

**RESOLUTION 2024-06**

**RESOLUTION AFFIRMING ADHERENCE TO ACREAGE  
LIMITATIONS AND ADMINISTERING ITS APPLICATION**

**Greenfields Irrigation District - Board of Commissioners  
Fairfield, MT 59436**

**WHEREAS**, The Sun River Project was constructed beginning in the 1900's and has been operated since then generally pursuant to the provisions of the 1902 Reclamation Act, 32 Stat. 388, and its implementing regulations, as amended;

**WHEREAS**, One of the primary purposes of the Reclamation Act was, and remains, to promote the growth of an agricultural society in the West by limiting the quantity of land in a single ownership to which project water might be supplied, thereby promoting abundant and sustainable family farming, and discouraging or preventing speculation in land;

**WHEREAS**, To achieve this, the acreage limitations on the amount of irrigated ground any producer could own or lease and irrigate in any particular year have always been part of the operation of such Projects, including the Sun River Project;

**WHEREAS**, The Reclamation Reform Act (RRA) of 1982, 43U.S.C. § 390aa to 22-1, increased the former acreage limitation from 160 acres to 960 acres, and the validity of acreage limitations has been upheld as a reasonable means of furthering Reclamation policy and encouraging modest, sustainable family operations;

**WHEREAS**, While Greenfields Irrigation District (GID) was subject to the limitations of the RRA it operated the District and distributed its irrigation water, pursuant to its water right, in conformity with this limitation;

**WHEREAS**, GID's Board of Commissioners has consistently adhered to this limitation and has maintained it as a policy of GID for the promotion of abundant, modest and sustainable family farming, through discouraging or limiting private speculative gains in land and excessive land ownership, even after the construction costs of the Sun River Project improvements had been repaid by GID and the provisions of the RRA and implementing regulations were no longer mandatory;

**WHEREAS**, Mont. Code Ann. § 85-7-1837(6) provides for an irrigation district Board to adopt regulations necessary to administer acreage limitations. The Board recognizes that Greenfields' Board Policy & Procedures are consistent with State law and longstanding Reclamation policy required of irrigation projects that are owned by the United States Bureau of Reclamation;

**WHEREAS**, the changes to Mont. Code Ann. § 85-7-1837 effective October 1, 2023, did not alter Greenfields' authority to administer acreage limitations or the District's commitment to enforcing the acreage limitations reasonably and consistent with the underlying purposes behind the acreage limitations.

**THEREFORE**, the GID Board resolves to adopt regulations, as permitted by Mont. Code Ann. § 85-7-1837(6), in the form of revised Board Policy & Procedures that clarify application of the District's 960-acre limitation to married individuals and to unmarried individuals who are Qualified Recipients and who conduct independent farm operations. The revisions to Board Policy & Procedures that the Board resolves to adopt are intended to clarify that the same acreage limitations shall apply whether the individual is a married person or is an unmarried person, or a member of a corporation, trust or partnership.

**IN ADDITION**, and as previously addressed by GID Board RESOLUTION ADOPTING AN ACREAGE LIMITATION effective November 11<sup>th</sup>, 1995, the Board hereby reinforces its commitment to its membership, and as such, being consistent with the expressed wishes of its membership, to limit the application of GID Project water to a maximum of 960 acres and that this maximum limit shall apply to the combined total acres of land, whether the acres are owned in whole or in part or leased in whole or in part by a Qualified Recipient.

**ACCORDINGLY**, the Board resolves to take action to clarify and revise its Board Policy & Procedures regarding acreage limitations applied to unmarried individuals and to married individuals. It is intended that the Board Policy & Procedures revisions clarify that the number of assessed acres for which a Qualified Recipient individual person may order and receive District water, regardless of the individual's marital status, is limited to a combined total of 960 acres whether owned or leased or any combination thereof. This Resolution and subsequent action implemented to revise Board Policy & Procedure means individual persons are subject to the same acreage limitations without regard to marital status. This Resolution and subsequent action to revise Board Policy & Procedures accordingly does not change the method, manner or means by which the District implements and enforces certification requirements which are necessary for the District to effectively administer acreage limitations for Water Users. This Resolution does not alter the District's recognized and well-established authority, under its existing Board Policy & Procedures and state law, to administer acreage limitations, including the authority to determine who is a Qualified Recipient, whether farm operations are independent, whether an order for District Water must be filled, and whether acreage limitations are exceeded or violated.

**ACCORDINGLY**, further respecting Water Users' freedom to contract, the Board recognizes and affirms that neither this Resolution, nor its Resolution as amended and originally adopted effective November 11, 1995, prevents Water Users from purchasing, owning or leasing acreage in excess of the 960 acres limitation. Historically it has been, and continues to be GID policy, that GID may, in its discretion, deliver water to producers owning or leasing acreage in excess of the total combined, owned or leased, 960 acres limitation. The discretionary delivery of water to producers with excess acreage is and continues to be subject to excess rate charges as provided by Board Policy & Procedures. Qualified Recipients who own or lease land in excess of the 960-acreage limitation shall continue to be required to designate which lands are excess. Such designation is necessary for GID

to reasonably and effectively enforce the 960 acres limitation, and for GID Policy Objectives to be effectively carried out.

ACCORDINGLY, the Resolution does not single out or apply to a particular farm operation, but rather to all Water Users, and is within the authority that state law grants the Board under MCA § 85-7-1837(6).

NOW THEREFORE BE IT RESOLVED BY THE GREENFIELDS IRRIGATION DISTRICT BOARD OF COMMISSIONERS, that said provisions do apply and shall continue to apply to all Water Users, whether a public or private person, whether single or married, a trust, corporation, partnership, or other legal entity or arrangement, entitled to order and receive water from GID.

Dated this 18<sup>th</sup> day of November 2024.

  
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President, Tim Brunner

  
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Vice President, Bill Norris

  
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Commissioner, Dave Gulick

  
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Commissioner, Pat Brosten

  
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Commissioner, Chase Brady

Attest:   
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GID Board Secretary, Jenny Gulick

