

In accordance with the instructions in the Crop Insurance Handbook, insurance providers are to provide a copy of the Irrigated Practice Guidelines to all insureds for whom the irrigated practice may apply. These guidelines identify factors that are to be considered in determining the acreage that can be reported and insured under an irrigated practice for planted acreage, perennial acreage and prevented planting under an irrigated practice. The guidelines that are specific to prevented planting are found in B below. These same guidelines are to be used by the adjuster to verify the reported information.

## EXHIBIT 33

### IRRIGATED PRACTICE GUIDELINES

#### 1 IRR. PRACTICE GUIDELINES FOR PLANTED OR PERENNIAL CROP ACREAGE

The following guidelines are provided to enable insureds to properly report planted or perennial crop acreage to be insured under the irrigated practice in order to receive maximum protection under their crop insurance contract. It is very important that these guidelines be utilized to document whether, at the time insurance attaches, there is a REASONABLE EXPECTATION of receiving adequate water to carry out a good irrigation practice for the acreage reported under the irrigated practice.

1A **Definitions.** The following definitions are provided to facilitate a uniform understanding of the standards and guidelines for the irrigated practice for planted or perennial crop acreage.

A(1) **Acreage Insurable under the Irrigated Practice.** Insurable acreage for which the insured can demonstrate, to the insurer's satisfaction, that adequate facilities and water existed, at the time insurance attached\*, to carry out a good irrigation practice for the insured crop.

\* The insured is responsible for demonstrating that, at the time insurance attached, there was a REASONABLE EXPECTATION of receiving adequate water to carry out a good irrigation practice on acreage insured under the irrigated practice.

A(2) **Reasonable Expectation,** at the Time Coverage Begins, of Receiving Adequate Water to Carry Out a Good Irrigation Practice. If the insured knew or had reason to know that the amount of his/her irrigation water may be reduced before coverage begins, no reasonable expectation exists.

A(3) **Adequacy of Water.** The determination of the adequacy of water will be based upon: (a) the water available (at the time insurance attaches) from the irrigation water supply, soil moisture levels, and, as applicable, snowpack storage levels; AND (b) supplementary precipitation which would normally be received, after insurance attaches, during the period that a good irrigation practice is normally carried out. Consideration will also be given to the factors identified in [subparagraph B(5)] below, including the legal entitlement or rights to water.

A(4) **Good Irrigation Practice.** Application of adequate water in an acceptable manner, at the proper times to allow production of a normal crop, which is often identified as the approved Actual Production History (APH) yield for crops under APH.

- A(5) **Irrigation Water Supply.** The water source and means for supplying irrigation water, without regard to the equipment or facilities. This includes the water source AND dams, canals, ditches, pipelines, etc., which contain the water for movement from the source to the acreage and (a) are not under the control of the insured or (b) routinely deliver water to acreage in addition to that which is owned or operated by the insured. It DOES NOT INCLUDE any irrigation equipment or facilities.
- A(6) **Irrigation Equipment and Facilities.** The physical resources, other than water, used to regulate the flow of water from a water source to the acreage. This includes pumps, valves, sprinkler heads, and other control devices. It also includes pipes or pipelines which (1) are under the control of the insured or (2) routinely deliver water only to acreage, which is owned or operated by the insured. A center pivot system is considered irrigation equipment and facilities.
- A(7) **Adequacy of Irrigation Facilities.** Irrigation facilities are considered adequate if it is determined that, at the time insurance attaches to planted or perennial acreage, they will be available and usable at the times needed and have the capacity to timely deliver water in sufficient quantities to carry out a good irrigation practice for the acreage insured under the irrigated practice.
- A(8) **Water Source.** The source from which water is made available. This includes wells, lakes, reservoirs, streams, aquifers, etc.

## 1B **Reporting Requirements Under Irrigated Practice**

- B(1) **Failure of acreage** to qualify for insurance under the irrigated practice will result in such acreage being insured under a practice other than irrigated. If no other appropriate practice is available for the acreage, insurance will not be considered to have attached on the acreage.
- B(2) **Failure to carry out a GOOD IRRIGATION PRACTICE** on acreage properly insured under the irrigated practice will result in an appraisal for uninsured causes against such acreage, unless the failure was caused by unavoidable failure of the irrigation water supply after insurance attached. Note: If a loss is evident, acreage reported as an irrigated practice that qualified as an irrigated practice at the time insurance attached cannot be revised to a non-irrigated practice after the acreage reporting date even if liability stays the same or decreases, even if the insured never applied any water.
- B(3) **For loss purposes,** insureds are required to keep their production records separate for acreage insured under the irrigated practice, acreage insured under a practice other than irrigated (or with no practice applicable), and uninsured acreage.
- B(4) **Insureds are expected to be prepared** to provide documentation of the factors, which were considered in reporting acreage to be insured under the irrigated practice.
- B(5) **Factors to consider in determining planted or perennial crop acreage** to be reported and insured under an irrigated practice include, but are not limited to:

- (5)(a) Water source history, trends, and forecasting reliability;
- (5)(b) Supplemental water supply availability and usage (including return flow);
- (5)(c) Pumping plant efficiency and capacity;
- (5)(d) Water distribution uniformity; and flexibility of the system or district;
- (5)(e) Water requirements (amount and timing) of all crops to be irrigated;
- (5)(f) Water rights (primary, secondary, urban versus agricultural use, etc.);
- (5)(g) Contingency plans available to handle water shortages;
- (5)(h) Acres to be irrigated, amount of water to be applied, and expected yield;
- (5)(i) Ownership of water (state or federal versus landowner);
- (5)(j) Use of meters and other measuring devices or methods;
- (5)(k) Soil types, soil moisture levels, and pre-plant irrigation needs;
- (5)(l) Water conserving methods, devices, and plans utilized;
- (5)(m) Past crop planting history, trends, and recommended local practices;
- (5)(n) Prudent activities and practices utilized by non-insured producers;
- (5)(o) Irrigation water supply (both quantity and quality) and facilities;
- (5)(p) Recommendations from local County Extension Service or National Resource Conservation Service (NRCS), and other source recognized by CES or NRCS to be an expert in this area) regarding irrigation and crop production; and
- (5)(q) Information the insured knew (or should have known), and when the insured knew (or should have known) such information.

The Insurance Provider will use the above, and any other appropriate factors necessary, to verify whether acreage was properly reported under the irrigated practice. Insureds who need assistance in determining the proper acreage to report for insurance under an irrigated practice should contact their crop insurance agent for information and assistance.

#### 1C IRRIGATION PRACTICE GUIDELINES FOR PREVENTED PLANTING COVERAGE

Under the prevented planting provisions in the Basic Provisions and applicable crop provisions, insureds may be able to receive a prevented planting payment for acreage historically grown under an irrigated practice if there is not a reasonable expectation of having adequate water (due to an insured cause of loss occurring in the prevented planting insurance period) on the final planting date (or within the late planting period if the insured elects to try to plant the crop) to carry out an irrigated practice, provided all other prevented planting provisions have been met.

C(1) **Additional Definitions**

(1)(a) Reasonable Expectation (Probability). If the insured knew or had reason to know that his/her water may be reduced or cut off during the irrigation season by the time frames stated above, then no reasonable expectation exists.

(1)(b) Irrigation Water Supply. [See 1A (5) of this Exhibit for definitions].

(1)(c) Water Source. (See 1A (8) of this Exhibit for definition).

C(2) **Prevented planting payments** may be allowed when an insured peril that occurs on or after the applicable sales closing date [see below] for the previous crop year causes failure of the irrigation supply, and all other requirements for prevented planting have been met.

(2)(a) For carryover insureds, the sales closing date for the previous crop year.

(2)(b) For new insureds, the sales closing date for the current crop year.

C(3) **Acreage historically grown** under an irrigated practice for which the insured had no reasonable expectation of having adequate irrigation water by the final planting date (or within the late planting period, if applicable), may be eligible for an irrigated prevented planting payment even if the acreage could have been planted with a non-irrigated practice and the producer elects not to plant.

C(4) **Insureds are expected to be prepared** to provide documentation of the factors that were considered in reporting that there was no reasonable expectation of receiving adequate irrigation water for the acreage reported as prevented planting under an irrigated practice.