

**RULES AND REGULATIONS GOVERNING
THE DISTRIBUTION OF IRRIGATION WATER
WITHIN THE MODESTO IRRIGATION DISTRICT**

APRIL 2015

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PREAMBLE

These Rules and Regulations Governing the Distribution of Irrigation Water Within the Modesto Irrigation District are established pursuant to Water Code Section 22257 to ensure the orderly, efficient and equitable distribution, use and conservation of the water resources of the District. The District will endeavor to deliver irrigation water in a flexible, timely manner consistent with the physical and operational limits of the delivery system facilities.

In addition to these Irrigation Rules, the District may enter into agreements and develop policies and programs to enhance service to our customers. To receive further information, please contact:

Modesto Irrigation District
Irrigation Operations Division
P.O. Box 4060
Modesto, CA 95352
(209) 526-7563

**This rules booklet supersedes
"Rules and Regulations Governing the Distribution of Irrigation Water in the Modesto
Irrigation District"
(Last Revised April 2000)**

MODESTO IRRIGATION DISTRICT MISSION STATEMENT

To deliver superior value to our irrigation, electric and domestic water customers through teamwork, technology and innovation.

IRRIGATION OPERATIONS DIVISION MISSION STATEMENT

To responsibly manage the water resources of the District to provide a safe, reliable and sustainable supply for our agricultural and urban community.

HISTORICAL NOTES

Signing of the Wright Act in March of 1887 allowed for the formation of irrigation districts in California and gave them the power to conduct elections, issue bonds and acquire property. The Modesto Irrigation District was the second irrigation district formed under the new law. The Wright Act was named for C.C. Wright, the Modesto assemblyman who introduced the law.

The District first delivered irrigation water in 1904; the availability of such water changed the nature of the farming in the area within a few years. Large tracts of wheat were replaced with orchards and vineyards. Today Stanislaus County ranks among the top 10 agricultural counties in the nation.

KEY DATES

Established	July 23, 1887
Irrigation service started	1904
Electrical service started	1923
Waterford Irrigation District-merger	January 1, 1978
Domestic water treatment started	1994

IRRIGATION FACTS

No. of acres in the District	101,683
Irrigated acres	64,000
No. of accounts	3,400
Miles of canals and pipelines	208
Water source	Tuolumne River
Average Annual Modesto Rainfall	12 inches

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SECTION 1: DEFINITIONS

- 1.1. “Agreement” includes any license agreement or agreement of any nature, application, request for permission, permit, petition or contractual obligation entered into by and/or between a Landowner or Irrigator and the District.
- 1.2. “Irrigation Operations Manager” is the Irrigation Operations Manager of the District or the Irrigation Operations Manager’s authorized representative.
- 1.3. “Authorized agent / authorized representative” means a subordinate or other individual granted the authority to act on behalf of the District.
- 1.4. “Board” means the duly elected Board of Directors of the District.
- 1.5. “Canals” include canals, laterals, ditches, drains, flumes, pipelines, and all related water conveyance facilities.
- 1.6. “Canal Road” means the area within District Rights-of-Way maintained for the purpose of permitting the passage of District vehicles.
- 1.7. “Delivery Point” means the location at which the District transfers control of delivered water to the irrigator or group of irrigators.
- 1.8. “District” means the MODESTO IRRIGATION DISTRICT functioning under the Irrigation District Law of the California Water Code.
- 1.9. “District Canals” means Canals owned, operated and maintained by the District, but excluding Improvement District Facilities.
- 1.10. “District Facilities” means Facilities owned, operated and maintained by the District, but excluding Improvement District Facilities.
- 1.11. “District Rights-of-Way” includes all rights-of-way held by the District, in fee or by easement.
- 1.12. “Ditchtender” means the District employee, under the general direction of the Irrigation Field Services Manager, responsible for making direct irrigation deliveries to Landowners from the District’s irrigation system.
- 1.13. “Facilities” include dams, structures, wells, canals, pumps, reservoirs, and all other facilities and appurtenances thereto used for or in connection with the delivery, conveyance or receipt of water.
- 1.14. “Gravity Water” means water delivered to the end-user by means of gravitational flow.
- 1.15. “General Manager” or “GM” is the General Manager of the District or the GM’s authorized representative.

- 1.16. "Improvement District" is any sub-district involving two or more landowners within the District formed under the California Water Code and for the purpose of providing for the operation and maintenance of, and capital improvements to, Facilities not owned by the District.
- 1.17. "Improvement District Facilities" include all Facilities owned by an Improvement District.
- 1.18. "Irrigable" means all parcels with or without on-farm irrigation facilities that could be irrigated either by District or private water.
- 1.19. "Irrigation Field Services Manager" is the District employee, under general direction from the Irrigation Operations Manager, who is delegated the authority and responsibility to direct irrigation water deliveries and construction/maintenance of the District's irrigation system.
- 1.20. "Irrigation Rules" means these Rules and Regulations Governing the Distribution of Irrigation Water Within the Modesto Irrigation District, as duly adopted by the Board, and all regulations, policies, notices and procedures promulgated in accordance therewith.
- 1.21. "Irrigation Season" means that portion of the calendar year where surface irrigation water is generally made available to District Landowners. The Irrigation Season typically extends from March 1 to October 31, but may be modified each year as directed by the Board.
- 1.22. "Irrigator" means the Landowner or Renter of a parcel of land who has the primary responsibility for irrigating the parcel. The term includes the Irrigator's officers, employees, contractors and agents.
- 1.23. "Landowner" means holder of title or evidence of title to land.
- 1.24. "Laws" includes all federal, state and local statutes and ordinances, and all rules and regulations promulgated, and all orders and decrees issued, in connection therewith.
- 1.25. "Policy" means Agreements, rules, regulations, guidelines, and Procedures that authorize District staff to act on behalf of the District.
- 1.26. "Pollutant" means any 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, fertilizers 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 or any flammable, explosive, or radio active material, toxic substance, hazardous waste, hazardous material, hazardous substance, or the equivalent, as those terms may now or in the future be defined by common practice or by Law. Filter station backflush water shall be allowed back into District facilities so long as chemical injection occurs

downstream of backflush location, proper backflow prevention is in place and the Landowner is in compliance with the irrigated lands regulatory program.

- 1.27. “Practice” is a customary activity or generally accepted method.
- 1.28. “Private Facilities” include all facilities owned by a person or entity other than the District or an Improvement District.
- 1.29. “Procedure” is an ordered series of steps developed by the District to guide interaction between District staff and the public.
- 1.30. “Program” is a plan or Procedure through which a Landowner may secure services, such as design, funding and/or financing, for irrigation system improvements.
- 1.31. “Renter” means a person or entity that leases, rents, or sharecrops land from a Landowner.
- 1.32. “Vehicle” means any motorized or self propelled vehicle, for air, water or land, including but not limited to boats, cars, motorcycles, bicycles, and all terrain vehicles.
- 1.33. “Water Allocation” means the quantity of water that is allocated annually by the Board for irrigation distribution to each acre of land within the District.

SECTION 2: FACILITIES

2.1. CONTROL OF FACILITIES:

2.1.1. District Facilities are under the exclusive direction, management and control of authorized District personnel. No persons other than authorized District personnel shall have any right to operate or interfere with said Facilities in any manner.

2.1.1.1. Each Irrigable parcel will be within an area assigned to a designated Ditchtender.

2.1.2. For assistance with Facilities, contact the Irrigation Field Services Manager at (209) 526-7637.

2.1.3. For emergency use of Facilities, contact the Irrigation Field Services Manager at (209) 526-7637.

2.2. ACCESS TO LANDS:

2.2.1. Every District director, officer, employee, and authorized agent or representative shall have the right, at all times, to reasonably enter any land irrigated with water from the District for any of the following purposes:

2.2.1.1. Inspecting District Facilities; the flow of water within and through such Facilities (including measurement thereof); and the use of water on the land;

2.2.1.2. Determining the acreage of crops irrigated or to be irrigated;

2.2.1.3. Maintaining or operating District Facilities;

2.2.1.4. Investigating any incident or report involving District Facilities, or water originating from any District Facility;

2.2.1.5. Responding to an emergency upon notification from law enforcement or other person; and

2.2.1.6. Performing any work contemplated under these Irrigation Rules.

2.2.1.7. Should entry for the purposes set-forth herein be unreasonably denied, the current irrigation event may be terminated and re-establishment of irrigation event shall be coordinated with the Ditchtender.

2.3. ENCROACHMENTS:

- 2.3.1. No trees, vines, crops or other vegetation shall be planted and no encroachments shall be installed, constructed or placed in, on, over, under or across any District Facility or Right-of-Way unless such encroachment is consistent with District Policy and the District has given specific written approval for such encroachment. In granting such approval, the District may impose such conditions (including reasonable fees) and/or restrictions as District deems appropriate.
- 2.3.2. Upon written notification from the District to the Landowner owning the land adjacent to any unauthorized encroachment, said Landowner shall immediately remove such encroachment. If such encroachment is not promptly removed, the District may take all reasonable action to remove the encroachment at the sole expense of the Landowner.
- 2.3.3. Encroachments in, on, over, under or across any District Facility or District Right-of-Way that interfere with the operation or maintenance of that Facility may be removed by the District without notice, at the sole expense of the encroacher or adjacent Landowner.

2.4. DESIGN AND CONSTRUCTION OF IRRIGATION FACILITIES:

- 2.4.1. No irrigation system improvements, including Delivery Points, weirs, pump intakes, mechanical screens or structures of a similar nature, shall be planted, installed, constructed or placed in, on, over, under or across any District Facility or Right-of-Way unless written permission has first been granted therefore by the District. No person or entity receiving such Permission (a "Permittee") shall acquire any rights in District's Facilities or Rights-of-Way other than those set forth in District's written permission. Permittees shall, at their own expense, promptly upon receipt of notice from District, relocate or remove any improvement. In the event Permittee fails to do so, the District may perform such relocation or removal at Permittee's sole expense.
- 2.4.2. Unless otherwise specified by Agreement, all improvements shall be at the Permittee's sole expense, built to current District construction and engineering design standards, and shall become the property of the District upon completion.
- 2.4.3. All Delivery Points shall be capable of measuring the volume of water delivered in compliance with the prevailing state law and regulations promulgated by the California Department of Water Resources or other regulatory agency as may be applicable.
- 2.4.4. If the work can or has the potential to affect the flow of water in District conduits, the work must be performed during times pre-approved in writing by District. Ordinarily, in the absence of an emergency, such work will not be permitted during the period of March 1 to November 1.

2.5. DESIGN AND CONSTRUCTION OF NON-IRRIGATION FACILITIES:

- 2.5.1. No improvements, including buildings, bridges, gates, cross canal pipes, or structures of a similar nature, shall be planted, installed, constructed or placed in, on, over, under or across any District Facility or Right-of-Way unless written permission has first been granted therefore by the District. No Permittee shall acquire any rights in District's Facilities or District Rights-of-Way other than those set forth in District's written permission. Permittees shall, at their own expense, promptly upon receipt of notice from District, relocate or remove any improvement. In the event, Permittee fails to do so, the District may perform such relocation or removal at Permittee's sole expense.
- 2.5.2. Unless otherwise specified by Agreement, all authorized improvements shall be at the Permittee's sole expense, built to current District construction and engineering design standards, and shall become the property of the District upon completion.

2.6. DESIGN AND CONSTRUCTION OF PRIVATE OR IMPROVEMENT DISTRICT FACILITIES:

- 2.6.1. All new Private or Improvement District Facilities used for flood irrigation purposes shall provide for a minimum gravity flow of fifteen (15) cubic feet per second. A variance from this minimum flow shall be evaluated by the District on a case-by-case basis based on the impact on the operation of the District's water delivery system.
- 2.6.2. All new Private or Improvement District Facilities used for delivering water to pressurized irrigation systems shall be designed to meet the flow requirements of the land served by the Facility without impacting the irrigation operations of the District or other landowners served by the Facility.
- 2.6.3. Any proposed change in use or modification to an Improvement District Facility requires approval of two-thirds of the Improvement District members and obtaining consent shall be the sole responsibility of the Landowner.
- 2.6.4. The Irrigator will be required to install, operate, and maintain lift pumps, at Irrigator's expense, to receive water where the District is unable to deliver gravity water.
- 2.6.5. The location and tie-in of gravity or pump Facilities to District Facilities must meet District construction and engineering design standards and be approved in writing by the District prior to construction.
- 2.6.6. All plans for the installation, construction and placement of Private and Improvement District Facilities shall be submitted to the District for review. No installation, construction, or placement shall commence until

the District has reviewed the plans. The District's rights hereunder to review and accept the plans shall not impose any duties or obligations on the District, nor shall such rights relieve the Irrigator of the sole responsibility for the Facilities plans, schedules and installation, construction and placement work.

- 2.6.7. Pre-consultation with District Irrigation Operations Staff concerning the design and construction of improvements is strongly recommended.

SECTION 3: OPERATION OF DISTRICT FACILITIES

3.1. LIMITS OF LIABILITY:

- 3.1.1. The District's responsibility for the water shall absolutely cease when the water is diverted into any Private or Improvement District Facility or property.
- 3.1.2. The District shall not be liable for any nuisance or negligent, wasteful or other use or handling of water by any recipient or user thereof.
- 3.1.3. The District shall not be responsible for any trash, debris or other matter that may flow or accumulate in the water. The District shall not be responsible for any interference with, decrease in the operation or capacity of, or damage to Facilities as a result of such trash, debris or other matter.
- 3.1.4. The District is not a guarantor of service and shall not be liable for any damage any person may suffer as a result of water not being delivered.

3.2. CONTROL OF DELIVERY POINTS:

- 3.2.1. The District has sole right and responsibility to operate Delivery Points and valves within District Canals. The Ditchtender may authorize an Irrigator to operate a Delivery Point or valve during the period when the Irrigator is scheduled to receive water. In such event the authorized Irrigator shall follow any Delivery Point or valve operational instructions issued by the Ditchtender and shall operate the designated Facilities in a safe and prudent manner. The Irrigator shall be liable for any and all damage resulting directly or indirectly from the Irrigator's operation of District's Facilities.
- 3.2.2. The District may take any action it deems appropriate to secure District Delivery Points, valves and other Facilities, including the use of locks and chains. Irrigators or groups of Irrigators may install locks on District Facilities only with the prior consent of the District. No lock installed by any Irrigator shall interfere with District's use or operation of the Facility.
- 3.2.3. The District may seal or remove, or require a Landowner to seal or remove, at Landowner's sole expense, any Delivery Point or valve where service from that Facility is no longer required by the Landowner.
- 3.2.4. All Delivery Points from District Facilities shall have a point of positive shut-off easily accessible to the Ditchtender within the District Rights-of-Way.

3.3. PUMPING OF IRRIGATION WATER:

- 3.3.1. Water pumped from District Canals shall be subject to all rules and regulations governing the use of Gravity Water.

3.3.2. Water pumped from District wells shall be subject to all rules and regulations governing the use of Gravity Water.

3.4. DISTRICT PUMPS:

3.4.1. The District, within its sole discretion, shall determine when to run District owned irrigation and drainage pumps. The times of operation may depend upon a variety of circumstances, including the groundwater level near the pump, available supply, peak power load, and the quality of the water being pumped.

3.4.2. District drainage pumping Facilities will not be installed to serve individual acreage. Perched water table control on individual parcels is the responsibility of the Landowner.

3.4.3. District pumps shall be operated during the non-irrigation season, only at the District's discretion.

3.4.4. Irrigators may rent District pumps, as available, in accordance with the terms and conditions of District's Pump Rental Agreement.

3.5. INTERFERENCE WITH DISTRICT FACILITIES:

3.5.1. Any use of, interference with or damage to any District Facility, including Canals or Canal Roads, is, unless specifically permitted by these Irrigation Rules, prohibited.

3.5.2. No persons other than authorized District employees and agents, and persons permitted in accordance with these Irrigation Rules, shall:

3.5.2.1. Operate any District Facility.

3.5.2.2. Enter onto or into any District Facility

3.5.2.3. Attach, place or remove any boards, chains, ropes, or any other object to, on, in, or upon any District Facility or Canal Road.

3.5.2.4. Attach, place or remove any sign, board, post, fence, or gate to, on, in, or upon any District Facility or Canal Road.

3.5.2.5. Install, place, construct, operate or use any obstruction on, in, or upon any District Facility or Canal Road.

3.5.2.6. Operate, park, abandon or dispose of any Vehicle on, in, or upon any District Facility or Canal Road.

3.5.2.7. Use District property or Facilities for water sports or other recreational purposes, including without limitation surfing, skiing, boating, hunting or camping.

3.6. USE OF CANAL ROADS AND RIGHTS OF WAY:

- 3.6.1. Except as otherwise specifically permitted by the District in writing, no person shall cross any District Canal, including without limitation any weir, bridge or other crossing, except those clearly marked for public use.
- 3.6.2. No unauthorized vehicle shall be on or within District Canal Roads or Rights-of-Way. District Canal Roads and Rights-of-Way are for the exclusive use of authorized District employees and agents, and other authorized persons permitted in accordance with these Irrigation Rules. Persons requiring a specific use of a Canal Road or Right-of-Way may apply to the District for written permission prior to such use. Notwithstanding any permission granted by the District, use of District Canal Roads and Rights-of-Way is at the sole risk of the user.
- 3.6.3. The following persons have permission to operate a vehicle upon a District Canal Road or Right-of-Way consistent with District Rights-of-Way Policy 94-01.
 - 3.6.3.1. Any District Director, officer, employee, or authorized agent in the performance of their duties.
 - 3.6.3.2. Persons actively involved in farming a parcel of land adjacent to the specific District Canal Road or Right-of-Way.
 - 3.6.3.3. Persons actively involved in farming who use the specific District Canal Road or Right-of-Way for access to irrigation facilities serving their parcel of land.
 - 3.6.3.4. Persons whose property is directly adjacent to a District Canal and to whom permission for ingress and egress to the property has been granted by the District.
 - 3.6.3.5. Private parties who have made temporary ingress-egress arrangements in writing with the District for property maintenance or construction purposes.
 - 3.6.3.6. Any sheriff, police, fire, or public safety personnel on official business.
 - 3.6.3.7. Any District contractor who needs to use a specific District Canal Road or Right-of-Way to perform work under its contract with the District.
- 3.6.4. All vehicles using District Canal Banks or Rights-of-Way shall be operated in a safe and lawful manner at all times.

3.7. USE OF FACILITIES FOR WASTEWATER

3.7.1. No Pollutant, shall be, or permitted to be, placed, drained, spilled or otherwise discharged into or onto any District Facility or Canal Road.

3.7.2. No District Facilities shall be used for transportation of manure or other livestock waste of any kind, except with the prior written approval of the District which shall not be granted except under special circumstance, consistent with the District's Water Quality Policy.

3.7.2.1. Any person who violates this rule may be subject to criminal prosecution and civil liability.

3.8. USE OF FACILITIES FOR OTHER WATERS

3.8.1. Nothing other than District water, shall be transported through District Facilities at any time, except with the prior written approval of the District. All water transported through District Facilities shall be of a quality and quantity acceptable to the District.

3.8.2. Permission to use District Facilities as set forth in this Section 3.8 is at the sole discretion of the District and the District may impose reasonable conditions on such permission, including but not limited to the right of the District to approve and monitor the transporter's water measurement facilities. Any permission granted shall be revocable by the District at any time.

3.8.3. A service charge will be made by the District for transporting the water of others through District Facilities. The amount of this service charge will be set from time to time by the Board. All costs of transporting the water of others through District Facilities shall be borne by the person whose water is being transported.

3.8.4. Gates and/or pumps from waste water lagoons that are connected to District Facilities, in any way, must have a District approved and functional backflow prevention device.

3.9. MAINTENANCE OF PRIVATE OR IMPROVEMENT DISTRICT FACILITIES:

3.9.1. Each active Improvement District shall appoint at least two Improvement District Committee members who shall be authorized to approve all required maintenance and repair work.

3.9.1.1. Facilities maintenance and repair work for an Improvement District is the responsibility of the Improvement District.

3.9.1.2. Improvement District Landowners shall procure and pay for all materials and labor related to such maintenance and repair

work. Said costs shall be prorated on a per acre basis unless otherwise agreed by the Landowners.

3.9.1.3. The District may at its discretion, if requested by the Improvement District Committee, provide maintenance and repair services for Improvement District Facilities.

3.9.2. Private Facility maintenance and repair work is the responsibility of the Landowner(s) being served by the Private Facility.

3.9.3. Private or Improvement District Facilities may be cleaned or repaired by the District at the Landowner or Improvement District's expense when the District determines such action is necessary for the District's operations.

Maintenance and repair of irrigation valve structures on District or Improvement District Facilities are the responsibility of the Landowner of the property being served by those Facilities.

3.10. FLOW THROUGH PRIVATE AND IMPROVEMENT DISTRICT FACILITIES:

3.10.1. All Private and Improvement District Facilities must be free from weeds and other obstructions, and properly maintained, to permit sufficient capacity to carry the flow of water requested by any Irrigator, without the danger of levee breaks, overflow, or undue seepage.

3.10.2. The District may curtail or terminate the delivery of water to any Private or Improvement District Facility not meeting the above requirements and require the Facility to be cleaned, repaired, or reconstructed before water delivery is restored.

SECTION 4: DUTIES OF IRRIGATOR

4.1. IRRIGATOR RESPONSIBILITIES:

- 4.1.1. All land to be irrigated must be properly prepared to efficiently receive the water.
- 4.1.2. Landowners and Renter shall ensure that there is an Irrigator on the land at all times that water is made available to the land by the District.
- 4.1.3. The Irrigator shall be responsible for and shall attend and control the water at all times after it leaves District Facilities.
- 4.1.4. The Irrigator shall use the water continuously, day and night, from the commencement of water delivery until the completion of irrigation.
- 4.1.5. The Irrigator shall ensure that all irrigation Facilities are in working condition and ready to receive water at the irrigation start time, including but not limited to the opening and closing of valves and gates as needed.
- 4.1.6. The Irrigator is responsible for priming the pipeline prior to use. Priming shall be limited to 3” of stem opening or as directed by the Irrigation Field Services Manager; more than 3” of stem opening and landowner will be charged for water delivered, as determined by District.
- 4.1.7. The Irrigator shall close all gates and valves on the Irrigator's Private Facilities at the end of each irrigation.
- 4.1.8. The Irrigator shall call the Ditchtender immediately after each irrigation to report the irrigation start and stop times. If the Irrigator does not call promptly, irrigation time may be estimated by the District.
- 4.1.9. As directed by the Ditchtender, the Irrigator shall, at the end of the irrigation, call and notify the next Irrigator receiving water.

4.2. USE OF WATER:

- 4.2.1. All water must be applied efficiently and used reasonably and beneficially.
- 4.2.2. Except as otherwise expressly permitted by these Irrigation Rules, all water shall be used solely for irrigation purposes; provided, however, that an Irrigator may use District water for crops related to cultural practices through the normal irrigation schedule.
- 4.2.3. The District may refuse to deliver District water to any Irrigator who misuses or wastes water either willfully or carelessly, in any way, including but not limited to the following:
 - 4.2.3.1. Flooding of roads, vacant land, or land previously irrigated.

4.2.3.2. Defective or inadequate non-District Canals or Facilities.

4.2.3.3. Inadequately prepared land.

4.2.3.4. Flooding any part of any land to an unreasonable depth or amount, including for the purpose of irrigating other portions of the land.

4.2.3.5. Flooding across one parcel to irrigate another parcel.

4.2.4. Any person, through acts or omissions, allowing water to discharge upon a public road or highway is liable for any resulting damages and may be subject to fines and/or penalties.

4.3. LIABILITY FOR DAMAGE:

4.3.1. The Irrigator is responsible and liable for any damage caused by the Irrigator's failure to fulfill each of the obligations set forth in these Irrigation Rules, by the Irrigator's negligent or careless use or control of water, or by the Irrigator's improper operation or maintenance of any Facility for which the Irrigator is wholly or partially responsible.

SECTION 5: DELIVERY OF IRRIGATION WATER

5.1. WATER ALLOTMENT AND CHARGES:

- 5.1.1. Each year the Board of Directors shall establish the quantities of water available for each acre of service, the charges for water, the terms for the transfer of water, and any other provisions or charges for service as the Board may find appropriate.
- 5.1.2. Parcels less than or equal to ten acres in size may sign-off consistent with the District's Irrigation Water Activation and Reactivation Policy.
- 5.1.3. All water charges, Improvement District charges and assessments, and other irrigation or drainage related charges shall be due and payable as stated by Board Resolution and notices in billing statements.

5.2. FAILURE TO PAY CHARGES:

- 5.2.1. The District may refuse to furnish water to any parcel of land if outstanding charges for water or services already furnished or rendered to such land (including any accrued interest and penalties) have not been paid in full by the District's prescribed payment date.
- 5.2.2. All charges placed on an individual parcel of land are the responsibility of the Landowner. In accordance with the provisions of Section 25806 of the Water Code, delinquent water service charges and/or assessments, together with all imposed penalties, for a parcel of land will be made a lien on the subject real property.

5.3. WATER USER INFORMATION:

- 5.3.1. No later than May 1 of each year, each Landowner or designee shall provide to the District a signed statement, on the District's form, of the kinds of crops and number of acres of each crop that will be irrigated on each parcel of land, and such other relevant information as the District may reasonably require on the same statement. After May 1 of each year, no changes to the amount of irrigated acreage or non-irrigated acreage will be allowed, but the kind of crop that is going to be planted may be changed at any time.

5.4. IRRIGATION SERVICE:

- 5.4.1. To schedule an irrigation, the Irrigator must place an order with the Ditchtender. The Ditchtender will generally schedule the water to be delivered within 5 days, subject to system limitations. In the event that an Irrigator is not ready to receive the water at the scheduled time, the Irrigator will be required to wait until the Ditchtender can reschedule water to the parcel.

- 5.4.2. Where possible, irrigation water will be provided to the Irrigator based on an arranged demand delivery, under which the delivery rate is fixed, but the frequency and duration of use are requested by the Irrigator. Where the capacity of the system is limited, rotation delivery may be used by the Ditchtender. The Ditchtender may, at the Ditchtender's discretion, alter the rotation or cause water to be delivered upon request. Advance notice for rotation deliveries will be made with an appropriate amount of warning time to take into consideration the preparation needed to commence irrigation.
- 5.4.3. Any Irrigator who desires irrigation water on a tailored delivery schedule is required to submit a detailed application to the District for consideration. Ditchtender will endeavor to meet the tailored delivery schedule, but District does not and cannot guarantee deliveries in accordance with the tailored delivery schedule.
- 5.4.4. The Ditchtender will inform each Irrigator of the anticipated date and time of water delivery to each of the Irrigator's parcel(s) of land. The Ditchtender will provide information on flows, Delivery Point(s) and valve operation, and any special instructions related to the delivery sequence.
- 5.4.5. In the event that an Irrigator cannot be contacted, located, or otherwise reasonably notified of the availability of water, the Ditchtender may move that water to another Irrigator. In doing so, the Ditchtender will make all reasonable efforts to make water re-available to the Irrigator as soon as feasible within the capacity limitations of the District's Facilities while maintaining efficient and equitable water distribution among Irrigators.
- 5.4.6. The Ditchtender will endeavor to meet the scheduled time of delivery within the capacity limitations of the District's Facilities while maintaining efficient and equitable water distribution among Irrigators.
- 5.4.7. The District shall not be required to raise water in its Canals to any height in order to deliver irrigation water to lands or ditches deemed by the District to be of unusually high elevation.
- 5.4.8. 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 irrigator and therefore shall not be liable for any damages that may result from the application of supplied irrigation water.

5.5. MEASUREMENT OF WATER:

- 5.5.1. All measurements of water delivered by the District to an Irrigator shall be made by the District at the Delivery Points or valve in District's Canal, or at such other appropriate location as the District may determine. The District shall maintain records of the names of each Irrigator, the parcel(s)

of land that each Irrigator has irrigated, the number of acre feet of water delivered to each parcel, and other information deemed appropriate by the District.

- 5.5.2. The District has the authority to install or require the installation and maintenance of irrigation flow measurement devices or structures at all District Delivery Points in compliance with the prevailing state law and regulations promulgated by the California Department of Water Resources or other regulatory agency as may be applicable.

5.6. REFUSAL OF WATER BY IRRIGATOR:

- 5.6.1. If an Irrigator fails or refuses to continuously use the full head of water delivered to a parcel of land or scheduled for delivery, then the following shall apply:

- 5.6.1.1. The full amount of water normally delivered will be charged to the Irrigator;
- 5.6.1.2. The Irrigator shall not be entitled to use the unused portion of water at any other time;
- 5.6.1.3. The Irrigator will be required to reschedule for delivery of water.

5.7. INTERRUPTIONS OF SERVICE:

- 5.7.1. When a break occurs in any water distribution facility requiring an interruption of irrigation service, the Irrigator whose irrigation was interrupted, shall be allowed to finish irrigating when service is restored and shall not claim another irrigation during the affected irrigation cycle or rotation.
- 5.7.2. Upon completion of the repair, and provided there is no conflict with current usage, the Ditchtender will endeavor to re-establish service based on the original schedule. Where use conflict occurs, service will be restored at the discretion of the Ditchtender.

5.8. SERVICE TO PRIVATE OR IMPROVEMENT DISTRICT SYSTEMS:

- 5.8.1. Water deliveries to Irrigators who use Private or Improvement District Facilities shall be delivered to the Delivery Point of these Facilities by the Ditchtender.
- 5.8.2. Caution is required when priming, operating and closing canal gates in order to avoid damage to Facilities and the disruption of service caused by such damage.

5.8.3. Landowners shall be responsible for the actions of their Irrigators when taking water through and from Private or Improvement District Facilities.

5.9. IRRIGATION OF GARDENHEAD PARCELS:

5.9.1. Gardenhead parcels, which are typically less than five acres in size and separate or distinct from farm service parcels, will be irrigated as a group, where possible, with a standardized rotation irrigation flow consistent with the capacity of the gardenhead parcel irrigation Facilities. The gardenhead irrigation rotation is normally established by the Ditchtender given the annual allocation, and is subject to modifications by the Ditchtender.

5.9.2. Deliveries of water for irrigation of gardenhead parcels will be scheduled by the Ditchtender and may be subject to interruption when water is in short supply or otherwise when it is necessary for the proper irrigation of farm service areas.

5.9.3. Such service to gardenhead parcels shall not interfere unreasonably with the regular irrigation of farm service areas.

5.10. UNAUTHORIZED USE OF WATER:

5.10.1. Any person who uses District water without the District's permission may be assessed a \$1,500 fine for unauthorized use of water as determined by the Board..

5.10.2. Any person who uses District water without the District's permission a second time as determined by the Board, may lose any remaining allocation.

5.10.3. Unauthorized use of water constitutes failure to comply with Rules or Regulations and enforcement of this section shall be consistent with Section 8.1.

5.10.4. Any and all conditions for re-establishment of service shall be as set-forth in Section 8.2.1.

5.10.5. Following decision by Board as set-forth in Section 5.10.1 or 5.10.2 an appeal may be made to the Board.

5.10.6. Following a decision to uphold the fine by the Board, such unauthorized use may be posted on District's public website.

SECTION 6: DRAINAGE TO DISTRICT FACILITIES

6.1. DRAINAGE:

- 6.1.1. Notwithstanding any other provisions of these Irrigation Rules, no surplus irrigation water, storm water, wastewater, tile drainage, or any other water or substance shall be drained, dumped, pumped, siphoned or otherwise discharged into any District Facility without the prior written agreement of the District. In granting 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.
- 6.1.2. Water and other substances discharged into District Facilities shall meet all applicable federal, state and local water quality standards.
- 6.1.3. Filter station backflush water shall be allowed back into District facilities so long as chemical injection occurs downstream of backflush location, proper backflow prevention is in place and the Landowner is in compliance with the irrigated lands regulatory program.
- 6.1.4. 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 the water or other substance being discharged.
- 6.1.5. All discharge Facilities shall be constructed at the discharger's sole expense to and must meet the District's construction and engineering design standards.
- 6.1.6. All existing field drainage Facilities not currently covered by an agreement shall be subject to the District's current terms and conditions.
- 6.1.7. Gates and/or pumps from waste water lagoons that are connected to District Facilities, in any way, must have a District approved and functional backflow prevention device.

6.2. TRANSPORTATION:

- 6.2.1. No person 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 approve and monitor the transporter's measurement facilities. Permission to transport shall be revocable by the District at any time and for any reason.
- 6.2.2. Water and other substances transported through District Facilities shall meet all applicable federal, state and local water quality standards.

- 6.2.3. The rate and quantity of water and other substances transported through any District Facility may be subject to limitations based on the capacity of the Facility and the quality of the water and other substances being transported.
- 6.2.4. All transport Facilities shall be constructed at the transporter's sole expense and must meet the District's construction and engineering design standards.
- 6.2.5. All existing transportation Facilities not currently covered by an agreement shall be subject to the District's current rate, quantity, quality and other terms and conditions.

6.3. DRAINAGE AND TRANSPORTATION CHARGES

- 6.3.1. All costs of discharging into or transporting through District Facilities, as well as costs of associated carriage loss, shall be borne and paid by the discharger or transporter. A service charge will be assessed by the District for discharging or transporting through District Facilities. The amount of this service charge will be set from time to time by the Board of Directors.

SECTION 7: POLLUTION ABATEMENT

7.1. POLLUTION:

7.1.1. No Pollutant shall be placed, carried, transported, drained, dumped, pumped, siphoned, discharged, or otherwise allowed to enter into, onto, over, under or across any District Facility or associated Right-of-Way without the consent of the District.

7.1.2. Any person who violates this Rule may be subject to criminal prosecution and/or civil liability.

7.2. CLEANUP:

7.2.1. Any person who willfully or negligently causes or permits any Pollutant to be placed, carried, transported, drained, dumped, pumped, siphoned, discharged, or otherwise allowed into, onto, over, under or across any District Facility or associated Right-of-Way without the prior written consent of the District shall immediately notify the District and take all action to mitigate the effects of such Pollutant. Such person shall, at that person's sole expense, unless otherwise directed by the District, perform or cause to be performed all necessary remediation to the District's satisfaction and in compliance with all applicable laws. Such person shall cooperate with the District to complete the remediation and shall reimburse the District for all costs and expenses incurred in connection with the remediation, including but not limited to administrative, investigative, and legal costs, fines and penalties.

7.2.2. No water shall be delivered to any parcel of land from which the pollutant originated or to any other parcel of land owned, rented, leased or irrigated by the person who caused or permitted any Pollutant into, onto, over, under or across any District Facility or associated Right-of-Way, until the remediation required in Section 7.2.1 is complete, all damages, costs and expenses, arising out of such event have been paid, and action satisfactory to the District has been taken to ensure that such event will not be repeated.

SECTION 8: ENFORCEMENT OF IRRIGATION RULES AND REGULATIONS

8.1. FAILURE TO COMPLY WITH RULES OR REGULATIONS:

- 8.1.1. Failure or refusal of any Landowner, Renter or Irrigator to comply with any of these Irrigation Rules or applicable regulations, or any part thereof, may be sufficient cause for curtailment or termination of delivery of District water to the lands of such Landowner, Renter or Irrigator.
- 8.1.2. Interference by any Landowner, Renter or Irrigator with a District employee, agent or official in the discharge of their duties may be sufficient cause for curtailing or terminating delivery of District water to the lands of such Landowner, Renter or Irrigator.
- 8.1.3. The District may immediately terminate the delivery of District water supplied to any parcel of land if the condition of the land or irrigation Facility present an immediate danger to any person, to the general public, or to any property, including but not limited to the flooding of property.
- 8.1.4. Compliance with each and all of these rules shall be a condition precedent to the delivery of water to any Irrigator. The Board retains the authority to make determinations regarding continued irrigation service in all instances that are not specifically contained in these rules and regulations.

8.2. RESTORATION OF SERVICE:

- 8.2.1. Water delivery shall not be restored until full compliance with requirements established by these Irrigation Rules and Regulations is established and any other conditions for re-establishment of service as determined by the Board.

8.3. APPEAL OF A DECISION TO TERMINATE DELIVERY

- 8.3.1. From a decision of the Ditchtender, an appeal may be made to the Irrigation Field Services Manager. From any decision of the Irrigation Field Services Manager, an appeal may be made to the Irrigation Operations Manager. From any decision of the Irrigation Operations Manager, an appeal may be made to the GM. From any decision of the GM, an appeal may be made to the Board. If an appeal from any decision is not made within fourteen (14) days of the date of the decision, the decision will be deemed final and the failure to appeal a decision in the manner and within the time period set forth above shall constitute a waiver of all rights to further protect, judicial or otherwise.

PROCEDURES TO ORDER WATER:

- A. Prepare your field to receive water.
- B. Contact your Ditchtender to place an order.
- C. Your Ditchtender will inform you of the time sequence, and other details regarding water delivery.

IRRIGATION EQUATIONS:

$$\begin{aligned} \text{inches of water} &= \frac{(\text{cfs flow}) \times (\text{hours irrigated})}{\text{acres served}} \\ \text{hours irrigated} &= \frac{(\text{inches of water}) \times (\text{acres served})}{\text{cfs flow}} \\ \text{cfs flow} &= \frac{(\text{inches of water}) \times (\text{acres served})}{\text{hours irrigated}} \\ \text{acre feet} &= \text{cfs (hours irrigated /24) (1.983)} \\ \text{number of acres} &= \frac{(\text{cfs flow}) \times (\text{hours irrigated})}{\text{inches of water}} \end{aligned}$$

For example, a 20 acre parcel with a standard cfs irrigation flow will receive 6 inches of water in an 8 hour period.

$$6 \text{ inches} = \frac{(15 \text{ cfs flow}) \times (8 \text{ hours})}{20 \text{ acres}}$$

COMMON CONVERSIONS:

1 cubic foot per second (cfs) = 449 gallons per minute

1 cubic foot per second for 12 hours = 1 acre foot

1 acre foot = 325,900 gallons

1 acre foot = 43,560 cubic feet

An acre foot is the amount of water needed to cover 1 acre with 12 inches of water.

APPENDIX “A”

Pertinent Provisions of law:

Water Code Section 22257 provides in part as follows:

“Each district shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district. A district may refuse to deliver water through a ditch which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water.”

“A district may close a defective gate in a community water distribution system used for irrigation purposes and may refuse to deliver water through the defective gate if the landowner fails to repair the gate or outlet to the satisfaction of the district within a reasonable time after receipt of notice from the Board through its authorized water superintendent, manager, or ditchtender to repair the gate outlet.”

Water Code Section 22282.1 provides that:

“A district may refuse service to any land if outstanding charges for services already rendered such land have not been paid within a reasonable time.”

Penal Code Section 592 provides that:

“Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating or generation of power, or domestic uses, or who shall without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof, used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed, into any such canal, ditch, flume or reservoir, a rubbish, filth or obstruction to the free flow of the water, is guilty of a misdemeanor.”