

STANDING ROCK SIOUX TRIBE
MUNICIPAL, RURAL, AND INDUSTRIAL (MR&I) WATER SYSTEM

ADMINISTRATIVE POLICY
&
RULES AND REGULATIONS



November 17, 2008

The Standing Rock Sioux Tribe hereby adopts the following Administrative Policy & Rules and Regulations. The Tribe may amend and revise the Administrative Policy & Rules and Regulations as it deems necessary to continue efficient operation and management of the Standing Rock Municipal, Rural, and Industrial (MR&I) Water System.

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A. AUTHORITY AND OBJECTIVES

1. The Garrison Diversion Unit (GDU) Act of 1965 as amended by the GDU Reformulation Act of 1986, and as further amended by the Dakota Water Resources Act of 2000 (DWRA) (P.L. 106-554) authorized the United States Department of the Interior, Bureau of Reclamation to construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary (of the Interior) determines to be necessary to meet the economic, public health, and environmental needs of the Standing Rock Sioux Tribe (Tribe).
2. The Tribe, under contractual agreements with the Bureau of Reclamation (Reclamation), administers construction, operation, and maintenance of the Standing Rock Municipal, Rural & Industrial Water System (MR&I Water System).
3. It is the intent of the Tribe and Reclamation that the Tribe establish and publish administrative policies, rules and regulations governing construction, operation, and maintenance of the MR&I Water System.
4. It is the objective and policy of the MR&I Water Department to:
 - a. Establish rules and regulations governing operation of the MR&I Water System which will result in successful and efficient operation of the MR&I Water System.
 - b. Treat all water users consistently in accordance with the established rules and regulations.
 - c. Provide high-quality service to water users of the MR&I Water System at the lowest possible cost consistent with an established water conservation plan, sound business practices, and MR&I Water System authorities.
 - d. Publish and make the administrative policies, rules and regulations known to users of the MR&I Water System.
 - e. Create a favorable image among the water users and general public.
 - f. Provide all users of the MR&I Water System the maximum benefits of delivery and supply by recognizing that some users may require more water than other users based on family size, special needs, or other factors.
 - g. Represent the interests of water users in a fair and equitable manner.
 - h. Promote and encourage water conservation and the prudent use of MR&I Water System facilities.

B. MR&I WATER DEPARTMENT ORGANIZATION AND AUTHORITY

1. The Standing Rock MR&I Water Department is organized under the Standing Rock Sioux Tribe and operates under the general guidance of the Economics Committee of the Standing Rock Sioux Tribe. (Refer to 2007 Water Code Page 20-34, or subsequent updates to the Code)
2. By adoption of these administrative policies, rules and regulations, the Tribe has granted authority to the MR&I Water Department to implement and enforce the objective and policy of these administrative policies, rules and regulations.
3. MR&I Water Department operators shall be qualified in water treatment and/or water distribution as required by the Safe Drinking Water Act. Trainees shall work under the direction of a certified water operator.

C. TERMS AND DEFINITIONS

1. MR&I Water System: The Standing Rock Municipal, Rural, and Industrial Water System.
2. MR&I Water Department: The Standing Rock MR&I staff responsible for operation and maintenance of the MR&I Water System.
3. Water User: An individual, entity, etc. which receives water service from the Standing Rock MR&I Water System.
4. Members: Water Users who have signed a Water User's Agreement or Water Service Contract with the MR&I Water System and who have complied with the requirements of these administrative policies, rules and regulations.
5. OM&R: Abbreviation for operation, maintenance and replacement.
6. Main Line: Pipeline generally paralleling public right-of-way and section lines and serving the distribution system. The main line will generally be located such that it serves, or may in the future serve, multiple users.
7. System Line: The pipeline running from the tapping saddle or tee on the main line to a meter box or curb stop. A system line is intended to serve one water user but may be used for multiple users or units.
8. Service Line: The pipeline running from the meter pit or curb stop to the water user's home or to other yard piping or fixtures.
9. Water User Connection Point: The point at which the water user's private system is connected to the MR&I Water System metering point or curb stop.
10. Yard Area: The area of a farmstead, rural residence or home site which contains buildings, fences, wells, windmills, buried pipes, buried wires, sewers, or other

obstructions such that the installation of a buried water line by large high-production trenching machines is rendered impractical or very difficult.

11. Temporary Disconnect: Any interruption of water service not of a permanent nature.
12. Initial User: A water user who makes application or requests water from the MR&I Water System prior to the time distribution system pipelines of the area have been placed in service.
13. Subsequent User: A water user who makes application or requests water from the MR&I Water System after the transmission and distribution system pipelines of the area have been placed in service.
14. Commercial User: Any establishment which sells merchandise and/or services or produces a product with the intent of making a profit.
15. Bulk User: Any user of large quantities of water.
16. Livestock Tap: A tap in an MR&I Water System mainline or system line intended for livestock uses only.
17. On-Reservation: Any geographic or physical location within the exterior boundaries of the Standing Rock Indian Reservation
18. Economics Committee: The Economics Committee of the Standing Rock Sioux Tribe.
19. Reclamation: The United States Department of the Interior, Bureau of Reclamation.

D. TYPES OF WATER USERS

The MR&I Water Department will maintain a water user membership inventory. Water user service shall be classified according to the type of water user hookup. All changes in water user service type must be processed through the MR&I Water Department. Types of water user service currently classified by the MR&I Water Department are:

1. Occasional User: A metered water user hookup to a single family dwelling, cabin, place of business, or other approved service location which is occupied part time or seasonally and which may be within a recognized resort area. The water user at said hookup shall be restricted to household use and lawn watering and shall not exceed an annual average of 4,500 gallons per month.
2. Temporary User: A water user hookup intended to be of short duration and for a specific purpose. Temporary users are typically contractors. The water user must obtain permission and approval from the MR&I Department. Water use shall be metered and the user shall be subject to reasonable water charges assessed by the MR&I Department.

3. **Municipal Household:** A metered water user hookup located at a dwelling or other approved service location within a recognized municipality. Water use at said hookup shall be restricted to household use and lawn watering as well as livestock use, when permitted by the municipality, and shall not exceed an annual average of 9,900 gallons per month.
4. **Standard Rural Household:** A metered water user hookup to a single-family dwelling or other approved service location not within the limits or authority of a recognized municipality. Water use at said hookup shall be restricted to household use, lawn watering, and livestock use and shall not exceed an annual average of 16,500 gallons per month.
5. **High Consumption Rural Household:** Any rural household user hookup that uses in excess of an annual average of 16,500 gallons/month. High consumption users should subscribe for an adequate number of service units not to exceed six (6) service units (an annual average of 99,000 gallons per month). With application, inspection and final approval by the MR&I Water Department, one (1) meter can provide service to two (2) or more households at the same location. The primary applicant shall be responsible for the water use and repair of user-maintained facilities beyond the meter pit assembly.
6. **Standard Commercial:** Any establishment which sells merchandise and/or services or produces a product with the intent of making a product. Standard Commercial users may include: motels, car washes, gas stations, laundromats, and factories.
7. **Livestock Pasture:** A metered water user hookup that is restricted to livestock use. Water use at said hookup shall not exceed an annual average of 11,500 gallons per month. Further requirements of providing water to livestock are provided in Section I of these administrative policies, rules and regulations.
8. **Special Bulk:** Any metered water user hookup which serves numerous households, commercial users, etc. and/or that places special demands on the MR&I Water System. Special Bulk users will be provided water service based on a water service contract. Special Bulk Users may be either a) "Constant Flow Users" who provide their own water storage and distribution system pressure, or b) "Demand Users" who have the MR&I Water System provide all water storage and distribution system pressure. Special bulk hookups may include: recognized towns/communities with municipal distribution systems, rural water systems, car washes, gas stations, casinos, marinas, multiple housing facilities, mobile home and trailer courts, schools, golf courses and parks.

E. MR&I WATER DEPARTMENT RESPONSIBILITIES AND LIABILITIES

1. For all water user hookups, except Livestock Pasture hookups, Subsequent User hookups, and Special Bulk hookups as noted elsewhere in these administrative policies, rules and regulations, the MR&I Water Department will install a system line from its mainline to a point convenient to the MR&I Water Department at or near the edge of the yard area of the household or commercial establishment, at which point the MR&I Water Department will install a meter pit and meter assembly. At the MR&I Water

Department's option, it may install a service line to an approved, dry, frost-proof water user connection point provided by the water user in a house basement or suitable underground location; however, such work by the MR&I Water Department will be contingent upon a grant of right-of-way from the landowner or homeowner and conformance to other requirements of these administrative policies, rules and regulations. If an acceptable frost-free water user connection point is not available, the MR&I Water Department may install the service line as close to the household as possible to allow for the water user to complete the connection.

2. Policy and regulations for Livestock Pasture hookups are specified in Section I - "Livestock Water Service". In general, the water user will be required to pay all costs associated with constructing the hookup. The water user shall transfer ownership and OM&R responsibility to the MR&I Water System of all facilities from the point of connection to the MR&I Water System's mainline up to and including the meter pit and meter assembly.
3. Policy and regulations for Subsequent Water Users are specified in Section L - "Subsequent User Additions". In general, Subsequent User hookups are subject to available funds, water supply, and other requirements defined herein. The water user may, at the option of the MR&I Water Department be required to fund all or a portion of the cost of constructing the hookup.
4. Terms and requirements for Special Bulk hookups, including details of the connection will be described in the specific water service contract.
5. The MR&I Water Department shall be responsible for restoring areas disturbed by construction, operation, and maintenance of the MR&I water supply and distribution system, ancillary structures, facilities, and improvements, and return the area as near as possible, to its previous condition.
6. Except for Special Bulk hookups, and/or as otherwise agreed to in water use contracts, the MR&I Water Department shall be responsible for OM&R of the water distribution system up to and including the curb stop, meter pit, and/or fill station.
7. The MR&I Water Department shall not be responsible for damages due to water and use of water on the water user's premises unless such damage results directly from negligence on the part of the MR&I Water Department. The MR&I Water Department shall not be responsible for any damage due to defects in the piping, fixtures, or appliances on the water user's premises. The MR&I Water Department shall not be responsible for negligence of third persons or forces beyond the control of the MR&I Water Department resulting in any interruption of service.
8. The MR&I Water Department may, depending on the availability of special water conservation funding and other factors, furnish shower rate flow restrictors, low flow faucet aerators, toilet tank dams, and/or displacement bags for water conservation purposes.

9. The MR&I Water Department shall not be liable for damage resulting from fires. The MR&I Water System is not designed for providing fire flows. The Department will, however, supply water for fire fighting to the best of its ability.
10. The MR&I Water Department reserves the right to discontinue service if the MR&I Water System administrative policies, rules and regulations are not being followed, including excessive water use and/or unauthorized water use and hookups. Water service may be restored upon approval by the MR&I Water Department.

F. WATER USER RESPONSIBILITIES AND LIABILITIES

1. Water furnished through the MR&I Water System shall be used according to the classification of the water user. Water shall not be used for irrigation, except lawn watering when permitted.
2. The water user shall allow MR&I Water System appurtenances to be placed on the water user's premises and shall permit access to said appurtenances by authorized representatives of the MR&I Water Department. The water user shall, as authorized, grant to the MR&I Water System all rights-of-way needed for OM&R of the system line as, in the opinion of the MR&I Water Department may be needed to serve the water user or any other user of the MR&I Water System.
3. Water users shall cooperate with efforts of the MR&I Water Department to provide water to other users or potential users of the MR&I Water System including the requirement for an existing user to grant rights-of-way required to provide service to adjacent users.
4. Service lines shall be installed in accordance with MR&I Water System requirements by the MR&I Water System at its option, or by a licensed plumber or contractor acceptable to the MR&I Water Department. Costs incurred by the MR&I Water Department may be charged to the Water User. Installation of a service line by the MR&I Water Department shall not relieve the water user of the responsibility to maintain the line.
5. The water user's service line and plumbing must be installed to prevent cross-connection or backflow and all connections with other water sources shall be disconnected. Exception: A user's water system may be physically connected to the MR&I Water System if authorized in writing by the MR&I Water Department within a water service contract with the user. Said water service contract shall specify that the user's water source shall be monitored in accordance with Safe Drinking Water Act and MR&I Water System requirements being the water source is connected to and is considered by the Environmental Protection Agency (EPA) to be part of the MR&I Water System.
6. Piping on the water user's premises must be arranged so that the connections are conveniently located with respect to the MR&I Water System's waterlines. The water user shall furnish, install, and maintain the water service line from the curb stop or meter pit to the water user's point of use.

7. If the water user's piping is arranged such that multiple meters are required, each meter will be considered as a separate and individual membership.
8. The water user shall notify the MR&I Water Department if their home, business, etc. is vacated or service is no longer needed. Water use, water damages, or other costs which arise due to a home or service being vacated shall be the responsibility of the water user.
9. The water user's piping and apparatus shall be installed and maintained by the water user and at the water user's expense, in a safe and efficient manner and in accordance with the MR&I Water System administrative policies, rules and regulations and in full compliance with the sanitary regulations of the Tribe.
10. In the event that any loss or damage to property of the MR&I Water System or any accident or injury to persons or property is caused by, or results from, negligence or wrongful act of the water user, his agent, or employees, the cost of necessary repairs or replacement shall be paid by the water user to the MR&I Water System and any liability otherwise resulting shall be assumed by the water user. The amount of such loss or damage or the cost of repairs shall be presented to the water user and, if not paid, services may be disconnected by the MR&I Water Department.
11. For Livestock Pasture hookups and other high water usage connections which may adversely affect water service to other water users of the MR&I Water System, a flow restriction valve acceptable to the MR&I Water Department may be required. In times of water restrictions, service to livestock pasture taps and other high water usage connections may be suspended.
12. Water users shall adhere to the MR&I Water System water conservation plan.

G. CRITERIA FOR NEW WATER SERVICE SYSTEMS

The Standing Rock MR&I Water System utilizes the following criteria/policy for new water service systems which are to be included in the Standing Rock MR&I Water System:

1. The individual(s)/entity requesting water service from the Standing Rock MR&I Water System must submit a written application/request for water service to the MR&I Water Department and Reclamation. Information on the application should include, but not necessarily be limited to, a description and location of the facility to receive water service, a description of the need for water service, and the proposed location of any water pipeline and associated facilities to be constructed.
2. An evaluation will be conducted jointly by the MR&I Water Department and Reclamation to determine if the hydraulic capacity of the MR&I Water System is adequate to serve the proposed individual or entity without adversely affecting existing and proposed MR&I Water System deliveries.

3. Concurrence shall be obtained from the MR&I Water Department that water service may be provided and that the proposed water service pipeline and associated facilities up to and including the service shutoff valve and meter pit assembly with water flow meter, pressure reducing valve, check valve, etc., may be included in the Standing Rock MR&I Water System.
4. Funding for construction of the water system and/or service pipeline and associated facilities may come from the individual requesting water service, Tribal funds, Garrison Diversion Unit Indian MR&I construction funds, Indian Health Service, or other approved sources of funding. Construction costs shall include, but not be limited to: the costs of design and specification preparation, rights-of-way acquisition, National Environmental Policy Act (NEPA) compliance, National Historic Preservation Act (NHPA) compliance, pipeline and associated facility installation, installation inspection, and preparation of record/as-built drawings. Sources of funding construction of the facilities must be approved in advance by all individuals and entities involved in paying for the facilities. A means of making payment for costs incurred must also be agreed upon in advance.
5. The water system or water service pipeline and associated facilities shall not be constructed with operation, maintenance and replacement (OM&R) funds made available to the Standing Rock Sioux Tribe under the MR&I Water System OM&R agreement/contract with Reclamation.
6. Designs and specifications for the proposed water system and/or water service pipeline and associated facilities shall be prepared and submitted for review and approval by Reclamation prior to construction. Standard preapproved specifications and drawings may be utilized with additional site-specific specifications and drawings as necessary.
7. Pipelines and associated facilities which are to be included in the Standing Rock MR&I Water Program shall be designed and adequately sized to be compatible with the reservation-wide MR&I phased development requirements.
8. National Environmental Policy Act (NEPA) compliance must be obtained before construction of the water system or service pipeline and associated facilities is approved and/or initiated. The NEPA compliance should cover construction of the proposed pipeline and all associated facilities from the main pipeline connection through the connection with any existing water service facility of the individual/entity requesting water service.
 - a. The entity that prepares the required NEPA documents shall be subject to approval by Reclamation. Reclamation will be the responsible agency for assuring NEPA compliance for individual water service connections funded in whole, or in part by Reclamation or for individual water service connections privately funded in whole or in part. Indian Health Service (IHS) will be the responsible agency for individual water service connections funded entirely by IHS.

Note: A minimum of thirty (30) days is required to complete NEPA activities.

9. A cultural resources/archeological inventory of the proposed pipeline area must be completed prior to construction of the water system and/or water service pipeline and associated facilities to assure compliance with the National Historic Preservation Act (NHPA). The results of the inventory will be documented. Consultations with the Tribal Historic Preservation Officer (THPO) on the effects of the proposed pipeline installation shall be completed before construction is approved and/or initiated.
 - a. The entity that prepares the required cultural resource documents shall be subject to approval by Reclamation. Reclamation will be the responsible agency for assuring compliance for individual water service connections funded in whole or in part by Reclamation and for connections privately funded in whole or in part. IHS will be the responsible agency for individual water service connections funded entirely by IHS.
 - b. Note: A cultural resource and archeological inventory of the proposed pipeline area may require considerable time to complete due to scheduling constraints, weather, etc. A minimum of thirty (30) days is required for completion of NHPA activities.
10. Ownership and maintenance responsibility of the water service pipeline and associated facilities during construction shall be with the individual/entity which requested the water service and/or is responsible for funding construction of the water system or water service pipeline and associated facilities. The individual/entity shall be responsible for obtaining all permits prior to construction for utility crossings, road crossings, etc.
11. As-built drawings shall be prepared and submitted to the MR&I Water Department and Reclamation by the individual/entity installing the water pipeline and associated facilities upon construction completion. A legible copy of the contractor's field drawn as-built drawings shall be submitted to Reclamation within 30 days after completion of construction. An office drawn, quality set of as-built drawings, that include a drawing scale, shall be prepared and submitted in legible format (and electronic version if available) to the MR&I Water Department and Reclamation within 60 days after completion of construction.
12. All required rights-of-way to construct, operate, maintain, and replace the water system pipeline and associated facilities up to and including the service shutoff valve (curb stop) or meter pit assembly must be provided to Reclamation prior to initiation of construction and prior to Reclamation taking over OM&R responsibility of the water system pipeline and associated facilities.
13. A transfer contract, signed by the individual(s)/entity(ies) owning the water system facilities and an authorized Reclamation representative, must be entered into whereby ownership of the water system facilities up to and including the service shutoff valve and meter pit assembly with water flow meter, pressure reducing valve, check valve, etc., is transferred to Reclamation for inclusion in the Standing Rock MR&I Water System.

14. Maintenance responsibility of facilities on the water user/downstream side of the meter pit assembly will remain with the individual/entity receiving the water service.
15. Every applicant for service shall enter into an Agreement with the MR&I Water System whereby the water user: 1) agrees to abide by the Rules and Regulations of the MR&I Water System as a condition of membership and in consideration for the services provided by the MR&I Water System, and 2) agrees to grant the MR&I Water System all rights-of-way and access to the property of the applicant necessary to provide water service to the property of the applicant and other users of the MR&I Water System.
16. The MR&I Water Department may reject an application for water service: 1) if excessive service cost is involved, 2) if the service may adversely affect water service to other water users, or 3) for other good and sufficient reasons as determined by the MR&I Water Department and which shall be specified to the applicant.
17. No individual or party shall be eligible for service from the Standing Rock MR&I Water System if they hinder or interfere with the MR&I Water System's construction or operation in any fashion, including failure to grant right-of-way for placement of lines or appurtenances needed to serve other applicants to the MR&I Water System.

H. SERVICE TO USERS/SERVICE LINES

1. All water use, temporary or long-term, must be approved by the MR&I Water Department and be conveyed through approved meters and check valves.
2. Unless otherwise noted, all types of water users will be provided water service as follows:
 - a. Upon completion and acceptance of a water service application form, the MR&I Water Department will install or specify not less than a 1½-inch PVC system line from its main line to the water user as follows:
 - i.) The system line will be installed when possible along a route and within an area to do the least surface damage and disruption to the water user(s); however, the final determination of such route shall be made by the MR&I Water Department.
 - ii.) The water user is obligated to notify the MR&I Water Department of any existing underground facilities installed by or for the water user prior to the time of the service line installation. The MR&I Water System shall have no responsibility for disruption, damage, or repair to any subsurface utilities or facilities of any water user that the Department was not made aware of prior to service line construction.
 - iii.) The MR&I Water Department will place or specify, at their option, a separate meter pit assembly on the water user's property or will utilize a frost free

location provided by the water user for installation of the meter and related equipment.

- iv.) The MR&I Water Department may install, at its option, by either continuous bore or open cut, a line from the meter pit assembly or other frost free structure into the home of the water user or to a connection to an existing line outside the home. For a mobile home, the MR&I Water Department may provide a mobile home connection under the home.
 - v.) Under terms of the easement or other rights-of-way agreement the water user cannot construct a structure on, plant trees on, remove or add fill to the easement area without the prior approval of the MR&I Water Department. The MR&I Department shall be notified if other utilities, such as telephone lines, are installed in or cross the easement area.
- b. All rights-of way easements, rights-of-entry, special permits, and other similar items must be furnished by the water user, landowner or homeowner to the MR&I Water System as a condition of service prior to initiating construction.
- 3. Special Bulk users shall be subject to waterline construction costs and other costs on a case-by-case determination made by the MR&I Water Department.
 - 4. Livestock Pasture users shall be subject to provisions of Section I of these administrative policies, rules and regulations.
 - 5. The MR&I Water Department places domestic and municipal water use a priority above all other uses. In the event of water shortages, funding shortages, or other interruptions of system operation, the MR&I Water System shall first maintain service to households.
 - 6. Under no circumstance will water delivery be made to any water user who places a risk upon the MR&I Water System water supply and distribution system of backflow contamination (cross connection), excessive pressure, or flow interruption to other water users.

I. LIVESTOCK WATER SERVICE

- 1. The Standing Rock MR&I Water Department places water service to livestock secondary to domestic and municipal water uses. Water service for livestock will be provided only to the extent that domestic and municipal users are not significantly adversely affected.
- 2. Standard Rural Household water users and High Consumption Rural Household water users are authorized to provide water for livestock consumption in the immediate area of the water user's farmstead. The water user shall provide the location of any yard hydrant or livestock watering device to the MR&I Water Department. Extension of additional water lines beyond the farmstead by the water user for providing livestock pasture water service is not authorized by the MR&I Water System.

3. Any and all Livestock Pasture hookups must be authorized and approved by the MR&I Water Department on a case-by-case basis.
 - a. A maximum of one (1) livestock pasture hookup per mile is allowed under circumstances whereby a Livestock Pasture hookup is required by the water user as a condition of providing an easement for construction of an MR&I Water System pipeline or associated facility. Said hookups and water service shall be within the land parcel with the water pipeline.
 - b. Requests for more than one (1) Livestock Pasture hookup per mile or for livestock pasture hookups within parcels not requiring a pipeline easement will be considered by the MR&I Water Department on a case-by-case basis. Criteria to be used by the MR&I Water Department when considering additional Livestock Pasture hookups shall include the hydraulic effect it will have on surrounding household users, availability of other water sources, distance to and area of pasture, size of livestock operation, construction considerations, and the potential for sharing such additional hookup with adjacent users.
4. The water user shall be responsible for all costs associated with constructing the livestock pasture hookup. Typical construction costs include: hookup design, rights-of-way surveys and acquisition, National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance, installation of the hookup from the MR&I Water System's mainline, and construction inspection.
5. As specified in Section G, "Criteria For New Water Service Systems", designs and specifications for the water system and/or water service pipeline and associated facilities shall be prepared and submitted for review and approval by Reclamation for review and approval prior to construction. Standard pre-approved specifications and drawings may be utilized with additional site-specific specifications and drawings as necessary.
 - a. Livestock Pasture users will be provided water, as available, on a 1 gpm constant flow basis. The total amount of water made available to the water user shall be determined by the MR&I Water Department.
 - b. The Livestock Pasture water user is responsible for providing and installing equipment and controls that will limit the flow to the amount authorized. Typical equipment may include flow restrictors, tanks with shut off floats or controls, etc.
 - c. All materials utilized in the hookup shall be as specified and approved by the MR&I Water Department and shall be installed to the MR&I Water System's construction standards. The MR&I Water Department will provide a list of approved materials and equipment to the Water User prior to installation of MR&I Water System facilities by the user.
 - d. Contractors used to install Livestock Pasture hookups shall be approved by the MR&I Water Department.

- e. The MR&I Water Department shall determine the location of the meter pit assembly. The meter pit assembly shall, to the extent possible, be located within the MR&I Water System mainline easement.
 - f. Stock watering devices must be equipped with atmospheric vacuum breakers or air gaps to prevent backflow of water into MR&I Water System facilities.
 - g. Stock watering tanks shall be adequately sized based on the number of livestock and the capacity of the flow restrictor.
6. As specified in Section G, "Criteria For New Water Service Systems", NEPA compliance must be obtained before construction of the Livestock Water hookup and associated facilities is approved and/or initiated.
 7. As specified in Section G, "Criteria For New Water Service Systems", a cultural resources/archeological inventory of the proposed pipeline area must be completed prior to construction of the water system and/or water service pipeline and associated facilities to assure compliance with the NHPA. The results of the inventory will be documented. Consultations with the Tribal Historic Preservation Officer (THPO) on the effects of the proposed pipeline installation shall be completed before construction is approved and/or initiated.
 8. As specified in Section G, "Criteria For New Water Service Systems", all required rights-of-way for the MR&I Water System to operate and maintain the livestock water service pipeline and associated facilities up to and including the meter pit assembly must be provided to Reclamation prior to initiation of construction and prior to the MR&I Water System taking over OM&R responsibility of the water system pipeline and associated facilities.
 9. As specified in Section G, "Criteria For New Water Service Systems", a transfer contract, signed by the individual(s)/entity(ies) owning the water system facilities and an authorized Reclamation representative, must be entered into whereby ownership of the water system facilities up to and including the service shutoff valve and meter pit assembly with water flow meter, pressure reducing valve, check valve, flow restrictor, etc. is transferred to Reclamation for inclusion in the MR&I Water System. (Said transfer of ownership contract is not required if the livestock water service is constructed and funded by the MR&I Water System with DWRA construction funds.)
 10. Any payments due to the MR&I Water Department for reimbursement of costs associated with compliance reviews, etc. shall be paid by the water user.
 11. Livestock water use is recognized as a secondary use of the MR&I Water System. No assurance of long-term availability of such water is provided to any Livestock Pasture water user. If water to any other type of water user is limited or rationed, the MR&I Water Department reserves the right to limit or interrupt flow to livestock water users.

12. All livestock water received from the MR&I Water System shall be adequately contained and controlled to prevent waste.
13. The water user shall operate the livestock pasture hookup to assure adequate turn over of water within the line.
14. All livestock water use equipment shall be subject to periodic inspection by MR&I Water Department personnel as deemed necessary.
15. The MR&I Water Department shall be responsible for OM&R of the MR&I Water System up to and including the meter pit assembly and the water user shall be responsible for OM&R of the service line and appurtenances downstream of the meter pit assembly.

J. METERS AND METERING OF WATER SERVICE

1. Water service to each water user of the Standing Rock MR&I Water System shall be metered.
2. Water meters shall be installed in a meter pit assembly in the water user's yard area or in a frost-free, secure area of the water user's property.
3. Ownership and maintenance responsibility of water meters shall be with the MR&I Water System.
4. As a condition of receiving water service, the water user shall agree to allow MR&I Water Department personnel rights-of-way and/or access on or into the water user's property for servicing the meter and obtaining meter readings.
5. The MR&I Water Department reserves the right to check all water meters at any reasonable time and will cause all meters to be read at least monthly or as otherwise specified.
6. All water users shall be metered separately, except as follows with approval of the MR&I Water Department:
 - a. Water users who have their homes on the same premises as their commercial business establishment and who receive service through the same meter and service line.
 - b. In the case of persons living in separate dwellings on the premises of the water user and in a joint farming or business operation, receiving half or more of their subsistence from the water user or direct relief, old age assistance, Social Security or other social welfare funds and receive service through the same service line, service may be included for both dwellings through the same meter. In such cases, the Water User shall file a written statement with the MR&I Water Department to the effect.

7. Multiple permanent dwellings on a farm shall be considered as multiple housing units requiring separate memberships.
8. Trailer courts and multiple housing units may be served by one meter as a Special Bulk user if the water distribution system within the trailer court or multiple housing unit/area is not included in the Standing Rock MR&I Water System and the System is not responsible for maintaining the distribution system.
9. Seasonal dwellings of part-time residents require a membership and a meter.
10. When multiple meters are installed on the same premises for different water users, the meters shall be closely grouped and be clearly marked to designate the water user it serves.
11. The MR&I Water Department reserves the right to refuse service if the water user's pipeline and/or plumbing is installed in such a manner that does not prevent cross-connection or back flow, and if all connections from other water sources are not disconnected.
12. MR&I Water Department operators shall read and record meter readings as determined and scheduled by the MR&I Water Department. At the MR&I Water Department's option, meter readings shall be taken and recorded by the water user and be submitted to the MR&I Water Department on a schedule determined by the MR&I Water System.

K. ACCESS TO PREMISES/EASEMENTS

1. Duly authorized representatives of the MR&I Water Department shall have access as necessary to the premises of the water user for the purpose of maintaining system facilities, testing water quality, inspecting water systems, reading or testing meters, or for any other purposes required for proper operation and maintenance of the System's water supply and distribution system.
2. Each water user shall grant or convey, or shall cause to be granted or conveyed, to the MR&I Water System all required rights-of-way across any property owned or controlled by the water user, wherever said rights-of-way is necessary for proper operation and maintenance of the MR&I Water System. Failure to grant or convey such rights-of-way shall be cause for the MR&I Water Department to refuse to serve said water user.
3. If the MR&I Water System requests rights-of-way to facilitate construction, operation, and/or maintenance of its water system, and the owner of the parcel across which the rights-of-way is requested refuses to grant said rights-of-way, the following shall apply:
 - a. The affected portion of the MR&I Water System shall be redesigned and constructed to avoid the parcel and the increase in cost necessitated by that change will be documented by the MR&I Water System.

- b. If and when the owner of the parcel requests water service from the MR&I Water System, the applicant for service shall be required to pay for the increased construction costs described above, as well as any other required application and hookup fees.
 - c. Construction cost recapture provisions of this policy shall run with the land and shall also apply to water service requested on any other property owned by the person who refused to grant the requested rights-of-way.
4. Rights-of-way for major MR&I Water System facilities such as pump stations, water storage tanks, etc. located on fee land (land owned by an individual, entity, or the Tribe) will be purchased by Reclamation/the MR&I Water System if deemed necessary by the MR&I Water System. Under the guidelines of the Uniform Assistance and Real Property Acquisitions Policy Act of 1970, the MR&I Water Department will negotiate with the owner of the subject real estate to arrive at a mutually acceptable purchase price. If appropriate, the services of a qualified appraiser will be obtained with the appraised value to be used as a base for negotiations.
5. Nothing contained in this policy shall be construed as a waiver of Reclamation's power of Eminent Domain.
6. Any land which is condemned to acquire the required right-of-way cannot receive MR&I Water System water unless the cost and fees paid, inclusive of attorney, court, engineering, and administrative fees, are repaid to the MR&I Water System.
7. Rights-of-way for pipelines located on fee lands, and for water supply and distribution system facilities located on Tribal land (trust and fee) will typically be acquired by a rights-of-way easement. The following apply to rights-of-way easements:
- a. Rights-of-way for surveying and other non-construction activities will be 100 feet in width, with the pipeline envisioned to be in the center of such corridor.
 - b. Easements for construction of pipelines will be 50 feet minimum in width, with the pipeline typically to be located in the center of such corridor.
 - c. The MR&I Water System will pay for land damages and crop damages during initial construction of the MR&I Water System.
 - d. During construction the MR&I Water System agrees to stay within the described corridor, agrees to compensate the landowner for damages caused, if any, and agrees to leave the site in a cleaned up and mounded condition. After one year has passed, the MR&I Water System agrees to come back to the site and repair settlement areas.
 - e. After construction the MR&I Water Department reserves the right to access the land for repair and replacement purposes and agrees to leave the site in a clean, orderly condition.

- f. Under terms of the easement or other rights-of-way agreement the landowner cannot construct a structure on, plant trees in, remove or add fill to the easement area without the prior approval of the MR&I Water Department.

L. SUBSEQUENT USER ADDITIONS

1. The MR&I Water System shall have no obligation to provide water service or facilities to Subsequent Users, but may provide such service subject to available funds, water supply, and other requirements defined herein.
2. Subsequent Users shall make application according to the applicable policy guidelines of the MR&I Water System.
3. The MR&I Water System will not provide water service or water infrastructure to any subsequent user until a hydraulic analysis and cost of service analysis has been performed. Based on such analysis, the MR&I Water System may deny service or impose restrictions on such service to subsequent users.
4. Subsequent User applicants for service may be required to pay a nonrefundable fee, in the amount established by MR&I Water Department, to cover costs for determining feasibility and water availability.
5. For Subsequent Users, the MR&I Water System shall have the option of furnishing, installing, and funding the hookup, or, depending on funding availability, requiring the water user to furnish, install, and/or fund the hookup.

M. EXTENSION OF MAINLINES

1. The MR&I Water System's and/or the water user applicant's contribution for mainline extension costs shall be determined at the time of application. The applicant may be required to contribute the difference between the actual cost of the mainline extension and the MR&I Water System's contribution, in addition to the other payments required.
2. In the event the MR&I Water System does not have funds available to make its mainline extension contribution:
 - a. The MR&I Water Department may agree to extend mainline service provided the applicant agrees to deposit the total cost of the extension. In such case, the MR&I Water Department may, on a pre-agreed basis and as funds become available, return to the applicant that portion of the applicant's deposit equal to the MR&I Water System's mainline extension contribution. No interest will be paid on such deposits; or
 - b. The applicant may with prior approval of the MR&I Water Department, install the mainline extension and appurtenances at their own cost in accordance with an approved system design and Section G herein. In such case, the MR&I Water Department may, on a pre-approved basis and as funds become available, reimburse

the applicant all or a portion of the construction costs. No interest will be paid on such deposits.

3. In those cases where extension of standard water mainlines proves to be too costly, or capacity is not adequate, the MR&I Water Department may authorize service on a Special Bulk "constant-flow" basis. The applicant must provide a proper cistern or reservoir with appropriate backflow and overflow (float shut-off) protection. It will be the responsibility of the applicant to re-pressurize the water delivered through the constant-flow valve.

N. FUTURE DEVELOPMENTS

1. Applicants for water service who are planning a future development may be required to pay the following:
 - a. A proportionate share of the cost of the portion of the common facilities of the project necessary to deliver water to a common delivery point most convenient to the future development.
 - b. The cost of any pipeline, connectors, pumping stations, tanks, valves, and other appurtenances constructed for the sole purpose of delivering water to the future development from a common delivery point designated by the MR&I Water System.
2. The developer is responsible for constructing the necessary service lines and associated distribution system facilities within the development. Design of such facilities must be pre-approved by the MR&I Water Department and Reclamation if they are to be included in the MR&I Water System. Ownership of said improvements, if they are to be included in the MR&I Water System, shall be transferred to the MR&I Water System along with proper easements when construction is complete.
3. Homeowners/water users within the development must become members of the MR&I Water System unless the development is served as a bulk user.

O. CHANGE OF OCCUPANCY

1. Not less than seven (7) days advance notice shall be provided in writing by the water user to the MR&I Water System to discontinue service or change occupancy.
2. The outgoing water user shall be responsible for all water consumed up to the time of departure, the time specified for departure, or seven (7) days following request for termination, whichever period is longest.
3. Memberships shall remain at the location of the service connection. A member selling or transferring property in which a service connection is located shall relinquish his/her membership in the MR&I Water System. The water hook-up will remain with the property. A member is not entitled to transfer their membership to a new property location, except with prior approval of the MR&I Water System.

P. CROP, PASTURE AND FALLOW DAMAGES

1. Crop, pasture and fallow damage during original construction of main transmission pipelines will be paid for by the MR&I Water System as set forth below.
 - a. If crops are damaged because of the installation of main transmission pipelines, the owner or owners (as their interests may appear) of the crops shall be compensated based upon that crop year's actual average yield (based on information obtained from the respective County Extension Office) for the field in which the damage occurs, with compensation to be based upon the price of the damaged crop at the time of harvest.
 - b. Damages to pasture and fallow ground will be paid at the rate equal to the rented value of such land according to current County averages.
2. The MR&I Water System will not reimburse the owner or owners for crop, pasture and fallow damage resulting from operation and maintenance of main transmission pipelines where proper easements have been acquired by the MR&I Water System.

Q. FIRE PROTECTION

The Standing Rock MR&I water supply and distribution system is not designed and constructed with hydrants and water flow rates that may be desirable for fire protection and control. The MR&I Water System, however, recognizes that its facilities and water may be beneficial for protecting its members and surrounding communities from damage and loss due to fire, and has adopted the following policy:

1. Fire Protection for Rural Areas
 - a. The MR&I Water System will select the locations for hydrants or other facilities that may be used by qualified persons for fire prevention and fire control. Fire Departments may be granted permission to use water from MR&I Water System hydrants, blow-offs, and cleanouts for fire fighting. The cost of hydrants, blow-offs, or clean-outs added for fire fighting may be the responsibility of the requesting agent.
 - b. Hydrants and other facilities will be installed, operated, and maintained by MR&I Water System employees or other persons deemed qualified by the MR&I Water System. Where feasible, hydrants and other facilities will be equipped with a locking device operable by the MR&I Water System and qualified Fire Departments.
 - c. The MR&I Water System will not charge for water used directly for fire protection and control activities.
 - d. Water may be withdrawn under gravity-flow conditions only. A suction-type pumper truck will not be permitted to withdraw water from MR&I Water System

pipelines. All hoses used to draw water shall be equipped with an anti-siphon end fitting.

- e. Before a fire department will be granted permission to use water from the MR&I Water System, the fire department must have on file with the MR&I Water Department a “comprehensive indemnify agreement” indemnifying the MR&I Water System from any loss or damage sustained as a result of permitting the fire department to use MR&I Water System facilities for such purposes.

2. Fire Protection for Municipalities

- a. Municipalities are responsible for their own fire protection. The MR&I Water System is designed to provide potable water to its users, and fire protection capacity is not designed into the MR&I Water System. Any additional costs associated with over-sizing of pipe and other facilities to provide fire protection shall be the responsibility of the municipality.
- b. The MR&I Water System will not charge for water used directly for fire prevention and control activities. Municipalities should provide other sources of water for fire protection.
- c. Water will be withdrawn under gravity-flow conditions only. A suction-type pumper truck will not be permitted to withdraw water from MR&I Water System pipelines. All hoses used to draw water shall be equipped with an anti-siphon end fitting.
- d. Bulk user municipalities shall be responsible for the purchase of hydrants and for maintenance and replacement of those hydrants.
- e. Flow rates for fire protection are subject to approval of the MR&I Water System in its sole and exclusive discretion.
- f. Before a municipality will be granted permission to use water from the MR&I Water System for fire protection, that municipality must have on file with the MR&I Water System a comprehensive indemnity agreement indemnifying the MR&I Water System from any loss or damage sustained as a result of permitting that municipality to use the MR&I Water System’s Facilities for such purposes.

R. METER READING COMPLAINTS AND ADJUSTMENTS

- 1. If a water user believes his/her meter reading is in error, he/she shall present a claim to the MR&I Water Department.
- 2. Water meters will be tested at the request of the water user upon payment to the MR&I Water System of the estimated cost of the test. If the meter is found to over or under register beyond 3 percent of the correct volume, the water user's payment will be refunded.

3. The water user shall not break the meter seal without written authorization from the MR&I Water Department. The MR&I Water Department may test or cause to be tested a meter with a broken seal. The water user may be liable for the actual cost of making such test.

S. SUSPENSION OF SERVICE

1. Water service to a water user connection point may be discontinued at the request of the water user. When water service is disconnected, the water user waives his/her rights to membership in the MR&I Water System and rights to water service at the meter location. Any application for water service at a later time will be considered and treated as a new connection and a new membership.
2. The MR&I Water System may temporarily discontinue or reduce the amount of water to be furnished to a user or Users for the purpose of maintaining, repairing, replacing, investigating, or inspecting facilities and works necessary for furnishing water to the user(s). To the extent possible, the MR&I Water System will give the user(s) reasonable notice in advance of any such temporary discontinuance or reduction. No advance notice will be required to be given in the case of an emergency. In no event shall any liability accrue against the Tribe or any of its officers, agents, or employees for any damage or inconvenience, direct or indirect, arising from such temporary discontinuance or reduction for maintenance and repair purposes.
3. The MR&I Water System reserves the right to discontinue water service, on a permanent or temporary basis, without notice, for the following :
 - a. Water user's willful disregard and violation of the MR&I Water System administrative policies, rules and regulations.
 - b. Emergency repairs to water system facilities.
 - c. Insufficient supply of water due to circumstances beyond the MR&I Water System's control.
 - d. To prevent water contamination by cross-connection or other means.
 - e. Failure of the water user to make payment for water charges assessed by the MR&I Water System.
4. The MR&I Water System may, in addition to prosecution by law, permanently refuse service to any water user who tampers with a water meter.

T. MR&I WATER SYTEM MEMBERSHIP FEES AND WATER CHARGES

1. MR&I Water System membership fees, as established by the MR&I Water Department, may be assessed for any and all types of water service. Such payment does not entitle the water user to ownership interest in any of the MR&I Water System.

2. Water use fees and rates shall be established and assessed by the MR&I Water Department and may be adjusted by the MR&I Water Department as deemed necessary to meet the financial obligations of the MR&I System and/or to be in compliance with these MR&I Water System administrative policies, rules and regulations.
3. The MR&I Water Department retains the right and authority to charge for services or water as follows:
 - a. An enforcement fee/penalty may be charged to any water user who violates terms and conditions of these administrative policies, rules and regulations. Enforcement fees shall be as established by the MR&I Water Department.
 - b. A fee may be charged for excessive use or waste of water.
 - c. A fee will be charged to any water user who causes an increased water distribution system construction cost by failure to grant the necessary rights-of-way as specified in Section K of these administrative policies, rules and regulations.
 - d. Damages caused to MR&I Water System facilities by any water user or other individual or entity may be charged to the water user, individual, or entity.
4. Water service connection and/or water use fees may be charged to any type or all types of water users as deemed necessary by the MR&I Water Department to accommodate insufficient appropriations from the United States for OM&R of MR&I Water System facilities and/or to be in compliance with these MR&I Water System administrative policies, rules and regulations. The MR&I Water Department reserves the right to establish and assess said fees to specific types/categories of water users. Fees shall be re-evaluated on an annual basis, with more frequent fee evaluations if deemed necessary due to unforeseen or emergency extraordinary MR&I Water System operating costs.
 - a. The water purchase rate shall correlate to MR&I Water System operation and maintenance costs incurred in treating and distributing MR&I Water System water to all users of the MR&I Water System.
 - b. The priority of assessing fees for a water service connection and water use based on water user type is: 1) livestock pasture hookups, 2) special bulk users, 3) construction usage, 4) municipal households, and 5) standard rural households.

U. REVENUES

1. Revenues generated by the MR&I Water System shall be credited to the MR&I Water System construction and/or OM&R accounts, as appropriate.

V. ENFORCEMENT OF RULES AND REGULATIONS

1. MR&I Water Department personnel and all other duly authorized personnel of the Standing Rock Sioux Tribe, Sioux County, North Dakota Sheriff's Department, and

Corson County, South Dakota Sheriff's Department shall have the authority to issue a citation for violations of these administrative policies, rules and regulations.

W. PENALTIES FOR VIOLATION OF RULES AND REGULATIONS

1. Any person/contractor who installs an unauthorized hookup shall be fined \$1,000 per occurrence and shall be subject to TERO license review.
2. Any person/contractor who willfully damages MR&I Water System facilities shall be fined and be subject to civil and/or criminal prosecution in Federal and/or Tribal Court, including penalties and/or imprisonment.
3. The MR&I Water Department shall have the authority to charge for excessive water use and waste and shall have the authority to shut off or disconnect water service if, in the opinion of the MR&I Water Department, the user violates the provisions of the rules and regulations set forth herein.
4. Where a violation of any terms or provisions also violates Federal or Tribal law, the offender may be dealt with in the appropriate court(s) as set forth in Federal and Tribal laws.
5. Any person who violates the provisions of these rules and regulations shall further be liable for costs associated with resolving the violation and restoring damages caused, including associated administrative costs.

X. RIGHT TO MODIFY THESE RULES AND REGULATIONS

The Tribe may amend and revise these Rules and Regulations as it deems necessary to continue efficient operation and management of the Standing Rock MR&I Water System. Any changes to these Rules and Regulations shall be binding on all current and future members of the MR&I Water System. However, any subsequent change to these Rules and Regulations which substantially affects the service or conditions of service to an existing user at the time of the change shall afford the existing user an opportunity to request a variance of such changes to the MR&I Water System through the Economics Committee.

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DULY ADOPTED: On this 6th day of April, 2010

STANDING ROCK SIOUX TRIBE

By: _____

Charles W. Murphy

Title: Standing Rock Sioux Tribe
Chairman

Date: May 21, 2010

IN CONCURRENCE HERewith:


STANDING ROCK ECONOMIC'S COMMITTEE

By: 
Duane Claymore

Title: Econ Committee
Chairman

Date: 5-21-10

STANDING ROCK MR&I WATER DEPARTMENT

By: 
Ralph Walker

Title: MR&I/OM&R
Director

Date: 5-24-10