

# **Appendix B7**

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Rules and Regulations

Governing the Operation and  
Distribution of Irrigation Water within the  
Solano Irrigation District Service Area

## **Rules & Regulations**

**Governing the Operation and Distribution of Irrigation Water**

**Within the Solano Irrigation District Service Area**



**November 20, 2012**

**The intent of this document is to supersede**

**“Rules & Regulations for Distribution of Water in the Solano Irrigation District”**

**(Revised 1980)**

## **Rules & Regulations**

# **Governing the Operation and Distribution of Irrigation Water Within the Solano Irrigation District Service Area**

### **PREAMBLE**

These Rules and Regulations Governing the Operation and Distribution of Irrigation Water within the Solano Irrigation District are established pursuant to California Water Code Section 22257 which states that, “each District shall establish rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district.” Solano Irrigation District has established these rules to ensure equitable, economical, and efficient distribution, use, and conservation of water resources available to the District. The Solano Irrigation 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 operators. The District is committed to excellence in resource management and all aspects of operation.

### **MISSION STATEMENT**

*“To provide safe and reliable water to our farms, families, and businesses. As stewards of our precious local water resources, we are committed to responsible environmental and fiscal management in order to protect and ensure those resources into the future.”*

- **SOLANO IRRIGATION DISTRICT**

## **GENERAL INFORMATION**

The District is a local public agency of the State of California organized in 1948, includes 60,000 acres and maintains over 178 miles of laterals and pipelines, 23 deep well pumps and 55 recovery pumps. Some of the rights to operate and maintain such facilities were acquired by use for the period required to create a prescriptive right or adverse possession and have the same affect and validity as if they were set forth in a deed.

Water to supply the District comes from the Solano Project under well-established water rights and also by recapture of drainage water and pumping from wells. The District's average annual water supply is 155,000 acre-feet.

The District is governed by a five member Board elected by the people in the District's service area. Regular meetings of the Board are held at the District office located at 810 Vaca Valley Parkway, Vacaville, California, at 7:00 p.m. on the third Tuesday 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 available in the District office and posted as required by law.

The Board endeavors to carry on the affairs of the District in an economical, businesslike, and orderly manner and to distribute water equitably to the water users. 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 pursuant to Section 22257 and 22283 of the California Water Code and related sections. 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 a Manager to act as the principal administrative officer of District operations. The Manager is directly responsible to the Board. Under the Manager is a Water & Power Operations Manager who supervises such District activities as are assigned by the Manager to that position. However, in general, the Water & Power Operations Manager is responsible for maintenance, repair, and improvement of District works, and is responsible for the apportioning and distributing District water to its Water Users. The Water & Power Operations Manager distributes the water through Watertenders employed by the District who work under the Water & Power Operations Manager's direction through a Supervisor of Operations.

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## SECTION 1: DEFINITIONS

“Board” means the Board of Directors of the District.

“Conduits” means canals, laterals, ditches, drains, flumes, pipes, measurement, and control devices, and all related operational facilities.

“District” means the SOLANO IRRIGATION DISTRICT functioning under Irrigation District Laws of the California Water Code.

“District Conduit” means any conduit owned or leased by the District according to District records but does not include Improvement District Facilities.

“District Facilities” includes dams, structures, wells, conduits, pumps, reservoirs, and all other facilities of the District as identified by records, but do not include Improvement District Facilities.

“Engineer” means the District employee serving under the direction of the Manager in regard to the management and supervision of any and all engineering activities.

“Improvement District” means an improvement district formed under the California Water Code pursuant to the Irrigation Improvement Act.

“Improvement District Facilities” include conduits, pumps, wells, structures, and other facilities owned by an Improvement District.

“Irrigator” means the person responsible for the distribution and control of irrigation water applied to the irrigated parcel.

“Irrigation” means the application of water for the purposes of stimulating or maintaining growth of plant life.

“Landowner” or “Owner” means holder of title or evidence of title to land.

“Manager” means the General Manager of the District.

“Person” means any person, firm, association, organization, partnership, business trust, corporation, or company.

“Private” means any interest belonging to, restricted to, or intended for an individual or group of individuals benefit.

“Pollutant” means any earth, debris or foreign or deleterious substance or material including, but not limited to, garbage, rubbish, refuse, animal carcasses, matter from any barnyard, stable, dairy or hog pen, herbicides, pesticides, or any other material which is offensive to the senses or injurious to health, or which pollutes or degrades the quality of the receiving water as defined by federal, state or local law.

“Tenant” means a person or entity that leases, rents, or sharecrops land of a Landowner.

“Shall” is mandatory and “may” is permissive.

“Vehicle” means any motor vehicle, self propelled vehicle, motorcycle, motorized bicycle, or all terrain vehicle.

“Water Allotment” means the base quantity of water which is set annually by the Board for each acre of land within the District which can receive District water from District Facilities directly or through Improvement District or Private Facilities and which comply with these rules.

“Watermaster” see “Water & Power Operations Manager” – used interchangeably

“Water & Power Operations Manager” means the District employee serving under the direction of the General Manager in regard to the management and supervision of the Water Operations Department. Used interchangeably with “Watermaster”.

“Watertender” means the District employee serving under the direction of the Water& Power Operations Manager in regard to the control and delivery of irrigation water.

“Water User” means the person(s) who has the primary responsibility for use of the District water upon the parcel.

“Works of the District” include canals, laterals, ditches, drains, pipelines, conduits, pumps, reservoirs, valves, check gates, weirs, measuring devices in or used in connection with such facilities, and all other facilities of the District used in connection with the performance of its business in place or hereafter installed according to District records.

## **SECTION 2: ENFORCEMENT OF RULES & REGULATIONS**

### **General**

- 2001 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.
- 2002 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.
- 2003 All District employees are charged with enforcing the rules and regulations as established by the District.

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

- 2004 Failure or refusal of any Landowner, Water User, Irrigator or renter, to comply with the rules and regulations governing the distribution and use of water within the District's service area, or any part thereof, may be sufficient cause for curtailment or termination of delivery of District water to the parcel and/or all parcels under the control of the violator.
- 2005 Interference by any Landowner, Water User, Irrigator, or renter with a District employee, agent or official in the course of their assigned duties may be sufficient cause for curtailment or termination of delivery of District water to any and all improvements, lands of that Landowner, other land or improvements rented or famed by that party, Water User, Irrigator, or renter.
- 2006 The District reserves the right to terminate or discontinue the delivery of District water supplied to any parcel of land if the condition of the land improvements or irrigation facility may pose danger to any person, to the general public, or to any property, including, but not limited to, the flooding of property or public roads or improvements.
- 2007 Compliance with each and all of these rules shall be a condition precedent to the delivery of water to any parcel of land. 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**

- 2008 Water delivery that has been curtailed or terminated will be restored upon full compliance with the rules and regulations governing the distribution of and use of water within the District's service area.

## **Disputes**

- 2009 Where a Watertender or other District employee and an Irrigator or Landowner cannot agree, the matter shall be referred to the Water & Power Operations Manager. If the decision of the Water & Power Operations Manager is unacceptable to the Irrigator or Landowner, the dispute may be taken to the Manager and, if not settled by the Manager the matter may be presented to the Board after written notice to the Irrigator and Landowner for a hearing. The decision of the Board shall be final and binding in the absence of court proceedings.

## **SECTION 3: FACILITIES**

### **Control of Facilities**

- 3001 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.
- 3002 Inquiries in regard to control of District facilities shall be directed to the Water & Power Operations Manager.

### **Operation of Facilities**

#### Limits of Liability

- 3003 The District's responsibility for the quality or any damage that might arise from or be related to the water deliveries shall cease when the water is diverted into any Private Facility and the Landowner and Irrigator accept and assume responsibility and control of the water when delivered. If water is ordered by the Landowner or Irrigator to be delivered into the Private Facilities and the Private Facilities are not ready or in a condition to accept the deliveries at the time affirmed for the delivery by District and the Landowner or Irrigator and damages are caused to other lands, facilities or property or injuries to persons as a result of overflow or spillage of the water, the Landowner and Irrigator shall be liable for defending and indemnifying the District, its officers and employees from any claim for damages or injuries.
- 3004 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.
- 3005 The District shall not be responsible for any trash, debris, or earth, other deleterious 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 materials within the water.
- 3006 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, a surfeit of water delivered, water fluctuations, untimely delivery of water nor water not delivered.

#### Conduits (Main Canals, Sub-Laterals, & Pipelines)

- 3007 The operation of District Conduits shall be at the discretion of the Watertender. This includes the determination of the safe operating level or capacity of all Conduits.
- 3008 Operation of the District Conduits is subject to change at anytime without prior notice.

#### Control Structures

- 3009 Center gates, valves, weirs, flashboards, and other control devices not listed here, are to be operated by the Watertender. The Watertender may adjust any such facility at anytime without prior notice to better provide for the safe operation of the delivery system.

- 3010 Watertenders authorized to operate control structures within their defined service area may, with prior permission of their District supervisors, authorize trained non-district personnel permission to adjust settings when it is impractical for the Watertender to do so. Permission is granted to the non-district personnel for the specific circumstance. Permission to operate shall not establish any blanket or extended authority for later events or conditions. A failure to be able to contact a water tender is not a basis for assuming authority to operate the District or private facility.
- 3011 District personnel are authorized to take any measures necessary to secure control structures including, but not limited to, the use of locks and chains. The failure to lock a facility is not evidence of authority of Landowners or Irrigators to adjust or alter the facility.

## Pumps

### *General*

- 3012 The District owns and operates a number of deep well pumps, deep drainage pumps and reclamation pumps to supplement the water supply diverted from the Solano Project. During the irrigation season these pumps will be operated at the discretion of District staff and coordinated with the operation of the distribution system.
- 3013 The operation of District owned pumps depend on a variety of circumstances. Watertenders under the direction of Operations Supervisors shall determine the most efficient and appropriate times to operate the pumps. Landowners and Irrigators may not rely on or specify delivery of water from those facilities.

### *Reclamation*

- 3014 Reclamation pumps shall be used as a method of water conservation and water use efficiency.

### *Deep Wells*

- 3015 Deep wells may be used as a permanent or supplemental source of irrigation water for Water Users. Operation of deep wells to deliver irrigation water shall not constitute or set precedence for future deliveries. Landowners and Irrigators must administer their crops assuming the irrigation season limits will be strictly enforced and that water from wells, reclamation pumps or similar facilities will not be available. The District shall have no liability for damages should those facilities not be made available for delivery of water to lands either during or outside the period of the irrigation season.

### *Booster*

- 3016 The Watertenders shall determine the most efficient and appropriate use of booster pumps in order to deliver scheduled irrigations to maximize the benefit of booster pump operation.
- 3017 Booster pumps shall only be used when it is impractical to deliver gravity water and are not to be used or relied upon to provide pressurized water deliveries to crops or lands.

## Turnouts

- 3018 The operation of turnouts from District Facilities shall be at the discretion of the responsible Watertender.
- 3019 All turnouts from District Facilities shall be gated or shall have another positive shut-off system easily accessible to the Watertender within the District rights-of-way.
- 3020 The Water & Power Operations Manager has the authority to lock or secure any and all turnouts from District facilities at any time for violations of the rules and regulations. The installation and locking of the gate or control facility shall be accompanied by written notice. Verbal communication preceded by written notification will be provided to the owner of the locked or secured turnout by the Water & Power Operations Manager. The notification shall provide the background and justification of locking or securing the affected turnout. The notification shall also outline procedures or conditions that the owner shall complete in order for the District to remove the lock or security device.
- 3021 Watertenders have the authority to authorize for the operation of turnouts by private individuals in the event that the Watertender is unavailable to operate said turnout at a critical or scheduled time. Upon granting permission, the Watertender shall investigate to confirm that the turnout was operated appropriately and as directed, as soon as time permits. Permission to operate turnouts from District Facilities shall be considered a distinct and solitary event and shall not establish any precedence for future events or blanket authorization or authority in similar conditions.
- 3022 Any turnouts constructed in District Conduits in accordance with District requirements at the Landowners' expense are thereafter the property of the District at the option of the District. The assumption of ownership shall be in writing. If the District does not accept title to the turnout, the Landowner is liable for all cost of maintenance and reconstruction whether or not the turnout facility is accepted as owned by the District, the Landowner may be required to provide at its cost for new or reconstructed turnout facilities with different capabilities from time to time to meet new standards of measurement or efficiency or to accommodate changes in the District delivery system or operations.

## Private Facilities

- 3023 All privately owned lift or sprinkler pumps that will pump water from works of the District or from natural or artificial drains conveying water subject to recapture by the District shall be placed under District supervision and control as to time of use and extent of use. All such pumps shall be operated solely at the owner's risk and the District shall not be liable for any damage or failure of such installation.
- 3024 All bridges and culvert crossings on District owned laterals and drains shall be the responsibility of the Landowner unless the District has a recorded contractual obligation therefor. The District may contribute to the maintenance cost of crossings essential for use by the District in its maintenance and operation work. The fact that District may have aided or contributed to installation, repair or reconstruction of a bridge, culvert or other crossing shall not constitute evidence of an obligation to do so in the future. The District Board of Directors has the exclusive authority to enter into

agreements relating to the obligation to repair, reconstruct or replace facilities of this nature and such action must be placed on the minutes of the District meeting, memorialized by written agreement and must be recorded to be binding upon the District in regard to successor owners of the lands affected.

- 3025 The District will not contribute to the cost of improving privately owned facilities or to improving works of the District for the benefit of individual landowners unless the Board concludes the improvements are essential for District operations. Work shall not begin on cooperative improvements until a written agreement for doing such work is approved by the Board and the landowners' share of the cost is paid to the District.
- 3026 All Private facilities shall be constructed and maintained by the owner in accordance with acceptable industry standards as approved by the District in advance.
- 3027 All Private facilities shall be free from weeds and other obstructions, and properly maintained to permit sufficient capacity to convey the reasonable flow of water requested by any Water User in a manner that minimizes the potential of ditch bank or levee breaks, overflow, undue seepage, or any other unreasonable use of irrigation water.
- 3028 The operation of Private facilities is the sole responsibility of the owners and shall be conducted in such a manner as to prevent the unnecessary waste of water and prevent damage to third parties or injuries to persons or property.
- 3029 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 correct the condition and improve the condition of said facility, the District, in its discretion, may complete the necessary repairs in order to protect the various 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 corrections as may be appropriate. The charges of the District shall include reasonable costs of overhead and general administration costs of the District and interest at the delinquent interest rate charged upon water charges. The District shall, if the charges are not promptly paid to the District, terminate water service and provide for addition of the delinquent charges to the Assessments payable to the District.
- 3030 The operation and maintenance of Private facilities by the District shall not establish any ownership or set any precedent for any future operation or maintenance of said facility.
- 3031 The Watertender shall deliver the scheduled amount of irrigation water to the Private facility. It shall be incumbent on the Water Users from Private conduits to control the actions of individuals taking water from Private conduits. Any disputes of water allocation downstream of the District delivery point shall be resolved among the owners of the Private facility. The District does not guarantee or ensure the apportionment of deliveries among irrigators taking delivery from Private facilities.
- 3032 The District shall not be responsible for any damages to Private facilities caused by water hammer. Water hammer is a result of poor system design, for which, the District shall not be liable.

- 3033 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 have 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 & Power Operations Manager.

## **Private Use of District Facilities**

### General

- 3034 Absent the District's express written approval issued by the General Manager or Board of Directors, private use of District Facilities is strictly prohibited.
- 3035 Any and all use of District Facilities by any person or agency, public or private, shall be solely permitted by written permission of the District and shall be in compliance with any and all applicable federal, state, and local laws, statutes, regulations, and other terms and conditions properly established.
- 3036 At no time shall District Facilities be used for recreation purposes, including but not limited to, swimming, diving, boating, hunting, or fishing.
- 3037 Except as otherwise specifically permitted by written agreement with the District, water contained within District Facilities, either flowing or non-flowing, shall at no time be used for purposes of stock water. It is the sole responsibility of livestock owners to provide a source of water for livestock outside District rights-of-way and facilities.
- 3038 Livestock is not permitted on District canal banks. The owners of the livestock and the land on which they are pastured are liable for any damage caused to District Facilities by livestock and shall promptly make repairs in a good and workmanlike manner. If after proper notification has been given repairs are not promptly so made, the District may make them and bill the owner of the livestock or land involved for the cost thereof.

### Drainage

- 3039 No surplus irrigation water, storm water, wastewater, tile drainage, nor any other water or substance shall be drained, dumped, pumped, siphoned, or otherwise discharged directly or indirectly into any District Facility without the prior written permission of the District. In granting written permission to discharge, the District may impose reasonable conditions, including, without limitation, the right of the District to approve and monitor the discharger's measurement facilities. Permission to discharge shall be revocable by the District at any time and for any reason as determined appropriate by the Water & Power Operations Manager.
- 3040 Water and other substances, permitted through written agreement that are discharged into District Facilities shall meet all applicable federal, state, and local water quality standards and provisions.

- 3041 Written District approval to discharge into District Facilities shall only be granted to those parties who have coverage from the Regional Water Quality Control Board under a waiver or waste discharge permit. Having coverage from the Regional Water Quality Control Board does not guarantee approval or establish a right to discharge into District Facilities.
- 3042 The rate and quantity of discharge into any District Facility may be subject to limitations based on the capacity of the facility and the quality of water or other substance being discharged. The Water & Power Operations Manager shall be so empowered to set forth such limitations in writing.
- 3043 All discharge facilities shall be constructed and maintained at the sole expense of the discharger, and must be in accordance with District standards.
- 3044 All approved discharges to District Facilities shall be limited to one 8 inch diameter outlet per 40 acres of irrigated land, unless otherwise dictated by topography as determined by the Water and Power Operations Manager. The outlet shall be gated such that any authorized District employee may close and/or lock the outlet in the event that such control is warranted to protect water quality or for the benefit of the District.
- 3045 Where excessive runoff from lands receiving District water is entering District Facilities, the District may reduce the quantity of water delivered in an effort to reduce the drainage flows or require the Landowner to install special drainage facilities to regulate the flow into the District Facilities. The District may also require a Landowner to cease all such runoff into District Facilities whenever necessary for the District's or the public's interest, including, but not limited to, ensuring water quality standards, preventing injury or damage, or performing repairs or maintenance or to further reasonable conservation of water.
- 3046 All existing discharges to District Facilities, not currently covered by a written agreement, shall be subject to the District's current terms and conditions.

#### Transportation

- 3047 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. In granting permission to transport water or other substances, the District may impose reasonable conditions, including, without limitation, the right of the District to set flow and water quality limits and to require monitoring at dischargers expense. Permission to transport shall be revocable at any time and as determined by the Water and Power Operations Manager.
- 3048 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.
- 3049 All transport facilities and measurement facilities shall be constructed at the sole expense of the transporter, and must be in strict accordance with the construction and design standards of the District.

- 3050 All existing transportations through District Facilities not currently covered by a written agreement shall be subject to the District's current terms and conditions.

#### Pumps

- 3051 No person or agency, public or private, shall be allowed to operate or control any District owned pumps without the written approval of the Water & Power Operations Manager. Written authorization to operate District owned pumps shall be considered a distinct and solitary event and shall not establish any right or precedence for future events or requests.
- 3052 A written request shall be submitted to the Water & Power Operations Manager at a minimum of ten (10) days in advance of the proposed pumping event. The use of District owned pumps is subject to termination at any time for any reason as determined by the Water & Power Operations Manager.
- 3053 The Water & Power Operations Manager is to make reasonable effort to confirm that the person granted permission to operate the pump is properly trained and knowledgeable about the safe and responsible operation of pumps and pump drivers.
- 3054 During periods the District is not using a District pump, requests may be made with the Watertender in charge or with the Water & Power Operations Manager for private rental of the pump in accordance with the following:
- (a) Pump rentals will be granted in the order in which requests with accompanying payment are received.
  - (b) Rental time will be determined and assigned by the Watertender or Water & Power Operations Manager.
  - (c) No extensions of rental time assigned will be granted unless there is no one waiting for the use of the pump.
  - (d) No renter will be allowed to rent the same pump for a second period until all those on the waiting list have had the opportunity to use the pump.
- 3055 Once a pump is started, no refunds will be made for the hours not used except under the following conditions:
- (a) Should the hours rented be interrupted by rainfall and the landowner has requested that the pump be turned off, a refund of the unused hours may be made upon request.
  - (b) Should regular scheduled gravity water or District pumped water become available, thereby causing an early termination of the rental period, a refund of the unused portion may be made upon request.
- All requests for refunds must be made in writing within fifteen (15) days of the termination of delivery.
- 3056 The District shall limit water supplied by pump rental to not more than 2.4 inches per acre per irrigation if that pump is in demand by other Water Users.
- 3057 The District reserves the right to not rent a pump or to cancel a rental and refund the deposit made if the pump use will interfere with District maintenance or other District operations.

- 3058 A District employee will have complete charge of turning pumps on and off and servicing them.
- 3059 The Watertender has complete charge of setting up and operating the gates, weirs and other facilities in the District conduit that will be used. The pump renter shall be responsible for monitoring and reporting any interruption in delivery.
- 3060 If the pump is off due to power failure, breakdowns, or other causes, the down time will be added at the end of the rental period.
- 3061 The charges for all pumps will be determined from the power meter.
- 3062 The District will endeavor to anticipate the probable demand for private use of a pump and limit the periods of rental to endeavor to provide all probable renters with a period of use.
- 3063 The rental period begins with the “time on” and ends with “time off” at the pump. No allowances will be made for time required to fill conduits; however, the time required to fill the conduit may be prorated among those using the water.
- 3064 The District shall establish the rental rate for each pump. Such rate is subject to change without notification.
- 3065 Payment of all pump rental for the entire rental period must accompany the application for rental. No application will be recognized until the payment is received, and the time of application shall be the time of payment.

#### Rights-of-Way

- 3066 District canal 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 canal roads, rights-of-way, easements, or lands owned by the District. District canal 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 or Landowner’s retained real property rights which are of record. Persons requiring a specific use of a canal 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 canal roads, rights-of-way, easements, and lands owned by the District is at the sole risk of the user. Use which is not authorized in writing by District which District is aware of shall not give rise to prescriptive rights or claims of estoppels to terminate that use.
- 3067 The following persons are authorized to operate a Vehicle upon a District canal road or right-of-way provided the District approves in writing the manner of use or the Landowner is exercising rights of record retained by the Landowner’s lands: (1) Persons actively involved in farming a parcel of land adjacent to the specific District canal road, right-of-way, easement, or land owned by the District; (2) Persons actively involved in farming who use the specific District canal road, right-of-way, easement, or land owned by the District for access to irrigation facilities serving their parcel of land; (3) Persons whose property is directly adjacent to the District canal and to whom

permission for ingress and egress to the property has been granted by the District and the permission does not exceed District's authority of record; and (4) Any sheriff, police, fire, or public, safety personnel on official business.

- 3068 The District reserves the right to bill the owner of any livestock, for any and all costs associated with the maintenance or repair of facilities damaged by their livestock.

#### Crossings/Culverts/Bridges

- 3069 Except as otherwise specifically permitted by the District in writing, no person shall cross any District Facility, including without limitation any canal, pipeline, weir, bridge, or other crossing, except those clearly marked for public use.
- 3070 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 therefor. The applicant does not acquire any rights in the District's right-of-way other than those set forth in the signed agreements.
- 3071 All such permitted buildings, 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.

#### Charges

- 3072 Any person or agency, public or private, shall pay any and all charges established by the District for the non-District use of District Facilities and processing requests for authority to use District facilities. Payment must accompany the request for approval prior to use. Therefore any request submitted without accompanying payment will be deemed incomplete and discarded.
- 3073 The District shall bill for any and all additional charges resulting from the non-District use of District Facilities that are not covered by original payment. Charges shall be paid in full by the responsible party within 30 days of the District invoice date.
- 3074 The District assumes that the user is properly prepared to use the specific District facility authorized to be used for the duration of the requested time. The District shall not refund or credit any user for downtime resulting from operational decisions made by the user. In the event of a facility failure not resulting from inappropriate use or ill-treatment of District equipment, a credit for use shall be established directly proportional to the duration of the downtime.
- 3075 A written petition for a partial refund or credit may be submitted to the Board of Directors within fifteen (15) days of the nonscheduled termination of use.

#### Liability

- 3076 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 and to indemnify

and defend District, its officers, directors and employees for expenses, damages or claims arising from the entrance or use of District facilities, including reasonable attorney fees and expert witness costs incurred in the defense.

- 3077 Dischargers are solely liable and responsible for meeting and complying with all local, state, and federal regulations of water quality and subsurface pumping. Dischargers agree to indemnify, defend, and hold harmless the District, its Board, officers, employees, and agents against all liability, claims, damages, and costs (including reasonable attorney fees) relating to the quality of water discharged by the discharger.

### **Access to Lands**

- 3078 The Watertenders and other authorized agents of the District shall have access, 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. The application for receipt of water and the receipt of water service constitutes agreement of the Landowner and Irrigator that the District personnel shall have reasonable access, provided verbal notice is given in sufficient time that the Landowner and or Irrigator may be present to accompany the District personnel, for the purposes of conducting inspections and documenting the conditions of water delivery facilities and the use of District water.
- 3079 The District shall have reasonable access to any lands whether within or outside District when responding to an emergency related to District facilities or operations upon notification from law enforcement or other person of the emergency conditions.
- 3080 If the District holds a right-of-way or easement across Private land for the operation and maintenance of a canal 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. Landowners and Irrigators shall reasonably cooperate with District in the exercise of this secondary easement.

### **Encroachments**

- 3081 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 rights-of-way including secondary easements therefor except pursuant to specific written authority of the Water and Power Operations Manager. Any such encroachment of an unusual or extraordinary nature shall be approved by the Board.

- 3082 Any encroachment, authorized or otherwise; in, on, over, under, along, or across any District Facility or right-of-way that interferes with or unreasonably burdens the operation or maintenance of said facility may be immediately revocable and subject to removal by the District, at the sole expense of the encroacher or adjacent Landowner. Authorization for an encroachment is immediately revocable if and when said encroachment is determined to be interfering with or burdening District operations.

### **Construction of Irrigation Facilities**

- 3083 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 or in drains 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 Water and Power Operations Manager.
  - (b) The application and specifications are approved in writing by the Water and Power Operations Manager prior to start of construction.
  - (c) If any of the work is to be performed by District personnel or under District contract, the full estimated cost to the District shall be 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 and Power Operations Manager deems appropriate, a written contract shall be 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 and Power Operations Manager. Ordinarily, in the absence of an emergency, such work will not be permitted during the period of April 1 to November 1.
- 3084 No irrigation system improvements, including without limitation diverting gates, weirs, pump intakes, mechanical screens or structures of similar nature, 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 therefor 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.
- 3085 No improvements, including without limitation buildings, bridges, culverts, gates, corrals, landscaping, recreational pools, cross-canal 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 therefor 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.

- 3086 Except where otherwise specified by agreement, all improvements, irrigation or otherwise, shall be at the sole expense of the Permittee and constructed in accordance with District construction and design standards. Permittee shall hold the District free and harmless from any liability or costs related to or arising from such improvements.

### **Design of Irrigation Facilities**

- 3087 The District water distribution system was established to maintain the capacity to deliver water to parcels of an assumed size at an assumed delivery rate. The division or change in the dimensions of parcels may require modification of District Facilities and/or the construction of new privately owned facilities. The District will not permit the service of more than one Landowner's land through private facilities as the result of division of parcels and the proposal of a division of land or reconfiguration of parcels of land must be approved by the District in advance of the division or a violation of these rules and regulations will occur and all parcels of land subject to the change may be subject to termination of water service.
- 3088 All new Private or Improvement District Facilities are to be approved, in writing, by the District Engineer 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.
- 3089 The District Engineer shall have the authority to approve any new Private or Improvement District Facilities. The design of said facilities shall be required to meet the flow requirements of the land being served without negatively impacting or burdening operations of the District or other Landowners. The District's rights hereunder to review and accept the plans shall not impose any duties or obligations on the District, nor shall such review or approval relieve the Water User of the sole responsibility for the facilities' plans, schedules and installations, and construction and placement of work.
- 3090 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.

### **Improvements/Relocation of Irrigation Facilities**

- 3091 If extensions of District Conduits, increases in capacity or additional outlets are desired, they must be approved by the Board and the desired construction or

modification must be done in accordance with District specifications at the sole expense of the person desiring the work to be done. The estimated cost shall be deposited with the District in advance of the start of the work.

- 3092 Any person desiring to build on or develop the area over a District Conduit or to move or relocate a lateral or drain, must apply in writing to the District and receive written approval of the Board prior to commencement of work. Once permission is granted, all construction shall be performed in a good and workmanlike manner approved by the Engineer in accordance with all legal requirements and at the sole cost of the applicant.

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

### **Responsibilities**

- 4001 All land to be irrigated shall be properly prepared to efficiently and economically receive water.
- 4002 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.
- 4003 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.
- 4004 Water Users shall be responsible to close all Privately owned gates and valves at the conclusion of the irrigation event.
- 4005 Water Users are responsible for communication with the Watertender. The District requires that the Watertender be notified of any planned or unplanned changes that may occur during the irrigation event. At a minimum, the Irrigator is responsible for notifying the Watertender four (4) hours prior to any change in, or termination of, the irrigation event.
- 4006 The Watertender 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.
- 4007 For the purposes of determining operation schedules and water demand, the District requires that Water Users submit a crop declaration report to the District prior to first irrigation event of the irrigation season. The crop declaration report shall include without limitation the assessor's parcel number, type of crop, number of acres of each crop type, an estimate of the annual crop water requirement and the amount of private groundwater anticipated to be used.
- 4008 All Water Users are responsible for providing the District with the most current and accurate contact information. At a minimum the District requires that Water Users provide a mailing address, Landowner telephone number, and Irrigator telephone number. The crop declaration report shall also include the names and contact information for any authorized agent of the property. An authorized agent as determined on the crop declaration report will be used by the District in determining who can place water orders for the property during the specified irrigation season.

### **Use of Water**

- 4009 All District supplied water must be applied efficiently and used reasonably and beneficially.

- 4010 When delivery of water is made, the water shall be used day and night at the authorized rate of delivery until the irrigation event is completed.
- 4011 All District supplied water shall be used for irrigation purposes, except where a written agreement has been entered into between the Water User and the District.
- 4012 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.
- 4013 Water shall not be used on lands outside of District boundaries except where agreed upon through an annual Out of District Service Agreement. 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 and authorized from service.

## **Charges**

- 4014 All charges for water service will be levied as set forth in the rate schedules as established by the Board of Directors. Current rate schedules are available for inspection at the District office.
- 4015 All charges for water service shall be billed on a monthly basis for water used the previous month.
- 4016 Any Water User whose application is accepted by the District and who is furnished with water service as provided in these regulations becomes liable for payment under the appropriate rate schedule for all water service furnished by the District.
- 4017 Any Landowner may designate a third party as an authorized agent for purposes of water ordering and bill payment. Nevertheless, all charges shall be made for individual parcels and are the responsibility of the owners of record for each parcel.
- 4018 Direct billing to the Agent/Tenant can be made upon receipt of written authorization from the Landowner that the Agent/Tenant has been designated as the agent of the Landowner. If the owner desires a duplicate of the water statement which is sent to the agent/tenant, a handling charge, per the District's current fee schedule, will be applied. The Landowner remains liable for all water charges, interest and penalties despite the designation and District shall have no duty to attempt to collect the charges from the Agent or Tenant prior to collecting the amounts from the Landowner.
- 4019 In the event of non-payment of charges in full by the District's prescribed payment date, the District shall apply penalties and interest in accordance with the current penalty and fee schedule.

- 4020 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 therefor to be placed and enforced pursuant to California Water Code §25806 on the subject real property of the delinquent account; (b) through contracts with County Tax Collectors, placement of delinquent charges and added to the District assessment on county tax rolls for collection; (c) refuse or discontinue water service (d) require full payment in advance of future service; and (e) bring action to collect.
- 4021 If the District incurs any collection costs, including staff time or other direct costs, including attorney fees, those charges shall be added to the billing and payable by the Landowner and Tenant. If the District is required to file claims in Bankruptcy Court or otherwise appear in any legal proceeding in regard to delinquent amounts owed to the District, the costs of District staff, District attorneys and any expert witness fees shall become a charge payable by the Landowner and if there is a Tenant as the Water User the Tenant which caused those charges and costs to be incurred, the Landowner and Tenant shall be jointly and severally liable for the costs and charges.
- 4022 In the event of discontinued water service for non-payment, the General Manager, or his/her authorized representative, may approve deliveries of water in cases where the Landowner of record is requesting the service for the subject property provided that the Landowner makes arrangements for paying the delinquency. The General Manager or his/her authorized representative shall not approve additional water service to the Tenant's third party agents or a successor Agent or Tenant on the property that is delinquent without payment or arrangements for payment of the delinquency agreed to by the Landowner and acceptable to the General Manager, as the outstanding balance may eventually be placed as a lien on the subject property or added to the District assessment.

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

### **Allocations & Entitlements**

- 5001 Irrigation water is typically available starting in March and ending during the middle of October. The start and end of the irrigation season shall be approved by the Board.
- 5002 The Water & Power Operations Manager shall determine and has the authority to apportion water to the District distribution system. The Watertenders shall be held responsible for the equitable, efficient, and economical distribution of the water that is allotted by the Water & Power Operations Manager to the individual distribution service areas.
- 5003 The District has numerous sources of water, including but not limited to surface water, reclaimed drain water, groundwater, and recycled wastewater. The District reserves the right to utilize any and all sources of water under its control and any combination thereof to satisfy the water requirements of the District's Water Users.
- 5004 Water shall be distributed equitably and fairly to Water Users within the District who have paid all charges and penalties therefrom.
- 5005 No Water Users shall receive or be entitled to a greater amount of water than can be reasonably and beneficially used without waste.
- 5006 The District does not guarantee that delivered water will be of any specified condition or quality.
- 5007 The District may, if operational conditions warrant, vary the irrigation time and flow rate so long as the Water User is afforded a reasonable opportunity to utilize a fair allotment of irrigation water.

### **Scheduling & Notification**

#### General

- 5008 Distribution of irrigation water shall generally be by scheduled deliveries as requested by the Water Users, but where appropriate, the Water & Power Operations Manager has the authority to implement variations to the delivery schedule and/or method.

#### Scheduled Deliveries

- 5009 Water Users may request water delivery by placing a water order with the Watertender or the Operations Supervisor.
- 5010 All water orders shall be received by the District no later than 2:00 p.m. the day prior to the delivery date desired by the Water User.

- 5011 Water deliveries 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 Watertender. In order to prevent the waste of water, canal overtopping and canal breaks, it is mandatory that every Water User notify the Watertender if the irrigation event must be discontinued prior to the scheduled time.
- 5012 The Watertender shall provide as much advance notice as possible to Irrigators in the event that the requested delivery time will not be met. The Watertender will provide the Water User with an estimation of the approximate time that water will be delivered.
- 5013 Because there is a potential for breaks and/or unforeseen interruptions to occur, the Water User must be available and maintain its system for distribution in order to take the delivered water at the time it is available by the Watertender.
- 5014 In the event that an Irrigator or Water User cannot be contacted, located, or otherwise notified of the availability of water, the Watertender may declare that the Water User has passed and will not receive water until other water orders are satisfied.
- 5015 In the event that water is ordered and the Water User is not ready for receipt of said water at the time it was ordered, the Water User may be required to pay for the water until he/she is ready to take delivery. If another Water User can be located, the Watertender may transfer the water and in that event the Water User originally ordering the water must wait until another head is available as determined by the Watertender.
- 5016 Any person who takes water out of turn without the permission of the Watertender forfeits the right to water and may be liable to criminal prosecution under the California Penal Code.

#### Rotational Deliveries

- 5017 Certain service areas in the District, as determined by the Water & Power Operations Manager, may be required to take delivery of irrigation water on a rotational basis.
- 5018 Rotational deliveries will be determined at the beginning of the irrigation season by the District and impacted Water Users will be notified in writing.
- 5019 In the event that rotational deliveries are established for a Water User, the Water User shall not be responsible for placement of an order for water delivery. The Watertender will make the water available on the pre-determined schedule for use.

#### Specialty Crop Deliveries

- 5020 Any Water User who desires irrigation water on a tailored delivery schedule in order to grow a specialty crop is required to submit a detailed application to the District for consideration in advance of planting the crop.
- 5021 Surface irrigation water shall not be made available during the months of November through March unless otherwise approved by the Board. Water Users desiring to grow winter crops and utilize District facilities shall submit a request for off-season

irrigation services. The District reserves the right to approve or deny any request for Private use of any District facility for any reason at any time.

- 5022 The District will strive to supply water of sufficient quality to those crops which are sensitive to certain constituents or parameters. However, the District does not and cannot guarantee the quality of water that is delivered to any agricultural Water User and therefore shall not be liable for any damages that may result from the application of the supplied irrigation water.
- 5023 The planting and cultivation of rice within the District is prohibited under the water supply agreements from the Bureau of Reclamation.

### **Measurement**

- 5024 All measurements of water delivered by the District to a Water User shall be made at the diverting gate or valve in the District's canal, or at other appropriate locations as determined by the Watertender.
- 5025 The Watertender is required to measure and maintain documentation of flow rates, delivered volume, and other pertinent irrigation event statistics as determined by the Water & Power Operations Manager.
- 5026 All water measurements performed and documented by the District shall be considered correct in the absence of evidence to the contrary.
- 5027 The District shall maintain, calibrate, and otherwise properly care for all measurement facilities, equipment, and devices.
- 5028 The District, as provided by California Water Code §22083, has the authority to install or require the installation of irrigation flow measurement devices, equipment, or structures at all District turnouts.
- 5029 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 under Penal Code § 498c.

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

- 5030 The Watertender will make every effort to maintain an adequate flow of water in each lateral system to meet anticipated demands. However, changes in water use due to temperature variation, improper coordination by upstream users during water changes, local runoff from precipitation, spill water from other lateral systems, canal breaks, and other emergencies may cause unavoidable fluctuations and interruptions in flow. It is the duty of a Water User to promptly notify the Watertender 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. All Water Users will cooperate with the Water & Power Operations Manager and/or the Watertender in determining the cause of the interruption or fluctuation and will, to the extent practical, assist in correcting the problem.

5031 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 & Power Operations Manager of the desire to divert the remainder of the entitlement but shall not proceed without prior authorization from the Watertender.

### **Out of District Service Agreements**

- 5032 All water delivered to lands outside of the District boundary shall be subject to, without limitation, any and all of the rules and regulations established by the District and provided within this document.
- 5033 Persons interested in or currently receiving water for application onto lands outside of the current District boundaries are required annually to submit an application for water service. Applications for out of District water shall be submitted to the District on or before the first Monday of February. The application shall be accompanied by any and all fees, charges, or deposits as required by the District.
- 5034 Applications will be reviewed by the General Manager, Water & Power Operations Manager, Director of Engineering, and Director of Finance. Upon completion of the review process a recommendation will be made by District Staff and presented to the Board. The Board shall approve or deny the application, and reserves the right to do so for any reason.
- 5035 Out of District irrigation service is established on an annual basis and is not guaranteed for the duration of any irrigation season. Out of District water is considered surplus water and is made available, without obligation to continue the service, to Board approved recipients. Water supplied to out of District Landowners is a non-guaranteed availability and may be suspended at any time by the District. Approval to receive out of District water shall not establish any right or precedence for future events, or consideration for service.
- 5036 The District shall not be liable for any damages that occur from the negligent use or misuse of water supplied to out of District Water Users.
- 5037 The District shall not be liable for any damages, economic hardships, or otherwise unfavorable consequences resulting from the suspension of an out of District service agreement. Persons entering into agreements for out of District irrigation service assume and shall be knowledgeable of all risks associated with not receiving anticipated flows and/or volumes of irrigation water. The District does not and cannot guarantee any degree or level of service to any out of District Water Users.

## **Unauthorized Use of Water**

- 5038 Any person who uses District water without the District's permission may become subject to criminal prosecution and/or civil liability under Penal Code § 498 and § 592.
- 5039 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.

## SECTION 6: LIABILITY

### District Liability

- 6001 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.
- 6002 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.
- 6003 Most of the water furnished by the District flows through many miles of open ditches, and is subject to changes in water quality, 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 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 and defends those parties from liabilities and damages that may occur as a result of defective water quality, shortages, fluctuation in flow and interruptions in service.
- 6004 The District sells water as a commodity only and not as a guaranteed service and will not be liable for defective quality of water, shortage of water, either temporary or permanent, or for failure to deliver water or delay in doing so.
- 6005 Pumping by consumers of District water is done at the consumer's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of turbulent water or shortage or excess of water or other causes.
- 6006 The District assumes no liability for damages to persons or property occasioned through defective works.
- 6007 District Conduits are to be used solely for the purpose of conveying water for use on land and for conveying drainage water away from the land. Their use for recreation purposes, including swimming or other similar uses or for uses requiring continuous delivery is prohibited.
- 6008 Landowners and Water Users are prohibited from using District Conduits and their lands for swimming or play. The water in many District Conduits is cold, swift and deep, and the Conduits cover so many miles that District supervision of their use of recreation is impossible.

## **Water User Liability**

- 6009 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. 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.
- 6010 Any persons who cause damages or injury to works of the District as a result of doing or permitting any of the following to be done shall pay to the District all costs incurred by the District in repairing the damage or removing the obstructions:
- a. Permitting livestock, poultry, or waterfowl to go on or in District Conduits;
  - b. Burning or otherwise injuring or destroying works of the District;
  - c. Dumping or flowing into the District Conduits rubbish, soil, filth, or other substances that would pollute or impede the flow of water therein;
  - d. Erecting signs, fences, or other structures on or across or otherwise obstructing District rights-of-way without written permission of the District;
  - e. 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 Manager or Watertender in charge;
- 6011 Under the Penal Code § 588, § 592, and § 607, 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 bridge, dam, or District Conduit.
- 6012 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.
- 6013 The District's responsibility for water and its associated characteristics, including quality, shall cease when the water is diverted into any Private or Improvement District Facility or property. The District shall not be liable for any damages that occur once the water is diverted from District Facilities.

## **Claims for Damages**

- 6014 Landowners must submit a damage claim in writing to the District within ten (10) business days of the date that the damage occurred in order to permit prompt investigation.
- 6015 The Water & Power Operations Manager shall within five business days of receipt of the claim, investigate the incident, document the events, and provide to the General Manager recommendation of action.

- 6016 Claims shall be processed by the Water & Power Operations Manager and forwarded to the General Manager. The General Manager shall prepare a response to the claim and notify the Board.
- 6017 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.