

Rules & Regulations
Governing the Operation and Distribution of Water
Within the Oakdale Irrigation District Service Area



Adopted by the OID Board of Directors (Board) on February 2, 2021. These rules and regulations may be changed at any time by order of the Board with or without notice.

Rules & Regulations
Governing the Operation and Distribution of Water
Within the Oakdale Irrigation District Service Area

PREAMBLE

These Rules and Regulations Governing the Operation and Distribution of Water (Rules and Regulations) within the Oakdale Irrigation District are established pursuant to Section 22257 of the California Water Code which states in part that, “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.” Oakdale Irrigation District has established these rules and regulations to ensure equitable, economical, and efficient distribution, use, and conservation of water resources available to the District. The Oakdale 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 distribution system operators. The District is committed to excellence in water resource management and all aspects of operation.

MISSION STATEMENT

“To protect and develop Oakdale Irrigation District water resources for the maximum benefit of the Oakdale Irrigation District community by providing excellent irrigation and domestic water service.”

**- OAKDALE
IRRIGATION DISTRICT**

GENERAL INFORMATION

Oakdale Irrigation District (OID or District) was formed on November 1, 1909 as an irrigation district of the State of California formed pursuant to the provisions of Division 11 of the California Water Code (CWC) for the purpose of delivering irrigation water to the agricultural lands within its boundaries. Geographically, the District encompasses parts of Stanislaus and San Joaquin Counties, about 12 miles northeast of Modesto and 30 miles southeast of Stockton. Urban areas in the District include the city of Oakdale and the unincorporated area of Valley Home located in Stanislaus County. Water to supply the District comes principally from the Stanislaus River under well-established adjudicated water rights but also from water reclamation and drainage recovery systems and pumping from deep wells. The District's distribution systems include the Goodwin Diversion Dam on the Stanislaus River below the Tulloch Dam, at which point water is diverted into the District's main canal systems.

Currently the District operates and maintains over 330 miles of laterals, pipelines, and tunnels, 25 deep wells, and 41 lift pumps to serve local agricultural customers. Secondary easements as defined in Section 22438 of the CWC are maintained for all District facilities other than those with easements evidenced by a written grant or judgment providing a legal description. In addition to providing surface irrigation (raw) water to over 2,900 parcels in its 82,000 acre service area, the District also supplies domestic water to over 700 customers. The District does not presently operate a domestic water treatment plant or provide municipal or industrial water.

The District is governed by a 5-member Board who are elected by the residents of the District to staggered four-year terms. To facilitate matters, most business coming before the District's Board is first considered by one of its committees. Each committee then reports and/or provides a recommendation to the full Board, which makes the final decision. There are seven standing committees that include Domestic Water, Finance, Personnel, Planning and Public Relations, San Joaquin Tributary Authorities, Tri-Dam Project, and Water/Engineering. In accordance with Section 21377 of the CWC, regular board meetings are held on the first Tuesday of each month at the District office. Special board meetings are also held on occasion. Board meeting dates, agendas and minutes are available on the District's website (www.oakdaleirrigation.com).

Day-to-day operations of the District are managed by the General Manager who is appointed and reports directly to the Board. Reporting to the General Manager are four departments: Engineering, Finance, Water Operations and Construction/Maintenance.

The Board endeavors to carry on the affairs of the District in an economical, businesslike, and orderly manner and to distribute water equitably to all constituents. To assist in this effort and to secure the greatest good to the greatest number, the following rules and regulations are adopted pursuant to Section 22257 of the CWC and related sections. Each Landowner, Water User, and Tenant, as a party directly interested in the welfare of the District, should make every effort to comply with the District's rules and regulations.

TABLE OF CONTENTS

SECTION 1: DEFINITIONS.....	1
SECTION 2: ENFORCEMENT OF RULES & REGULATIONS.....	3
2.1 GENERAL.....	3
2.2 FAILURE TO COMPLY WITH RULES & REGULATIONS	3
2.3 RESTORATION OF SERVICE.....	3
2.4 DISPUTES.....	4
SECTION 3: FACILITIES.....	5
3.1 CONTROL OF FACILITIES.....	5
3.2 OPERATION OF FACILITIES.....	5
3.3 USE OF DISTRICT FACILITIES.....	9
3.4 ACCESS TO LANDS	15
3.5 ENCROACHMENTS.....	16
3.6 CONSTRUCTION OF PRIVATE IRRIGATION FACILITIES	16
3.7 DESIGN OF IRRIGATION FACILITIES	17
3.8 IMPROVEMENTS/RELOCATION OF IRRIGATION FACILITIES.....	18
SECTION 4: DUTIES OF WATER USERS.....	19
4.1 RESPONSIBILITIES.....	19
4.2 USE OF WATER.....	20
4.3 CHARGES.....	20
SECTION 5: DISTRIBUTION OF WATER.....	21
5.1 ALLOCATIONS & ENTITLEMENTS.....	21
5.2 SCHEDULING & NOTIFICATION	21
5.3 MEASUREMENT.....	23
5.4 INTERRUPTION OR REFUSAL OF SERVICE	24
5.5 OUT-OF-DISTRICT SERVICE AGREEMENTS	24
5.6 UNAUTHORIZED USE OF WATER.....	25
SECTION 6: LIABILITY	26
6.1 DISTRICT LIABILITY	26
6.2 WATER USER LIABILITY.....	27
6.3 CLAIMS FOR DAMAGES.....	28

SECTION 1: DEFINITIONS

As used herein, the following words, whether or not initially capitalized, shall have the following meanings:

- 1.01 “**Board**” means the Board of Directors of the District.
- 1.02 “**Conduits**” includes canals, laterals, ditches, flumes, pipelines, and their appurtenances.
- 1.03 “**Construction/Maintenance Manager**” means the District employee serving under the general direction of the General Manager in regard to the management and supervision of the Construction/Maintenance Department.
- 1.04 “**District**” means the Oakdale Irrigation District functioning under Irrigation District Laws of the CWC.
- 1.05 “**District Engineer**” means the District employee serving under the direction of the General Manager in regard to the management and supervision of any and all engineering activities.
- 1.06 “**District Facilities**” includes drains, dams, bridges, structures, wells, conduits, pumps, reservoirs, valves, gates, weirs, and any other facilities owned by the District as identified by both District records and Board action, but do not include Improvement District Facilities.
- 1.07 “**DSO**” means distribution system operator and is the District employee serving under the direction of the Water Operations Manager in regard to the control and delivery of water.
- 1.08 “**General Manager**” means the District employee who oversees the day-to-day operations of the District. The General Manager is appointed by and reports directly to the Board.
- 1.09 “**Improvement District**” means an improvement district formed under the CWC pursuant to the Irrigation Improvement Act.
- 1.10 “**Improvement District Facilities**” include conduits, pumps, wells, structures, and other facilities owned by an Improvement District.
- 1.11 “**Landowner**” means holder of title or evidence of title to land.
- 1.12 “**Person**” means any person, firm, association, organization, partnership, business trust, corporation, or company.
- 1.13 “**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, 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.
- 1.14 “**Private**” means any interest belonging to, restricted to, or intended for an individual or group of individuals benefit.

- 1.15 “**Private Facilities**” includes drains, dams, bridges, structures, wells, conduits, pumps, reservoirs, valves, gates, weirs, and any other facilities not owned by the District belonging to, restricted to, or intended for an individual or group of individuals benefit.
- 1.16 “**Shall**” is mandatory and “**may**” is permissive.
- 1.17 “**Tenant**” means a person or entity that leases, rents, or sharecrops land from a Landowner.
- 1.18 “**Vehicle**” means any motor vehicle, self-propelled vehicle, motorcycle, motorized bicycle, or all-terrain vehicle.
- 1.19 “**Water Allotment**” means the maximum quantity of water which is set annually whenever necessary 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.
- 1.20 “**Water Operations Manager**” means the District employee serving under the general direction of the General Manager in regard to the management and supervision of the Water Operations Department. Used interchangeably with “**Watermaster**”.
- 1.21 “**Water User**” means the person responsible for the distribution and control of water applied to the irrigated parcel.

SECTION 2: ENFORCEMENT OF RULES & REGULATIONS

2.1 General

- 2.1.1 Landowners, Water Users, and Tenants 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.
- 2.1.2 All Landowners, Water Users, and Tenants, 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.
- 2.1.3 All District employees are charged with enforcing the rules and regulations as established by the District and its Board.

2.2 Failure to Comply with Rules & Regulations

- 2.2.1 Failure or refusal by any Landowner, Water User, or Tenant, to comply with the rules and regulations governing the distribution of water within the District's service area, or any part thereof, may be sufficient cause for curtailment or termination of District water delivery.
- 2.2.2 Interference by any Landowner, Water User, or Tenant with a District employee, officer, Board of Director or authorized agent in the discourse of their assigned duties may be sufficient cause for curtailment or termination of District water delivery to any and all lands of such Landowner, Water User, or Tenant.
- 2.2.3 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 or conduits present an immediate danger to any person, to the general public, or to any property, including, but not limited to, the flooding of property.
- 2.2.4 Compliance with each and all of these rules and regulations shall be a condition precedent to the delivery of District water. The Board retains the authority to rule in all circumstances that are not specifically contained or addressed in these rules and regulations.

2.3 Restoration of Service

- 2.3.1 District water delivery that has been curtailed or terminated shall be restored upon full compliance with the rules and regulations.

2.4 DISPUTES

2.4.1 Where a DSO or other District employee and a Landowner, Water User, or Tenant cannot agree, the matter shall be referred to the Water Operations Manager. If the decision of the Water Operations Manager is unacceptable to the Landowner, Water User, or Tenant the dispute may be taken to the General Manager and if not settled by the General Manager the matter may be presented to the OID Water/Engineering Committee and/or the Board for hearing and discussion. The decision of the Board in all cases shall be final and binding in the absence of court proceedings.

SECTION 3: FACILITIES

3.1 Control of Facilities

- 3.1.1 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.
- 3.1.2 Facility inquiries in regard to control shall be directed to the Water Operations Manager.
- 3.1.3 No opening or connection shall be made in any District facilities until an application, in writing, has been submitted to the District and approved by the General Manager.

3.2 Operation of Facilities

- 3.2.1 Limits of Liability
 - 3.2.1.1 The District's responsibility for water shall cease when the water is diverted into any Private or Improvement District Facility.
 - 3.2.1.2 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.
 - 3.2.1.3 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, public or Private, as a result of such trash, debris, or other matter.
 - 3.2.1.4 The District is not a guarantor of service and shall not be liable for any damage any person may suffer as a result of insufficient water, water fluctuations, untimely delivery of water nor water not delivered.
- 3.2.2 District Facilities
 - 3.2.2.1 The operation of District Facilities shall be at the discretion of the DSO. This includes the determination of the safe operating level, capacity or pressure in any District Facility.
 - 3.2.2.2 Operation of the District Facilities are subject to change at any time without prior notice.

3.2.3 District Control Structures

- 3.2.3.1 The District's center gates, valves, weirs, flashboards, and other control devices not listed here, are to be operated by the DSO. The DSO may adjust any such facility at any time without prior notice to ensure their safe operation.
- 3.2.3.2 DSO's authorized to operate control structures within their defined service area may at their own discretion authorize trained non-district personnel permission to adjust the settings themselves. Permission is granted to perform the activity once, and shall not establish any precedence for future consideration.
- 3.2.3.3 District personnel are authorized to take any measure necessary to secure control structures including, but not limited to, the use of locks and chains.

3.2.4 District Reservoirs

- 3.2.4.1 Reservoirs, including reclamation ponds, shall be operated by the appropriate DSO. The District does not maintain specific water levels in any reservoir or holding pond. The reservoirs are to be operated in conjunction with water deliveries and to supplement said deliveries to provide efficient and economical delivery of water.
- 3.2.4.2 Inflow and outflow rates of reservoirs shall be determined by the DSO in order to maximize efficiency of operations.

3.2.5 District Pumps

- 3.2.5.1 The District owns and operates a number of deep well pumps, river pumps, and reclamation pumps to supplement the water supply diverted from the Stanislaus River at Goodwin Dam. During the water season these pumps will be operated at the discretion of the District and coordinated by the DSOs with the operation of the District's Facilities.
- 3.2.5.2 The operation of District owned pumps depend on a variety of circumstances. The DSOs shall determine the most efficient and appropriate times to operate these pumps.

3.2.6 District Reclamation Pump Facilities

- 3.2.6.1 Reclamation pumps shall be used as a method of water conservation.

3.2.7 District Drainage Pump Facilities

- 3.2.7.1 District drainage pumps are to be operated when upstream water levels threaten or have the potential to cause significant damage

to public or Private Facilities or where significant problems could result from the presence of the water.

3.2.7.2 The District shall be notified prior to Private drainage pump operation and discharge into District Facilities. Non-emergency operation notification shall be at least 24 hours prior to pumping event. Emergency operation notification shall be given as early as possible before the pump is put into operation.

3.2.8 District Deep Wells

3.2.8.1 Deep wells may be used as a permanent or supplemental source of water. Operation of deep wells to deliver water shall not constitute or set precedence for future deliveries.

3.2.9 District Booster Pumps

3.2.9.1 The DSO shall determine the most efficient and appropriate use of the District's booster pumps in order to deliver scheduled water to maximize the benefit of booster pump operation.

3.2.9.2 District booster pumps shall only be used when it is impractical or not possible to deliver gravity water.

3.2.10 District Turnouts

3.2.10.1 The operation of turnouts from District Facilities shall be at the discretion of the responsible DSO.

3.2.10.2 All turnouts from District Facilities shall have a positive shut-off mechanism easily accessible to the DSO within the District rights-of-way.

3.2.10.3 The Water Operations Manager has the authority to lock or secure any and all turnouts from District Facilities at any time.

3.2.10.4 DSOs have the authority to allow for the operation of turnouts by Landowners, Water Users, and Tenants. Upon granting permission, the DSO will strive to ensure that the turnout was operated appropriately and as directed, as soon as time permits. Permission to operate turnouts from District Facilities shall not establish any precedence for future events.

3.2.10.5 Any turnouts constructed in a District Facility at the Landowners' expense shall thereafter, at the option of the District, become the property of the District. Private turnout ownership on District Facilities shall be specified in writing.

3.2.11 Private Facilities

3.2.11.1 All Private Facilities shall be constructed and maintained by the owner in accordance with acceptable industry standards and approved by the District at the District's discretion.

- 3.2.11.2 The operation of Private Facilities is the sole responsibility of the Landowner, Water User, or Tenant and shall be in such a manner as to prevent any unreasonable or non-beneficial use of water and damage to third parties.
- 3.2.11.3 All Private pumps that operate out-of-District Facilities shall be coordinated through the District with respect to time and extent of use. Lack of coordination may result in a cessation of water to the Private pump. All such pumps shall be operated solely at the owner's risk and the District shall not be liable for any failure of such installation.
- 3.2.11.4 The DSO shall deliver the scheduled amount of water to the Private Facility. It shall be incumbent of the Landowner, Water User, or Tenant to control the actions of individuals taking water from the Private Facilities. 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 people on Private Facilities.
- 3.2.11.5 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.
- 3.2.11.6 All Private Facilities shall be free from obstructions and properly maintained to allow sufficient capacity to convey the reasonable flow of water requested by any Landowner, Water User, or Tenant in an effort to minimize the potential for evident damage, overflow, undue seepage, and any other unreasonable or non-beneficial use of water.
- 3.2.11.7 In the event that an owner(s) of a Private or Shared Private Facility that is in disrepair has been notified of the inadequacy of the facility by the District and has failed to make the necessary improvements of said facility, the District, at its discretion, may complete the necessary improvements in order to protect the various interests of the District. In such an event, the District shall bill the owner(s) of the Private Facility for any and all costs associated with making the necessary improvements and assess any non-payment penalties as considered appropriate.
- 3.2.11.8 The District may refuse to deliver water to any person not complying with an obligation to maintain or help maintain any Private Facility and may deliver water to other people through the Private Facility who have met the maintenance obligations. However, the District shall maintain the right to discontinue the delivery of any water to all people through the Private Facility

until such time when the facility is back in proper condition as determined solely by the Water Operations Manager.

3.2.11.9 The District will not contribute to the cost of improving Private Facilities or improve District Facilities for the benefit of Landowners, Water Users, or Tenants unless approved by the Board. Work shall not begin on cooperative improvements until a written agreement is approved by the Board and the Landowner's, Water User's, or Tenant's share of the improvement cost is paid to the District.

3.2.11.10 Any operation and maintenance of Private Facilities by the District shall not establish any ownership or set any precedence for any future operation or maintenance of said facility.

3.2.12 Improvement District Facilities

3.2.12.1 All Improvement District Facilities shall be constructed and maintained in accordance with District Standards.

3.2.12.2 All Improvement District Facilities shall be free from obstructions and properly maintained to allow sufficient capacity to convey the reasonable flow of water requested by any Landowner, Water User, or Tenant in an effort to minimize the potential for evident damage, overflow, undue seepage, and any other unreasonable or non-beneficial use of water.

3.2.12.3 The District may shut off the delivery of water to any Improvement District Facility not meeting the conditions of Rule and Regulation No. 3.2.8.2 above and require the Improvement District Facility to be cleaned, repaired, or reconstructed before delivery of water is reinstated.

3.2.12.4 Improvement District Facilities may be cleaned or repaired by the District at the expense of the Improvement District when deemed necessary by the District.

3.3 Use of District Facilities

3.3.1 General

3.3.1.1 Absent of the District's express written approval, Private use of District Facilities is strictly prohibited.

3.3.1.2 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.

- 3.3.1.3 At no time shall District Facilities be used for recreation purposes, including but not limited to, swimming, diving, hunting, or fishing.
- 3.3.1.4 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.
- 3.3.1.5 Livestock permitted on District canal banks frequently cause damage thereto. The owners of the livestock and the land on which they are pastured are liable for such damage and shall promptly make repairs in a good and workmanlike manner. If after 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. Unpaid balances on invoices for damages to District property will be collected in accordance with the Irrigation Water Service and Related Fees Policy. Additionally, Rule and Regulation No. 4.3.5 shall immediately become applicable.

3.3.2 Drainage Facilities

- 3.3.2.1 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 permission to discharge, the District may impose conditions, including, without limitation, the right of the District to approve and monitor the discharger's measurement facilities. Permission to discharge shall be revocable at any time at the District's discretion.
- 3.3.2.2 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.
- 3.3.2.3 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. Proof of coverage shall be provided to District upon request. Having coverage from the Regional Water Quality Control Board does not guarantee approval or establish a right to discharge into District Facilities.
- 3.3.2.4 The rate and quantity of discharge into any District Facility may be subject to limitations based on the capacity of the conduit.

The Water Operations Manager shall set such limitations whenever necessary.

- 3.3.2.5 All Private discharge facilities shall be constructed at the sole expense of the discharger, and must be in accordance with the most current District Standards.
- 3.3.2.6 All approved Private discharges into District Irrigation Facilities shall be limited to one 6 inch diameter outlet per 40 acres of irrigated land. All approved Private discharges into District Drainage 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 District Engineer. Smaller parcels may be permitted a proportionately sized surface drain outlet. The District, at its discretion may require the outlet to 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's operations.
- 3.3.2.7 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, Water User, or Tenant to install special drainage facilities to regulate the flow into the District Facilities. The District may also require a Landowner, Water User, or Tenant 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, implementation of drought response measures, preventing injury or damage, or performing repairs or maintenance.
- 3.3.2.8 All existing discharges into District Facilities, not currently covered by a written agreement, shall be subject to the District's current terms and conditions.
- 3.3.2.9 Dischargers are solely liable and responsible for meeting and complying with all local, state, and federal regulations for water quality and groundwater 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.

3.3.3 Transportation Use of Canals and Drains

- 3.3.3.1 No person or agency, public or private, shall transport any water or other substance through District Facilities without the prior written approval 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 the dischargers expense. Permission to transport shall be revocable at any time and as determined by the General Manager.

3.3.3.2 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.

3.3.3.3 All transport facilities shall be constructed at the sole expense of the transporter, and must be in strict accordance with the most current District Standards.

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

3.3.4 Pumps

3.3.4.1 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 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.

3.3.4.2 A written request shall be submitted to the Water 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 Operations Manager.

3.3.4.3 The Water Operations Manager is to ensure that the person granted permission to operate the District owned pump is properly trained by District staff and knowledgeable regarding the safe and responsible operation of the pump and its components.

3.3.4.4 During periods when the District is not using a District pump, requests may be made with the District 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 Water 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.

3.3.4.5 Once a District pump is rented and started, no refunds will be made for water pumped that is not used by the renter unless regular scheduled gravity water or District pumped water becomes available, thereby causing an early termination of the rental period. A refund of the unused portion may be provided at the District's discretion upon request. All requests for refunds must be made in writing within fifteen (15) days of the termination of delivery.

3.3.4.6 The District may at its discretion limit water supplied by the District pump rental to not more than 2.4 inches per acre per irrigation if that pump is in demand by other water users.

3.3.4.7 The District reserves the right to not rent a pump or to cancel a rental and refund the deposit made if the District pump use will interfere with District maintenance or other District operations.

3.3.4.8 The District will have complete control of turning District pumps on and off and servicing them.

3.3.4.9 The District has complete control of setting up and operating any other District Facilities that will be used during pump operations. The pump renter shall be responsible for monitoring and reporting to the District any interruption in delivery.

3.3.4.10 If the District pump is off due to power failure, breakdowns, or other causes, the down time will be added at the end of the rental period.

3.3.4.11 The charges for all District pump rentals will be determined solely by the District.

3.3.4.12 The rental period begins with the "time on" and ends with "time off" at the District pump. No allowances will be made for time required to fill District and/or Private Facilities; however, the time required to fill District and/or Private Facilities may at the District's discretion be prorated among those using the water.

3.3.4.13 Payment of the District pump rental application fee must accompany the application for the pump rental. No application will be recognized until the payment is received in whole.

3.3.5 Rights-of-Way

3.3.5.1 The standard District rights-of-way are as follows:

Main Canals	100' (centered on canal)
Canals/Drains	60' (centered on canal/drain)

Pipelines	30' (centered on pipeline)
Pipelines adjacent to roadways	20'
Pipelines adjacent to PUE	15'
Pump Sites	40' (square centered on pump)

3.3.5.2 District canal roads, rights-of-way, easements, and lands owned by the District are for the exclusive use by authorized District employees and agents, and other authorized persons permitted by the District in accordance with these rules and regulations. No unauthorized vehicle shall be permitted on or within District canal roads, rights-of-way, easements, or lands owned by the District.

3.3.5.3 Persons requiring a specific use of a District 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.

3.3.5.4 The following persons are authorized to operate a vehicle upon a District canal road, right-of-way, easement or land owned by the District: (1) 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 (2) Any sheriff, police, fire, or public safety personnel on official business with the underlying landowner's permission.

3.3.5.5 Any person entering upon a District canal road, right-of-way, easement or land owned by the District with or without authorization does so at their own risk and assumes all risks associated therewith and by such action accepts the responsibility for any resulting damage to District and/or Private property.

3.3.6 Crossings/Culverts/Bridges

3.3.6.1 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.

3.3.6.2 No improvements such as buildings, bridges, gates, cross canal pipes, facilities, etc., shall be constructed or placed in or over any District Facility without the District's prior written approval.

3.3.6.3 All such permitted buildings, bridges, gates, cross canal pipes, or other cross canal facilities shall be the responsibility of the Landowner and constructed, erected, installed, and maintained

at the Landowner's expense and built in accordance with the most current District Standards.

3.3.6.4 If a culvert crossing is necessary for efficient District operational and maintenance needs, and no other more economical means exists to provide such economical service, the Districts may, at its discretion, provide the labor and equipment necessary for such an installation if the landowner provides the pipe. This is not applicable for circumstances involving parcel splits, subdivisions, or development of lands.

3.3.6.5 The District, at its discretion, may contribute proportionately to the maintenance cost of crossings essential for use by the District. This contribution shall not establish any ownership or set any precedence for any future contribution.

3.3.7 Charges

3.3.7.1 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. Payment must accompany the request for approval prior to use. Therefore any request submitted without accompanying payment will be deemed incomplete and discarded.

3.3.7.2 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.

3.3.7.3 The District assumes that the user is properly prepared to use the specific District Facility 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 District Facility failure not resulting from inappropriate use or ill-treatment of the District Facility, a credit shall be established that is directly proportional to the duration of the downtime.

3.3.7.4 A written petition for a partial refund or credit may be submitted to the Board within fifteen (15) days of the nonscheduled termination of use.

3.4 Access to Lands

3.4.1 The DSOs and other authorized agents of the District shall have free access at all times to all Private Facilities and lands being irrigated for the purpose of determining whether or not they are in satisfactory condition to handle the water and whether the water is being used reasonably and beneficially. Where access is denied by the Landowner, Water User, or Tenant, water delivery may be curtailed or terminated until the request for access has been granted.

- 3.4.2 The District shall be granted access to any lands within its sphere of influence when responding to an emergency upon notification from law enforcement or other person.
- 3.4.3 If the District holds a right-of-way or easement across Private land for the operation and maintenance of a District 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.

3.5 Encroachments

- 3.5.1 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 right-of-way therefor except pursuant to specific written authority from the District.
- 3.5.2 Any encroachment, authorized or otherwise; in, on, over, under, along, or across any District Facility or right-of-way that interferes with the operation or maintenance of said facility may be removed by the District, at the sole expense of the encroacher. Authorization for an encroachment will end if and when said encroachment is determined by the District to be in interference with District operations.

3.6 Construction of Private Irrigation Facilities

- 3.6.1 No Private stop gates, stand pipes, turn out pipes, valves, pumps or other Privately owned facilities shall be connected to or placed through or on District Facilities 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 District.
 - b. The application and specifications are approved in writing by the District 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 inclusive of any contingencies is to 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 refund from the District in the amount of the overpayment.
 - d. In order that all involved be protected, in instances and to the extent the Board deems appropriate, a written contract is entered into specifying the conditions of performing the work and conditions applicable to the use of the District's Facilities.

- e. If the work can affect the flow of water in District Facilities, the work shall only be performed during times approved in advance by the District. Ordinarily, in the absence of an emergency, such work will not be permitted during the water season which can start as early as March 1st and end as late as October 31st.
- 3.6.2 No Private 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 prior written permission, in the form of an encroachment permit, has 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 a written agreement with the District. 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.
- 3.6.3 No Private 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 prior written permission has 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 a written agreement with the District. 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.
- 3.6.4 Except where otherwise specified by a written agreement with the District, all permitted Private improvements, irrigation or otherwise, shall be installed, constructed or placed in, on, over, under, along, or across any District Facility or right-of-way at the sole expense of the permittee and constructed in accordance with the most current District Standards.

3.7 Design of Irrigation Facilities

- 3.7.1 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.
- 3.7.2 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

impacting operations of the District or other Landowners, Water Users, or Tenants. 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 Landowner, Water User, or Tenant of the sole responsibility for the facilities' plans, schedules and installations, and construction and placement of work.

- 3.7.3 Landowners, Water Users, or Tenants shall be required to install, operate, and maintain pumps, at their sole expense, for all irrigation improvements that cannot utilize District delivered gravity water.

3.8 Improvements/Relocation of Irrigation Facilities

- 3.8.1 If extensions of District facilities, increases in capacity or additional outlets are desired, prior approval by the District is required and the desired construction or modification must be done in accordance with the most current District policy and District's Standards and Specifications at the sole expense of the person desiring the work to be done. The estimated cost inclusive of any contingencies shall be deposited with the District prior to commencement of work. Where pipelines are installed in lieu of open ditches, one outlet per 40 acres shall be installed at District expense. All improvements shall become the property of the District, unless otherwise agreed in writing.
- 3.8.2 Any person desiring to build on or develop the area over a District Conduit or to move or relocate a District Facility, must apply in writing to the District and receive written approval from the District prior to commencement of work. Once permission from the District is granted, all construction shall be performed at the sole expense of the applicant by the District or the landowner or the landowner's contractor at the District's discretion and in accordance with the most current District Standards and Specifications..

SECTION 4: DUTIES OF WATER USERS

4.1 Responsibilities

- 4.1.1 All land to be irrigated shall be properly prepared to reasonably and beneficially receive water.
- 4.1.2 Landowners, Water Users, and Tenants shall maintain Private Facilities in a manner that is conducive to the reasonable and beneficial use of supplied water. The Landowner, Water User, or Tenant is responsible for ensuring that all Private Facilities are in an acceptable working condition, able to receive water at the established start time, and capable of continued use for the duration of the irrigation event.
- 4.1.3 Landowners, Water Users, and Tenants 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 Landowner, Water User, or Tenant, the District may require that a person be present at all times during irrigation events.
- 4.1.4 Landowners, Water Users, and Tenants shall be responsible to open and close all Private Facilities at the conclusion of the irrigation event.
- 4.1.5 Landowners, Water Users, and Tenants are responsible for communicating with the DSO. The District requires that the DSO be notified of any planned or unplanned changes that may occur during the irrigation event. At a minimum, the Landowner, Water User, or Tenant is responsible for notifying the DSO four (4) hours prior to any change in, or termination of, the irrigation event.
- 4.1.6 The DSO may require any Landowner, Water User, or Tenant, at the end of an irrigation event, to notify the Landowner, Water User, or Tenant next in line for the receipt of water.
- 4.1.7 For the purposes of determining operation schedules and water demand, the District requests that Landowners, Water Users, and Tenants submit a crop declaration to the DSO prior to or during the first watering event of the water season whenever changing crop types from year-to-year. The crop declaration would ideally include without limitation the type of crop, number of acres of each crop type and an estimate of the annual crop water requirement.
- 4.1.8 All Landowners, Water Users, and Tenants are responsible for providing the District with the most current and accurate contact information. At a minimum the District requires that Landowners, Water Users, and Tenants provide a mailing address and telephone number.

4.2 Use of Water

- 4.2.1 All District supplied water must be applied efficiently and used reasonably and beneficially.
- 4.2.2 All District supplied water shall be used for irrigation purposes, except where a written agreement has been entered into between the Landowner, Water User, or Tenant and the District.
- 4.2.3 Any Landowner, Water User, or Tenant 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.
- 4.2.4 Water shall not be used on lands outside of the District boundaries except where agreed upon in writing with the District. Landowners, Water Users, and Tenants shall not use water on lands outside the District that was originally applied on lands within the District, whether by routing through a Private Facility, 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 Private Facilities be constructed to ensure that future deliveries are maintained on the property to which it was originally diverted.

4.3 Charges

- 4.3.1 The Board shall, annually, establish the rates of charges for water and the payment due dates.
- 4.3.2 All water charges, Improvement District charges, and other irrigation or drainage related charges shall be due and payable as stated by Board resolution and notices in billing statements. Typically, water charges are billed annually in early November and may be paid in two installments. The first installment is due on December 20th and the second installment is due on June 20th pursuant to §26076 of the California Water Code.
- 4.3.3 Accounts with delinquencies will be charged penalties and interest in accordance with the Irrigation Water Service and Related Fees Policy and the current Agricultural Water Users Rates District Resolution.
- 4.3.4 Landowners are responsible for all charges regardless of whether or not the land is being rented, leased, or farmed by a third party.

SECTION 5: DISTRIBUTION OF WATER

5.1 Allocations & Entitlements

- 5.1.1 Irrigation water is made available each year starting as early as March 1st and ending as late as October 31st. The start and end of the irrigation season shall be approved by the Board.
- 5.1.2 Water shall be distributed equitably and fairly to Landowners, Water Users, and Tenants within the District who have paid all charges and penalties therefrom.
- 5.1.3 No Landowners, Water Users, and Tenants shall receive or be entitled to a greater amount of water than can be reasonably and beneficially used.
- 5.1.4 The District does not and cannot guarantee the quality of water that is delivered to any Landowner, Water User, and Tenant, and will not be liable for any damages that may result from the application of the supplied water.
- 5.1.5 The District may, if operational conditions warrant, vary the duration and flow rate so long as the Landowner, Water User, or Tenant is afforded a reasonable opportunity to utilize a fair allotment of irrigation water.

5.2 Scheduling & Notification

5.2.1 General

- 5.2.1.1 Distribution of water shall generally be by rotation, but where appropriate, the Water Operations Manager has the authority to implement variations to the delivery schedule and/or method.

5.2.2 Rotational Deliveries

- 5.2.2.1 Rotation schedules which establish the general duration between each rotational delivery shall be prepared by the Water Operations Manager under the direction and supervision of the General Manager. Preliminary rotation schedules shall be prepared prior to the start of the irrigation season. Upon request, rotation schedules shall be made available to Landowners, Water Users, and Tenants taking delivery and utilizing water from District Facilities. The District reserves the right to revise the rotation schedule at any time during the irrigation season.
- 5.2.2.2 Water deliveries under the rotation schedule shall be made on the basis of continuous and steady use of water during all days and nights, including holidays. It shall be incumbent upon the Landowner, Water User, and Tenant 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 DSO.

In order to prevent the waste of water and damage to District Facilities it is mandatory that every Landowner, Water User, and Tenant notify the DSO a minimum of 4 hours prior to the originally scheduled end time if an irrigation event is requested to be discontinued or extended.

5.2.2.3 The DSO shall provide as much advance notice as possible to Landowners, Water Users, and Tenants regarding the approximate time that water will be delivered. However, there is potential for unforeseen operational issues and interruptions to occur which may require that the Landowners, Water Users, and Tenants, on short notice, take the delivered water at the time it is available by the DSO or declare a pass on the rotation. The DSO will strive to provide a minimum of twelve (12) hours' notice whenever feasible to do so.

5.2.2.4 In the event that the Landowner, Water User, or Tenant cannot be contacted, located, or otherwise notified of the availability of water, the DSO shall declare that the Landowner, Water User, or Tenant has passed and will not receive water until the next regularly scheduled rotation.

5.2.2.5 Any person who takes water out of turn without the permission of the DSO forfeits the right to water at the next regular rotation and may become subject to criminal prosecution and/or civil liability under Penal Code §498 and §592.

5.2.3 Non-Rotational Deliveries

5.2.3.1 Landowners, Water Users, and Tenants may request to receive water on a non-rotational delivery schedule. The request may be required to be made in writing and submitted to the Water Operations Manager for review and approval if deemed appropriate.

5.2.3.2 Authorization of non-rotational or "steady head" delivery is not a standard operation. Non-rotational deliveries shall be considered a special accommodation and shall not establish any precedent or create any right for future deliveries.

5.2.3.3 The Water Operations Manager reserves the right and has the authority to establish a non-rotational delivery. In consideration of establishing a non-rotational delivery, the Water Operations Manager shall determine the potential impacts of the delivery adjustment. Non-rotational deliveries shall not impact the District's ability to equitably distribute water to all Landowners, Water Users, and Tenants.

5.2.3.4 Non-rotational deliveries shall not be allowed to negatively impact the District's ability to deliver water economically and efficiently. In the event that any adverse impact is identified the

Water Operations Manager may suspend the non-rotational delivery and re-establish a rotational delivery schedule.

5.2.3.5 At no time shall non-rotational Landowners, Water Users, and Tenants be permitted to use water in a manner that is not reasonable and beneficial. In the event that excessive ponding, runoff, or any other waste of water is identified, the DSO shall reduce the delivered flow and/or duration and notify the Water Operations Manager. If the issue persists the Water Operations Manager shall provide a written warning to the Landowner, Water User, and Tenant, and is authorized to enact the necessary sanctions to ensure the reasonable and beneficial use of water.

5.2.4 Specialty Crop Deliveries

5.2.4.1 Any Landowner, Water User, and Tenant who desires irrigation water on a tailored delivery schedule in order to grow a specialty crop may be required to submit a detailed application to the District for consideration.

5.2.4.2 Surface irrigation water is not available between November 1st and March 1st due to water right limitations. Water Users desiring to utilize District Facilities to facilitate groundwater or storm water conveyance and delivery to grow winter crops shall submit a request for off-season 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.

5.3 Measurement

5.3.1 All measurements of water delivered by the District to a Landowner, Water User, or Tenant shall be made at the last point of control from a District Facility, or at other appropriate locations as determined by the Water Operations Manager.

5.3.2 The DSO is required to measure and maintain documentation of flow rates, duration and other pertinent irrigation event statistics as determined by the Water Operations Manager.

5.3.3 All water measurements performed and documented by the District shall be considered correct in the absence of evidence to the contrary.

5.3.4 The District shall maintain, calibrate, and otherwise properly care for all District measurement structures, equipment, and devices.

5.3.5 The District, as provided by the CWC §22083, has the authority to install or require the installation of irrigation flow measurement devices, equipment or structures at all District turnouts.

5.3.6 District 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.

5.4 Interruption or Refusal of Service

- 5.4.1 The DSO will make every effort to maintain an adequate flow of water in each District Facility to meet anticipated demands. However, changes in water use due to temperature variation, improper coordination by upstream users during water changes, private booster pump flow variation, local runoff from precipitation, spill water from other facilities, canal breaks, and other emergencies may cause unavoidable fluctuations and interruptions in flow. It is expected that a Landowner, Water User, or Tenant will notify the DSO 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. It is also expected that all Landowners, Water Users, and Tenants will cooperate with the Water Operations Manager and/or the DSO in determining the cause of the interruption and will, to the extent practical, assist in correcting the problem.
- 5.4.2 No additional time shall be granted to Landowners, Water Users, and Tenants who fail to use the water continuously when available during the allotted time. If a Landowner, Water User, or Tenant 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 Landowner, Water User, or Tenant, 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 and equitable delivery of water to other Landowners, Water Users, and Tenants. Any such Landowner, Water User, or Tenant which is unable to divert the full allotment of water shall promptly notify the Water Operations Manager of the desire to divert the remainder of the entitlement.

5.5 Out-of-District Service Agreements

- 5.5.1 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.
- 5.5.2 Persons interested in or currently receiving water for application onto lands outside of the current District boundaries are required to submit an application for water service. The application shall be accompanied by any and all fees, charges, or deposits as required by the District.
- 5.5.3 Applications will be reviewed by the General Manager, Water Operations Manager, District Engineer, and Chief Financial Officer. Upon completion of the review process a recommendation will be made by District Staff and presented to the Board. The Board reserves the right to approve or deny any application for out-of-District water for any reason.

- 5.5.4 Out-of-District water service is established on an annual basis and is not guaranteed for the duration of any irrigation season. Out-of-District water is declared surplus water for that purpose and is made available, without obligation, to Board approved recipients. Water supplied to out-of-District Landowners, Water Users, and Tenants is a non-guaranteed availability and may be suspended at any time by the District.
- 5.5.5 The District shall not be liable for any damages that occur from the negligent use or misuse of water supplied to out-of-District Landowners, Water Users, and Tenants.
- 5.5.6 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 water service assume and shall be knowledgeable of all risks associated with not receiving anticipated flows, durations and/or volume of water. The District does not and cannot guarantee any degree or level of service to any out-of-District Water Users.
- 5.5.7 Approval of out-of-District service agreements are considered conditional and only valid for the term specified on the applicable agreement for out-of-District water, typically 1-year. Approval to receive out-of-District water shall be considered a distinct and solitary event and shall not establish any right or precedence for future events.

5.6 Unauthorized Use of Water

- 5.6.1 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.
- 5.6.2 Use of District water without the District's permission may result in a forfeiture of the Landowner's, Water User's, and/or Tenant's right to receive water on the next scheduled rotation or planned irrigation event.

SECTION 6: LIABILITY

6.1 District Liability

- 6.1.1 The District will not be liable for any damages resulting directly or indirectly from any Private Facility or the water flowing therein or by reason of lack of capacity in any Private or District Facility or for negligent, wasteful, careless, or other use of handling of water by Landowners, Water Users, and Tenants.
- 6.1.2 Nothing in these rules shall be construed as an assumption of liability on the part of the District, its Board, officers, or employees for any damage occasioned by the use of water by any Landowner, Water User, or Tenant or for failure to enforce any of the provisions of these rules.
- 6.1.3 Most of the water furnished by the District flows through many miles of open ditches, and is subject to pollution, 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 Landowner, Water User, and Tenant 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 liabilities and damages that may occur as a result of defective water quality, shortages, fluctuation in flow and interruptions in service.
- 6.1.4 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.
- 6.1.5 Private pumping by Landowners, Water Users, and Tenants of District supplied surface water is done at the their risk and the District assumes no liability for damages to private pumping equipment or other damages as a result of turbulent water or shortage or excess of water or other causes.
- 6.1.6 The District assumes no liability for damages to persons or property occasioned through defective Private Facilities.
- 6.1.7 District Facilities are to be used solely for the purpose of conveying water for use on land and for conveying drainage water away from the land. The use of District Facilities for recreation purposes or play is prohibited.
- 6.1.8 The water in many District Facilities is cold, swift and deep, and the District Facilities cover so many miles that continuous District supervision of their use in illegal recreational activities is impossible. Landowners, Water Users, and Tenants are prohibited from using District Facilities and canal roads, rights-of-way, easements, or lands owned by the District for swimming or play.

6.2 Water User Liability

- 6.2.1 Each Landowner, Water User, and Tenant shall be responsible to the District and to third parties for all damages caused by his or her neglect, malicious, and/or careless acts.
- 6.2.2 It is the duty of each Landowner, Water User, and Tenant to regulate and control the water delivered to his or her land so as to avoid damage to the District or third persons.
- 6.2.3 Any persons who cause damages or injury to District Facilities as a result of doing or permitting any of the following to be done:
- a. Permitting livestock, poultry, or waterfowl to go on or in District Facilities.
 - b. Burning or otherwise injuring or destroying District Facilities.
 - c. Dumping or flowing into the District Facilities any 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 Facility into a Private Facility or field without giving reasonable prior notice of such proposed action to the Water Operations Manager or DSO in charge.
- shall pay to the District all costs incurred by the District in repairing the damage or removing the obstructions.
- 6.2.4 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 Facility with intent to defraud.
 - b. Disturb any District Facility for the control or measurement of water.
 - c. Cause to be emptied or placed into any District Facility any rubbish, filth, or obstruction to the free flow of water.
 - d. Willfully and maliciously cut, break, injure, or destroy any District Facility.
- 6.2.5 The Landowner, Water User, or Tenant are responsible and liable for any damage caused by their negligence or careless use of water, or the result or failure by them to properly operate or maintain any ditch, pipeline, or other facility for which they are wholly or partially responsible.
- 6.2.6 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.

6.3 Claims for Damages

6.3.1 Claimants must submit claims to the District office on a District claim form within the timeframes established in California Government Code §911.2. Claims will be processed in accordance with California Government Code §§ 900-949.