making the necessary repairs and affect any non-payment penalties as may be appropriate.

3.19- The operation and maintenance of Private facilities by the District shall not establish any ownership or set any precedence for any future operation or maintenance of said facility.

3.20- The Water Master shall deliver the scheduled amount of irrigation water to the Water Users. It shall be incumbent on the Water Users to control the actions of individuals taking water from Private conduits.

3.21- The District shall not be responsible for any damages to Private facilities caused by the inappropriate use of water by Water Users.

3.22- The District may refuse to deliver water to any person not complying with an obligation to maintain or help maintain any Private conduit and may deliver water to other Water Users from a conduit who has met the maintenance obligations. However, the District shall maintain the right to discontinue the delivery of any water to all Water Users through a Private conduit until such time as the conduit is put into a proper condition as determined by the Water Master.

### ***Private Use of District Facilities***

#### Transportation

3.23- No person or agency, public or private, shall transport any water or other substance through District Facilities without the prior written agreement of the District. Water and other substances, permitted through written agreement to be transported via District Facilities, shall meet all applicable federal, state, and local water quality standards and provisions.

#### Rights-of-Way

3.24- District roads, rights-of-way, easements, and lands owned by the District are intended to be used for District operations and maintenance activities. No unauthorized Vehicle shall be permitted on or within District roads, rights-of way, easements, or lands owned by the District. District roads, rights-of-way, easements, and lands owned by the District are for the exclusive use of authorized District employees and agents, and other authorized persons permitted in accordance with these Rules and Regulations. Persons requiring a specific use of a District road, right-of-way, easement, or land owned by the District may apply to the District for written permission prior to such use.

Notwithstanding any permission granted by the District, use of District rights-of-way, easements, and lands owned by the District is at the sole risk of the user.

3.25- The following persons are authorized to operate a Vehicle upon a District road or right-of-way: (1) The Water Master or any persons acting under direct control of the Water Master; and (2) Any sheriff, police, fire, or public, safety personnel on official business.

3.26- The District reserves the right to bill the owner of any livestock or equipment, for any and all costs associated with the maintenance or repair of facilities damaged by their livestock or equipment.

#### Crossings/Culverts

3.27- Except as otherwise specifically permitted by the District in writing, no person shall cross any District Facility, including without limitation any ditch, pipeline, or other crossing, except those clearly intended for public use.

3.28- No improvements such as buildings, bridges, gates, cross canal pipes, facilities, etc., shall be constructed or placed in or over any District Conduit until applications for an Encroachment Agreement or Revocable License Agreement have been made to the District and Board authorization is granted therefore. The applicant does not acquire any rights in the District's right-of-way other than those set forth in the signed agreements.

3.29- All such permitted buildings, roads, bridges, gates, cross canal pipes, or other cross canal facilities shall be constructed, erected, installed, and maintained at the Landowner's expense and built in accordance with the construction and design standards of the District where applicable.

#### Liability

3.30- Any person entering upon District property or District right-of-way does so at their sole risk and assumes all risks associated therewith and by such action accepts the responsibility for any resulting damage to District or Private property.

### ***Access to Lands***

3.31- The Water Master and other authorized agents of the District shall have free access at all times to all Private Conduits and lands being irrigated for the purpose of determining whether or not the Conduits are in satisfactory condition to handle the water and whether the water is being used efficiently and economically. Where access is denied by the Landowner or Landowner representative, water delivery may be curtailed or eliminated until the request for access has been granted.

3.32- The District shall be granted access to any lands within its sphere of influence when responding to an emergency upon notification from law enforcement or other person.

3.33- If the District holds a right-of-way or easement across Private land for the operation and maintenance of a conduit (pipeline) or other facility, the law provides that the District shall have certain secondary rights, such as the right to enter upon the property on which the right-of-way or easement is located; to make repairs; and do such things reasonably necessary for the efficient and economical operation and maintenance of the system. Reasonable attempts will be made to contact the Private landowner prior to entry except in the case of emergencies (blow out, etc.)

### ***Encroachments***

3.34- No trees, vines, shrubs, corrals, fences, buildings, bridges, or any other type of encroachment shall be planted or placed in, on, over, or across any District Facility; or the right-of-way therefore except pursuant to specific written authority of the Board. Any such encroachment of an unusual or extraordinary nature shall be approved by the Board.

3.35- Any encroachment, authorized or otherwise; in, on, over, under, along, or across any District Facility or right-of-way that interferes with the operation or maintenance of said facility may be removed by the District, at the sole expense of the encroacher or



adjacent Landowner. Authorization for an encroachment will end if and when said encroachment is determined to be in interference with District operations.

### ***Construction of Water Conveyance Facilities***

3.36- No private stop gates, stand pipes, turn out pipes, or valves, lift or sprinkler pumps or other privately owned facilities shall be connected to or placed in or on District Conduits conveying District water unless and until all the following have occurred:

(a) A written application setting forth the type and specification of the installation to be made is filed with the Board.

(b) The application and specifications are approved in writing by the Board prior to start of construction.

(c) If any of the work is to be performed by District personnel (if available) the full estimated cost to the District is paid to the District by the applicant in advance; however, the applicant shall be responsible for the actual costs of construction irrespective of the amount of the estimate. Upon completion, the applicant shall pay the difference between the estimated amount and the actual costs if the estimate is exceeded. If the actual cost is less than the estimate, the applicant will receive a rebate from the District for the overpayment.

(d) In order that all involved be protected, in instances and to the extent the Water Master deems appropriate, a written contract is entered into specifying the conditions of performing the work and conditions applicable to the use of the facilities.

(e) If the work can affect the flow of water in works of the District, the work must only be performed during times approved in writing by the Water Master. Ordinarily, in the absence of an emergency, such work will not be permitted during the period of April 1 to November 1

3.37- No irrigation system improvements, shall be installed, constructed or placed in, on, over, under, along, or across any District Facility or right-of-way unless written permission, in the form of an encroachment agreement and/or a revocable license agreement, has first been granted therefore by the District. No permitted person or agency, public or private, shall acquire any rights in the District's Facilities or rights-of-way other than those set forth in the District's agreement. Permittees shall, at their sole expense, upon receipt of notice from the District, promptly relocate or remove any improvement. In the event that the Permittee fails to do so, the District reserves the right to perform such relocation or removal at the Permittee's sole expense.

3.38- Without limitation, no improvements, including buildings, bridges, culverts, gates, corrals, landscaping, conduits, or structures of similar nature, shall be planted, installed, constructed, or placed in, on, over, under, along, or across any District Facility or right-of-way unless written permission has first been granted therefore by the District. No permitted person or agency, public or private, shall acquire any rights in the District's Facilities or rights-of-way other than those set forth in the District's agreement. Permittees shall, at their sole expense, promptly upon receipt of notice from the District, relocate or remove any improvement. In the event that the Permittee fails to do so, the District reserves the right to perform such relocation or removal at the Permittee's sole expense.

### ***Design of Water Conveyance Facilities***

3.39- All new Private or Improvement District Facilities are to be approved, in writing, by the District Board and Water Master prior to the start of construction. Plans and

construction details shall be submitted to the District along with payment of any charges and a written request.

3.40- The District Board shall approve any District Facilities. The design of said facilities shall be required to meet the flow requirements of the land being served without impacting operations of the District or other Landowners. - Water Users shall be required to install, operate, and maintain lift or booster pumps, at their sole expense, for all irrigation improvements that cannot utilize District delivered gravity water.

### ***Private Water Line Extensions and Recovery of Water Line Extension Costs***

3.41

There is a one time \$1000.00 water hookup fee for members (see Attachment 2 for details for both members and non-members ). Additionally for patrons that need to convey water (line extension) to their property, they will need to do so at their own expense using industry standards with prior approval, in writing, by the District Board and Water Master. Plans and construction details shall be submitted to the District along with payment of any charges and a written request. The Board and Water Master will ensure that the design of the water line extension shall meet the flow requirements of the land being served and any future water withdrawal requests (within reason) from the new water line conveyance system. The Board will also evaluate the project to ensure that the new development will operate to meet the patron's needs, be designed to meet peak capacity needs, and operate without impacting existing operations of the District or existing Patrons.

To ensure that the original contributor (member making the original investment in the new pipeline) qualifies for future reimbursement of their water line extension investment by other patrons that wish to utilize the new pipeline, the Board has adopted the following cost recovery strategy:

For the ten years subsequent to the original contributor's investment, patrons who wish to appropriate water from the new water line extension must refund the original contributor for their portion of line. This portion will be calculated on a flat fee equally proportioned amongst all potential users on that water line extension. This strategy ensures that each potential water user bears a proportional costs for the line. The original contributor of the water line extension is the only person to be reimbursed. The original contributor must understand that they may or may not be reimbursed depending on the number of other patrons that tie into the extension during the ten year period. After ten years the original contributor will no longer be eligible for reimbursement.

## **SECTION 4: DUTIES OF WATER USERS**

### ***Responsibilities***

4.1- All land to be irrigated shall be properly prepared to efficiently and economically receive water.

4.2- Water Users shall maintain Private facilities in a manner that is conducive to the reasonable and beneficial use of supplied water. The Water User is responsible for ensuring that all Private facilities are in an acceptable working condition, able to receive water at the irrigation start time, and capable of continued use for the duration of the

irrigation event.

4.3- Water Users shall be responsible for the control and distribution of water to their lands at all times after the water is diverted from a District Facility. As determined by the District, where control is not appropriately exercised by the Water User, the District may require that an Irrigator be present at all times during irrigation events.

4.4- Water Users shall be responsible to close all privately owned gates and valves at the conclusion of the irrigation event.

4.5- Water Users are responsible for communication with the Water Master. The District requires that the Water Master be notified of changes that may occur during the irrigation event.

4.6- During times of water shortages and rotations the Water Master may require any Water User, at the end of an irrigation event, to notify the Water User next in line for the receipt of water.

4.7- During times of water shortages and rotations for the purposes of determining operation schedules and water demand, the District may require that Water Users submit a water need declaration to the Water Master prior to or during the first irrigation event of the irrigation season. The water need declaration shall include without limitation the number of acres to be served and an estimate of the annual crop water requirement.

4.8 -To facilitate proper communication the District requires that Water Users provide a mailing address, Landowner telephone number, e-mail, and Irrigator telephone number.

### ***Use of Water***

4.9 - All District supplied water must be applied efficiently and used reasonably and beneficially.

4.10- All District supplied water shall be used for irrigation purposes, except for the identified properties where culinary water is supplied.

4.11- Any Water User who wastes water on roads, vacant land, or land previously irrigated, either willfully, carelessly, or on account of defective or inadequate conduits or facilities, or inadequately prepared land, or who floods a portion of the land to an unreasonable depth or amount in order to irrigate other portions, or floods across one parcel to irrigate another parcel, may be refused District water until such conditions are remedied.

4.12- Irrigation water shall not be used on lands without water rights. Water Users shall not use water on lands outside the District that was originally applied on lands within the District, whether by routing through a conduit, first flowing it across land within the District, recapturing it from drains, or otherwise. The District has the authority to terminate any current or future water use if it is determined that the aforementioned event has occurred. The District may also require that facilities be constructed to ensure that future deliveries are maintained on the property to which it was originally diverted. Domestic water will not be provided to any home unless there is adequate water and water rights to do so. If water is available the requesting home must be at least 50% complete prior to the delivery of water. Domestic water takeouts will not exceed  $\frac{3}{4}$  inch. Any proposed use that significantly increases the amount of Domestic Water used such as a heat pump that does not utilize a closed loop system must be specifically approved by the Board prior to installation and generally would not be allowed.

### ***Charges***

4.13- The Board shall, annually, establish the rates of charges for water and the payment due dates. (See attachment 2)

4.14- All irrigation water charges shall be due and payable as stated by Board resolution and notices in billing statements. Typically, water charges are billed annually prior to the irrigation season. The water charges due must be paid prior to turning water on. No proration of water charges will be made when water charges are not paid on the due date unless approved by the Board.

4.15 – All culinary charges need to be paid annually prior to the year of use. Charges will be prorated and refunded if a user sells their property and charges will be directed to the new owner.

4.16 - Landowners are responsible for all charges regardless of whether or not the land is being rented, leased, or farmed by a third party.

4.17 - The District reserves the right to enforce payment of delinquent water charges and penalties through any and all of the following methods: (a) cause a lien therefore to be placed and enforced pursuant to Idaho Code on the subject real property of the delinquent account; (b) through contracts with County Tax Collectors, placement of delinquent charges on county tax rolls for collection; (c) refuse or discontinue water service (d) require full payment in advance of the annual charges for future service; and (e) bring action to collect.

## **SECTION 5: DISTRIBUTION OF WATER**

### ***Allocations & Entitlements***

5.1- Irrigation water is typically available starting in April and ending during the middle of October.

5.2- The Water Master shall determine and has the authority to apportion water to the District distribution system. The Water Master shall be held responsible for the equitable, efficient, and economical distribution of the water that is allotted to the District or non-member water user by law.

5.3- Water shall be distributed equitably and fairly to Water Users within the District who have paid all charges and penalties.

5.4- No Water Users shall receive or be entitled to a greater amount of water than can be reasonably and beneficially used without waste.

5.5- The District does not guarantee that delivered water will be of any specified condition or quality.

5.6- The District may, during times of water shortages vary the irrigation time and flow rate so long as the Water User is afforded a reasonable opportunity to utilize a fair allotment of available irrigation water.

5.7- During water shortages the Board may give members preference to District water used on lawns and gardens smaller than ½ acre.

### ***Scheduling & Notification***

#### **General**

5.8- In times of adequate water, distribution of irrigation water shall generally be “use as needed”. In times of water shortage, distribution of irrigation water shall generally be by rotation, but where appropriate, the Water Maser has the authority to implement variations to the delivery schedule and/or method.

5.9- Rotation schedules which set forth each Water User's rate of flow, day or days of the month, and duration of delivery may be prepared by the Water Master under the direction of the Board. Preliminary rotation schedules may be prepared prior to the start of the

irrigation season or as circumstances change during the irrigation season. Upon request, rotation schedules shall be made available to Landowners taking delivery and utilizing water from the District's Conduits. The District reserves the right to revise the rotation schedule at any time during the irrigation season.

5.10- During water shortages water deliveries under the rotation schedules shall be made on the basis of continuous and steady use of water during all days and nights, including holidays and Sundays. It shall be incumbent upon the Water User to fully utilize water during the allotted time and to relinquish the water at the end of the scheduled time period unless otherwise approved by the Water Master. In order to prevent the waste of water, it is mandatory that every Water User notify the Water Master if the irrigation event must be discontinued prior to the scheduled time or if the District conduit is compromised.

5.11- The Water Master shall provide as much advance notice as possible to Irrigators, of the approximate time that water will be delivered or curtailed

5.12- The District recognizes that there is a potential for breaks and/or unforeseen interruptions to occur and thus requires that the Water Users, on short notice, take the delivered water at the time it is available by the Water Master or declare a pass on the rotation.

5.13- In the event that an Irrigator or Water User cannot be contacted, located, or otherwise notified of the availability of water, the Water Master shall declare that the Water User has passed and will not receive water until the next regularly scheduled rotation.

5.14- Any person who takes water out of turn without the permission of the Water Master forfeits the right to water at the next regular rotation and is liable to criminal prosecution and the loss of water use privileges for the balance of the irrigation season.

5.15- At no time shall Water Users be permitted to use water in a manner that is not reasonable and beneficial. In the event that excessive ponding, runoff, or any other waste of water is identified, the Water Master shall reduce or terminate the delivered flow. On the first offense the Water Master shall provide a warning to the Water User, if the problem occurs again the Water Master is authorized to enact the necessary sanctions to ensure the reasonable and beneficial use of water.

## ***Measurement***

5.16- All measurements of water delivered by the District to a Water User shall be made at the diverting gate, valve or meter in the District's conduit, or at other appropriate locations as determined by the Water Master. Non-members with limited late season water rights will be required to meter water from the Arrowhead systems to insure accurate delivery of water.

5.17- The Water Master is required to measure and maintain documentation of flow rates, delivered volume, and other pertinent irrigation event statistics as determined by the State of Idaho.

5.18- All water measurements performed and documented by the District shall be considered correct in the absence of evidence to the contrary.

5.19- The District shall maintain, calibrate, and otherwise properly care for all measurement facilities, equipment, and devices. Non-members will be billed by the District for any calibration or repair required for meters that measure their separate water.

5.20- The District has the authority to install or require the installation of flow measurement devices, equipment, or structures as needed to ensure the equitable, legal distribution of water.

5.21- Measurement equipment is the property of the District and shall not be tampered with, removed, or otherwise inhibited by any person unauthorized to do so. Any unauthorized person that performs such acts is subject to criminal prosecution.

### ***Interruption or Refusal of Service***

5.22- The Water Master will make every effort to maintain an adequate flow of water in each District conduit to meet anticipated demands. However, changes in water use due to temperature variation, local runoff from precipitation, and other emergencies may cause unavoidable fluctuations and interruptions in flow. It is expected that a Water User will notify the Water Master if water is not available at the time the rotation is scheduled to begin or if the flow is interfered with during the irrigation event. It is also expected that all Water Users will cooperate with the Water Master in determining the cause of the interruption and will, to the extent practical, assist in correcting the problem.

5.23- In times of water shortage and rotation, no additional time shall be granted to Water Users who fail to use the water continuously when available during the allotted time. If a Water User fails, neglects, or refuses to use the water during the period assigned, it shall not be a valid basis for claiming the right to use water at any other subsequent time. However, if such failure to use water is due to circumstances beyond the control of the Water User, particularly if caused by the unavailability of water, the District shall endeavor to make up the lost time insofar as it can be done without unreasonably interfering with the scheduled delivery of water to other Water Users. Any such Water User which is unable to divert the full allotment of water shall promptly notify the Water Master of the desire to divert the remainder of the entitlement.

### ***Unauthorized Use of Water***

5.24- Any person who uses District water without the District's permission may become subject to criminal prosecution and/or civil liability.

5.25 - Use of District water without the District's permission may result in a forfeiture of the Landowner's and/or Water User's right to receive water on the next scheduled rotation or planned irrigation event and/or the balance of the current irrigation season.

## **SECTION 6: LIABILITY**

### ***District Liability***

6.1- The District will not be liable for any damages resulting directly or indirectly from any Private Conduit or the water flowing therein or by reason of lack of capacity in any Private or District Conduit or for negligent, wasteful, careless, or other use of handling of water by Irrigators, Landowners, or consumers of water.

6.2- Nothing in these rules shall be construed as an assumption of liability on the part of the District, its Directors, officers, or employees for any damage occasioned by the use of water by any Irrigator or for failure to enforce any of the provisions of these rules.

6.3- Most of the water furnished by the District flows through many miles of open stream and is subject to pollution, shortages, fluctuation in flow, and interruption in services.

District employees are forbidden to make any agreements binding the District to serve an uninterrupted, constant supply of water. All water furnished by the District will be on the basis of irrigation deliveries and culinary use and every consumer putting the water to other uses does so at their own risk and by doing so assumes all liability for, and agrees to hold the District and its officers and employees free and harmless from liabilities and damages that may occur as a result of defective water quality, shortages, fluctuation in flow and interruptions in service.

6.4 - The District assumes no liability for damages to persons or property occasioned through defective works.

6.5- District Conduits are to be used solely for the purpose of conveying water for use on lands within the Arrowhead Water District.

### ***Water User Liability***

6.6- Each Irrigator shall be responsible to the District and to third parties for all damages caused by his or her neglect or malicious or careless acts.

6.7- It is the duty of each irrigator to regulate and control the water delivered to his or her land so as to avoid damage to the District or third persons such as, but not limited to;

- a. Burning or otherwise injuring or destroying works of the District
- b. Dumping or flowing into the District Conduits rubbish, soil, filth, or other substances that would pollute or impede the flow of water therein.
- c. Erecting signs, fences, or other structures on or across or otherwise obstructing District rights-of-way without written permission of the District.
- d. Shutting off or reducing the flow of water from a District Conduit into a Private Conduit or field without giving reasonable prior notice of such proposed action to the Water Master.

6.8- It is unlawful to do any of the following without authority of the District:

- a. Take water from a District Conduit with intent to defraud.
- b. Disturb any facility for the control or measurement of water.
- c. Cause to be emptied or placed into any District Conduit any rubbish, filth, or obstruction to the free flow of water.
- d. Willfully and maliciously cut, break, injure, or destroy any District Conduit.

6.9- The Water User is responsible and liable for any damage caused by the Irrigator's negligence or careless use of water, or the result or failure of the Irrigator to properly operate or maintain any ditch, pipeline, or other facility for which the Water User is wholly or partially responsible.

6.10- The District's responsibility for water shall cease when the water is diverted into any Private property. The District shall not be liable for any damages that occur once the water is diverted from District Facilities.

### ***Claims for Damages***

6.11- Landowners must submit a damage claim to the District within ten (10) business days of the date that the damage occurred.

6.12- Claims shall be processed by the Acting Secretary who shall prepare a response to the claim and notify the Board.

6.13- Claims from Water Users or third parties for damages resulting from the misuse or negligent use of water by the Water User shall immediately be rejected.

6.14- The Water Master shall within five business days of notification of a receipt of a claim, investigate the incident, document the events, and provide to the Board a recommendation of action.

# **Water Facts**

## **Units of measuring water**

One gallon of water weighs approximately 8.34 pounds.

### **Acre-inch (ac-in)**

One acre-inch is the volume of water necessary to cover an acre 1 inch deep or the amount of water falling on an acre in a 1-inch rain. One acre-inch equals 3,630 cubic feet or 27,154 gallons.

### **Acre-foot (ac-ft)**

One acre-foot is the volume of water necessary to cover an acre 1 foot deep. One acre-foot equals 43,560 cubic feet, 325,851 gallons or 12 acre-inches.

### **Gallons per minute (gpm)**

One gallon is exactly 231 cubic inches. The gallons per minute measurement is the amount produced by a pump, stream, or pipeline in one minute.

### **Cubic feet per second (cfs)**

One cubic foot per second is a flow of water equivalent to a stream 1 foot wide and 1 foot deep flowing at a velocity of 1 foot per second.

1 cfs = 450 gpm = 1 ac-in/hour = 2 ac-ft/day

### **Head (H)**

Head is a depth of water, usually in feet. It can also mean pressure; a volume of water exerts a pressure on the bottom of a container, lake or stream that is proportional to the depth of water above the bottom. One foot of water (head) exerts a pressure of 0.43 pounds per square inch on the bottom surface. Or, 1 pound per square inch is equivalent to 2.31 feet of head



# Attachment 1

## Arrowhead Board of Directors

<b>Name</b>	<b>Telephone</b>
Jeff Parker (Chairman)	756-2277
Ben Jones (Water Master)	756-2967 cell 940-1840
Gay Joers	756-7072
Steve Fraziee	756-3480
Shane Hilton	756-3033

## Attachment 2

### **Rules for assessment and collection of charges for domestic and irrigation water**

Assessments are levied against Arrowhead members and non-members in a manner that as close as possible approximates each water users share of the operational and maintenance costs for the District based on the water delivered. Assessments will be adjusted as necessary by the Board to maintain this objective.

Resident members receiving domestic water will pay \$240/year. Payment is due on January 1st and becomes delinquent on February 1st. There will be a late fee of \$0.50 per day after February 1st until payment is received in full. Anyone unable to pay the full amount at one time may petition the board to make other arrangements. Any resident receiving domestic water and using either irrigation or domestic water to irrigate also pays irrigation fees as described below. Domestic water may be used for irrigation only when authorized by the Water Master.

Charges for delivery of member irrigation water in Arrowhead Water District are as follows;

1. Each member user (property or household) will pay \$150/year minimum to irrigate up to one (1) acre.  
Each non-member will pay \$200/year minimum to irrigate up to one (1) acre and \$60 for each additional acre. (storage water is not available to non-members) The Arrowhead Water Master will adjust the maximum flow rate for each non-member valve as each water right is reduced or goes out of priority as defined by the Water District 75 A Water Master.
2. Hay and pasture land irrigated by members during the season when **excess storage water** is available will pay an additional \$20/ irrigated acre.
3. Each additional **acre irrigated** for members with storage water for the **full season** will pay \$100/acre or \$50/1/2 irrigated acre
  - Estimated irrigated land is rounded up to the nearest 1/2 acre by the Water Master
  - The normal irrigation season is April 15 to October 15
  - The season for “excess water” will vary but normally will provide one irrigation after first crop hay is cut.
  - The WaterMaster is responsible for establishing the cutoff date of excess water for members so that water will last at least until October 15 for all member irrigation water users (the irrigation season ends 10/31).
  - All water users are expected to use water responsibly. This includes;
    - Not wasting water
    - Using water based on your share and the delivery option you have selected
    - Never allowing water to run in one place for over 24 hours or soaking ground below the plant root zone
    - Not allowing water to run off of your property

- Using efficient watering methods
- Following Water Master instructions on use of Arrowhead delivery system and use of water.
- Exercising care in the use of the system
- The Water Master will refer irresponsible use of water or system by any user to the Arrowhead board for appropriate action.
- All water charges are due and payable prior to April 1 of the irrigation season. Water will not be provided to anyone not paid in full by April 15 of the water year.
- The right of way and the cost of new hookups to Arrowhead systems are the responsibility of the requestor.
- In addition to the cost of a new hookup \$1000 will be charged to members to reimburse Arrowhead for capitol costs to develop system capabilities.
- Hookup fee for non-members is \$1500/property owner in addition to cost of hookup which will include a meter and lockable valve that will allow the “maximum diversion volume” for the water rights in priority to be set by the Water Master.

## Attachment 3

### REVISION LOG

- Rev 1 3/31/07 sec 4-12 added ¾ inch culinary outlet restriction and requirement for house to be 50 percent complete before receiving culinary water.
- Rev 2 1/4/07 sec 3.41 added this new section “Private Water Line Extensions and Recovery of Water Line Extension Costs” to outline recovery procedures.
- Rev 3 1/4/07 Changed name to “Arrowhead Water District” from “Idaho Arrowhead Water District” throughout text to ensure name was consistent with legal documents associated the Districts water rights.
- Rev 4 11/01/11 Added requirements for “non-members”, updated water rights information, charges, definitions and other obsolete information.