

Rules & Regulations

Governing the Operation and Distribution of Irrigation Water

Within the Oakdale Irrigation District Service Area



WORKING DRAFT
2005 IRRIGATION SEASON

The intent of this document is to supersede

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

(Revised August 1990)

Rules & Regulations

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

PREAMBLE

These Rules and Regulations Governing the Operation and Distribution of Irrigation Water within the Oakdale Irrigation District are established pursuant to California Water Code Section 22257 which states that, “each District shall establish rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district.” Oakdale Irrigation District has established these rules 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 operators. The District is committed to excellence in 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

The District is a local public agency of the State of California organized in 1909, includes 72,345 acres and maintains over 330 miles of laterals and pipelines. 110 miles of drains, 40 miles of main canals, 22 deep well pumps and 43 reclamation pumps. Many of the easements for such facilities were acquired by user for the period required to create a prescriptive right and have the same affect and validity as if they were set forth in a deed.

Water to supply the District comes from the Stanislaus River under well established water rights and also by recapture of drainage water and pumping from wells. The District and the South San Joaquin Irrigation District jointly own and operate three storage reservoirs and have storage rights in the federally owned New Melones Reservoir. The two Districts also own, operate and maintain the Donnells, Beardsley, Tulloch, and Sand Bar power plants

The District is governed by a five member Board elected by the people in their Division. Regular meetings of the Board are held at the District office located at 1205 East F Street, Oakdale, California, at 9:00 a.m. on the first and third Tuesday of each month. All meetings are open to the public. Water users in the District are particularly urged to attend. Special meetings are also held. Advance notice of special meetings is available in the District office.

The Board endeavors to carry on the affairs of the District in an economical, businesslike, and orderly manner and to distribute water equitably to the water users at cost. The District makes no profit. To assist in this effort and to secure the greatest good to the greatest number, the following rules are adopted pursuant to Section 22257 of the State Water code and related sections. Each Irrigator and Landowner, as a party directly interested in the welfare of the District, should make every effort to see that the rules are complied with.

These rules and regulations may be changed at any time by order of the Board.

DISTRICT PERSONNEL

The Board employs a Manager to act as the principal administrative officer of District operations. The Manager is directly responsible to the Board. Under the Manager are a Water Operations Manager and a Support Services Manager who supervise such District activities as are assigned to them by the Manager. However, in general, the Support Services Manager is responsible for maintenance, repair, and improvement of District works, and the Water Operations Manager is responsible for the apportioning and distributing District water to its Water Users. The Water Operations Manager distributes the water through Distribution System Operators employed by the District who work under the Water Operations Manager's direction.

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SECTION 1: DEFINITIONS

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

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

“Distribution System Operator” means the District employee serving under the direction of the Water Operations Manager in regard to the control and delivery of irrigation water.

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

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

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

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

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

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

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

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

“Manager” means the General Manager of the District.

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

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

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

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

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

“Support Services Manager” means the District employee serving under the direction of the General Manager in regard to the management and supervision of the Support Services Department.

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

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

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

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

“Water User” means the person who has the primary responsibility for irrigating the parcel.

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

SECTION 2: ENFORCEMENT OF RULES & REGULATIONS

General

- 2001 Landowners and irrigators should realize that it is in their interest that District personnel perform their duties and maintain order and control in the distribution of water. Cooperation in this effort is the key to satisfactory service to all. District personnel have been instructed to carry out their duties without favor or bias to any person and to do so in a courteous and respectful manner.
- 2002 All Water Users, by applying for or receiving water service from the District, agree to be bound by and to comply with all rules and regulations of the District, as adopted from time to time by the Board.
- 2003 All District employees are charged with enforcing the rules and regulations as established by the District.

Failure to Comply with Rules & Regulations

- 2004 Failure or refusal of any Landowner, Water User, Irrigator or renter, to comply with the rules and regulations governing the distribution of irrigation water within the District's service area, or any part thereof, may be sufficient cause for curtailment or termination of delivery of District water.
- 2005 Interference by any Landowner, Water User, Irrigator, or renter with a District employee, agent or official in the discourse of their assigned duties may be sufficient cause for curtailment or termination of delivery of District water to any and all lands of such Landowner, Water User, Irrigator, or renter.
- 2006 The District reserves the right to terminate or discontinue the delivery of District irrigation water supplied to any parcel of land if the condition of the land or irrigation facility presents an immediate danger to any person, to the general public, or to any property, including, but not limited to, the flooding of property.
- 2007 Compliance with each and all of these rules shall be a condition precedent to the delivery of water to any irrigator. The Board of Directors retains the authority to rule in all instances that are not specifically contained in these rules and regulations

Restoration of Service

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

Disputes

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

SECTION 3: FACILITIES

Control of Facilities

- 3001 All District Facilities are under the exclusive control, direction, and management of authorized District personnel. At no time shall any unauthorized person, private or public, interfere with, regulate, or control any District facility.
- 3002 Facility inquiries in regard to control shall be directed to the Water Operations Manager.
- 3003 No opening shall be made in any District conduit until an application, in writing, has been made to the District and approved by its Manager.

Operation of Facilities

Limits of Liability

- 3004 The District's responsibility for water shall cease when the water is diverted into any Private or Improvement District Facility.
- 3005 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.
- 3006 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.
- 3007 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.

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

- 3008 The operation of District Conduits shall be at the discretion of the Distribution System Operator. This includes the determination of the safe operating level or capacity of all Conduits.
- 3009 Operation of the District Conduits is subject to change at anytime without prior notice.

Control Structures

- 3010 Center gates, valves, weirs, flashboards, and other control devices not listed here, are to be operated by the Distribution System Operator. The Distribution System Operator may adjust any such facility at anytime without prior notice to ensure the safe operation of the delivery system.
- 3011 Distribution System Operators authorized to operate control structures within their defined service area may authorize trained non-district personnel permission to adjust settings when it is impractical for the Distribution System Operator to do so. Permission is granted to perform the activity once, and shall not establish any precedence for future consideration.

- 3012 District personnel are authorized to take any measure necessary to secure control structures including, but not limited to, the use of locks and chains.

Reservoirs

- 3013 Reservoirs, including reclamation ponds, shall be operated by the appropriate Distribution System Operator. The District does not maintain specific water levels in any reservoir or holding pond. The reservoirs are to be operated in conjunction with irrigation deliveries and to supplement said deliveries to provide efficient and economical delivery of irrigation water.
- 3014 Inflow and outflow rates of reservoirs shall be determined by the Distribution System Operator in order to maximize efficiency of operations.

Pumps

General

- 3015 The District owns and operates a number of deep well pumps and reclamation pumps to supplement the water supply diverted from the Stanislaus River. During the irrigation season these pumps will be operated at the discretion of District staff and coordinated with the operation of the distribution system.
- 3016 The operation of District owned pumps depend on a variety of circumstances. Distribution System Operators shall determine the most efficient and appropriate times to operate the pumps.

Reclamation

- 3017 Reclamation pumps shall be used as a method of water conservation.

Drainage

- 3018 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.
- 3019 Notification of drainage pump operation shall be given to the owner/operator of the facilities to receive pumped water. 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.

Deep Wells

- 3020 Deep wells may be used as a permanent or supplemental source of irrigation water for Water Users. Operation of deep wells to deliver an irrigation event shall not constitute or set precedence for future deliveries.

Booster

- 3021 The Distribution System Operator shall determine the most efficient and appropriate use of booster pumps in order to deliver scheduled irrigations to maximize the benefit of booster pump operation.
- 3022 Booster pumps shall only be used when it is impractical to deliver gravity water.

Turnouts

- 3023 The operation of turnouts from District Facilities shall be at the discretion of the responsible Distribution System Operator
- 3024 All turnouts from District Facilities shall be gated or shall have another positive shut-off system easily accessible to the Distribution System Operator within the District rights-of-way.
- 3025 The Water Operations Manager has the authority to lock or secure any and all turnouts from District facilities at any time for violations of the rules and regulations. Verbal communication preceded by written notification will be provided to the owner of the locked or secured turnout by the Water Operations Manager. The notification shall provide the background and justification of locking or securing the affected turnout. The notification shall also outline procedures or conditions that the owner shall complete in order for the District to remove the lock or security device.
- 3026 Distribution System Operators have the authority to allow for the operation of turnouts by private individuals in the event that the Distribution System Operator is unavailable to operate said turnout at a critical or scheduled time. Upon granting permission, the Distribution System Operator shall ensure that the turnout was operated appropriately and as directed, as soon as time permits. Permission to operate turnouts from District Facilities shall be considered a distinct and solitary event and shall not establish any precedence for future events.
- 3027 Any turnouts constructed in District Conduits at the Landowners' expense shall thereafter be the property of the District at the option of the District. The assumption of ownership shall be in writing.

Private Facilities

- 3028 All privately owned lift or sprinkler pumps that will pump water from works of the District or natural or artificial drains conveying water subject to recapture by the District shall be placed under District supervision and control as to time and extent of use. All such pumps shall be operated solely at the owner's risk and the District shall not be liable for any failure of such installation. All bridges and culvert crossings on laterals and drains shall be the responsibility of the landowner unless the District has a contractual obligation therefor. The District may contribute to the maintenance cost of crossings essential for use by the District in its maintenance and operation work. The District will not contribute to the cost of improving privately owned facilities or to improving works of the District for the benefit of individual landowners unless the Board concludes the improvements are essential for District operations. Work shall not begin on cooperative improvements until a written agreement for doing such work is approved by the Board and the landowners' share of the cost is paid to the District.
- 3029 All Private facilities shall be constructed and maintained by the owner in accordance with acceptable industry standards as approved by the District.
- 3030 All Private facilities shall be free from weeds and other obstructions, and properly maintained to permit sufficient capacity to convey the reasonable flow of water requested by any Water User in a manner that minimizes the potential of levee breaks, overflow, undue seepage, or any other unreasonable use of irrigation water.

- 3031 The operation of Private facilities is the sole responsibility of the owners and shall be in such a manner as to prevent the unnecessary waste of water and prevent damage to third parties.
- 3032 In the event that an owner of a Private facility in disrepair has been notified of the inadequacy of the facility by the District and has failed to improve the condition of said facility, the District, in its discretion, may complete the necessary repairs in order to protect the various interests of the District. In such an event, the District shall bill the owner of the Private facility for any and all costs associated with making the necessary repairs and affect any non-payment penalties as may be appropriate.
- 3033 The 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.
- 3034 The Distribution System Operator shall deliver the scheduled amount of irrigation water to the Private facility. It shall be incumbent on the Water Users to control the actions of individuals taking water from Private conduits. Any disputes of water allocation downstream of the District delivery point shall be resolved among the owners of the Private facility. The District does not guarantee or ensure the apportionment of deliveries among irrigators on Private facilities.
- 3035 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.
- 3036 The District may refuse to deliver water to any person not complying with an obligation to maintain or help maintain any Private conduit and may deliver water to other Water Users from a conduit who have met the maintenance obligations. However, the District shall maintain the right to discontinue the delivery of any water to all Water Users through a Private conduit until such time as the conduit is put into a proper condition as determined by the Water Operations Manager.

Improvement District Facilities

- 3037 All Improvement District Facilities shall be constructed and maintained in accordance with District standards.
- 3038 All Improvement District Facilities shall be free from weeds and other obstructions, and properly maintained to permit sufficient capacity to convey the reasonable flow of water requested by any Water User in a manner that minimizes the potential of levee breaks, overflow, undue seepage or any other unreasonable use of irrigation water.
- 3039 The District may shut off the delivery of water to any Improvement District Facility not meeting the above requirements and require them to be cleaned, repaired, or reconstructed before delivery of water is reinstated.
- 3040 Improvement District Facilities may be cleaned or repaired by the District at the Improvement District's Expense when the District determines such action is necessary for the District's operations.

Private Use of District Facilities

General

- 3041 Absent of the District's express written approval, Private use of District Facilities is strictly prohibited.
- 3042 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.
- 3043 At no time shall District Facilities be used for recreation purposes, including but not limited to, swimming, diving, hunting, or fishing.
- 3044 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.
- 3045 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 proper notification has been given repairs are not promptly so made, the District may make them and bill the owner of the livestock or land involved for the cost thereof. If the bill is not paid within thirty (30) days from its date it shall thereafter draw interest at the rate of 10% or such modification of that interest rate as may be hereafter fixed by resolution of the Board. Additionally, Section 4017 shall immediately become applicable.

Drainage

- 3046 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 reasonable conditions, including, without limitation, the right of the District to approve and monitor the discharger's measurement facilities. Permission to discharge shall be revocable by the District at any time and for any reason as determined appropriate by the Water Operations Manager.
- 3047 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.
- 3048 District approval to discharge into District Facilities shall only be granted to those parties who have coverage from the Regional Water Quality Control Board under a waiver or waste discharge permit. Having coverage from the Regional Water Quality Control Board does not guarantee approval or establish a right to discharge into District Facilities.

- 3049 The rate and quantity of discharge into any District Facility may be subject to limitations based on the capacity of the facility and the quality of water or other substance being discharged. The Water Operations Manager shall be so empowered to set forth such limitations.
- 3050 All discharge facilities shall be constructed at the sole expense of the discharger, and must be in accordance with District standards.
- 3051 All approved discharges to District Facilities shall be limited to one 8 inch diameter outlet per 40 acres of irrigated land, unless otherwise dictated by topography as determined by the Manager. The outlet shall be gated such that any authorized District employee may close and/or lock the outlet in the event that such control is warranted to protect water quality or for the benefit of the District.
- 3052 Where excessive runoff from lands receiving District water is entering District Facilities, the District may reduce the quantity of water delivered in an effort to reduce the drainage flows or require the Landowner to install special drainage facilities to regulate the flow into the District Facilities. The District may also require a Landowner to cease all such runoff into District Facilities whenever necessary for the District's or the public's interest, including, but not limited to, ensuring water quality standards, preventing injury or damage, or performing repairs or maintenance.
- 3053 All existing discharges to District Facilities, not currently covered by a written agreement, shall be subject to the District's current terms and conditions.

Transportation

- 3054 No person or agency, public or private, shall transport any water or other substance through District Facilities without the prior written agreement of the District. In granting permission to transport water or other substances, the District may impose reasonable conditions, including, without limitation, the right of the District to set flow and water quality limits and to require monitoring at dischargers expense. Permission to transport shall be revocable at any time and as determined by the Manager.
- 3055 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.
- 3056 All transport facilities shall be constructed at the sole expense of the transporter, and must be in strict accordance with the construction and design standards of the District.
- 3057 All existing transportations through District Facilities not currently covered by a written agreement shall be subject to the District's current terms and conditions.

Pumps

- 3058 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.

- 3059 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.
- 3060 The Water Operations Manager is to ensure that the person granted permission to operate the pump is properly trained and knowledgeable about the safe and responsible operation of pumps and pump drivers.
- 3061 During periods the District is not using a District pump, requests may be made with the Distribution System Operator in charge or with the Water Operations Manager for private rental of the pump in accordance with the following:
- (a) Pump rentals will be granted in the order in which requests with accompanying payment are received.
 - (b) Rental time will be determined and assigned by the Distribution System Operator or 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.
- 3062 Once a pump is started, no refunds will be made for the hours not used except under the following conditions:
- (a) Should the hours rented be interrupted by rainfall and the landowner has requested that the pump be turned off, a refund of the unused hours may be made upon request.
 - (b) Should regular scheduled gravity water or District pumped water become available, thereby causing an early termination of the rental period, a refund of the unused portion may be made upon request.
- All requests for refunds must be made in writing within fifteen (15) days of the termination of delivery.
- 3063 The District shall limit water supplied by pump rental to not more than 2.4 inches per acre per irrigation if that pump is in demand by other water users.
- 3064 The District reserves the right to not rent a pump or to cancel a rental and refund the deposit made if the pump use will interfere with District maintenance or other District operations.
- 3065 A District employee will have complete charge of turning pumps on and off and servicing them.
- 3066 The Distribution System Operator has complete charge of setting up and operating the gates, weirs and other facilities in the District conduit that will be used. The pump renter shall be responsible for monitoring and reporting any interruption in delivery.
- 3067 If the pump is off due to power failure, breakdowns, or other causes, the down time will be added at the end of the rental period.
- 3068 The charges for all pumps will be determined from the power meter.

- 3069 The District will endeavor to anticipate the probable demand for private use of a pump and limit the periods of rental to endeavor to provide all probable renters with a period of use.
- 3070 The rental period begins with the “time on” and ends with “time off” at the pump. No allowances will be made for time required to fill conduits; however, the time required to fill the conduit may be prorated among those using the water.
- 3071 The District shall establish the rental rate for each pump.
- 3072 Payment of all pump rental for the entire rental period must accompany the application for rental. No application will be recognized until the payment is received, and the time of application shall be the time of payment.

Rights-of-Way

- 3073 District canal roads, rights-of-way, easements, and lands owned by the District are intended to be used for District operations and maintenance activities. No unauthorized Vehicle shall be permitted on or within District canal roads, rights-of-way, easements, or lands owned by the District. District canal roads, rights-of-way, easements, and lands owned by the District are for the exclusive use of authorized District employees and agents, and other authorized persons permitted in accordance with these Rules and Regulations. Persons requiring a specific use of a canal road, right-of-way, easement, or land owned by the District may apply to the District for written permission prior to such use. Notwithstanding any permission granted by the District, use of District canal roads, rights-of-way, easements, and lands owned by the District is at the sole risk of the user.
- 3074 The following persons are authorized to operate a Vehicle upon a District canal road or right-of-way: (1) Persons actively involved in farming a parcel of land adjacent to the specific District canal road, right-of-way, easement, or land owned by the District; (2) Persons actively involved in farming who use the specific District canal road, right-of-way, easement, or land owned by the District for access to irrigation facilities serving their parcel of land; (3) Persons whose property is directly adjacent to the District canal and to whom permission for ingress and egress to the property has been granted by the District; and (4) Any sheriff, police, fire, or public, safety personnel on official business.
- 3075 The District reserves the right to bill the owner of any livestock, for any and all costs associated with the maintenance or repair of facilities damaged by their livestock.

Crossings/Culverts/Bridges

- 3076 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.

- 3077 No improvements such as buildings, bridges, gates, cross canal pipes, facilities, etc., shall be constructed or placed in or over any District Conduit until applications for an Encroachment Agreement or Revocable License Agreement have been made to the District and Board authorization is granted therefor. The applicant does not acquire any rights in the District's right-of-way other than those set forth in the signed agreements.
- 3078 All such permitted buildings, bridges, gates, cross canal pipes, or other cross canal facilities shall be constructed, erected, installed, and maintained at the Landowner's expense and built in accordance with the construction and design standards of the District where applicable.

Charges

- 3079 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.
- 3080 The District shall bill for any and all additional charges resulting from the non-District use of District Facilities that are not covered by original payment. Charges shall be paid in full by the responsible party within 30 days of the District invoice date.
- 3081 The District assumes that the user is properly prepared to use the specific 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 facility failure not resulting from inappropriate use or ill-treatment of District equipment, a credit for use shall be established directly proportional to the duration of the downtime.
- 3082 A written petition for a partial refund or credit may be submitted to the Board of Directors within fifteen (15) days of the nonscheduled termination of use.

Liability

- 3083 Any person entering upon District property or District right-of-way does so at their sole risk and assumes all risks associated therewith and by such action accepts the responsibility for any resulting damage to District or Private property.
- 3084 Dischargers are solely liable and responsible for meeting and complying with all local, state, and federal regulations of water quality and subsurface pumping. Dischargers agree to indemnify, defend, and hold harmless the District, its Board, officers, employees, and agents against all liability, claims, damages, and costs (including reasonable attorney fees) relating to the quality of water discharged by the discharger.

Access to Lands

- 3085 The Distribution System Operators and other authorized agents of the District shall have free access at all times to all Private Conduits and lands being irrigated for the purpose of determining whether or not the Conduits are in satisfactory condition to handle the water and whether the water is being used efficiently and economically. Where access is denied by the Landowner or Landowner representative, water delivery may be curtailed until the request for access has been granted.
- 3086 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.
- 3087 If the District holds a right-of-way or easement across Private land for the operation and maintenance of a canal or other facility, the law provides that the District shall have certain secondary rights, such as the right to enter upon the property on which the right-of-way or easement is located; to make repairs; and do such things reasonably necessary for the efficient and economical operation and maintenance of the system.

Encroachments

- 3088 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 of the Manager. Any such encroachment of an unusual or extraordinary nature shall be approved by the Board.
- 3089 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 or adjacent Landowner. Authorization for an encroachment will end if and when said encroachment is determined to be in interference with District operations.

Construction of Irrigation Facilities

- 3090 No private stop gates, stand pipes, turn out pipes, or valves, lift or sprinkler pumps or other privately owned facilities shall be connected to or placed in or on District Conduits or in drains conveying District water unless and until all the following have occurred:
- (a) A written application setting forth the type and specification of the installation to be made is filed with the District Manager.
 - (b) The application and specifications are approved in writing by the Manager prior to start of construction.

- (c) If any of the work is to be performed by District personnel or under District contract, the full estimated cost to the District is paid to the District by the applicant in advance; however, the applicant shall be responsible for the actual costs of construction irrespective of the amount of the estimate. Upon completion, the applicant shall pay the difference between the estimated amount and the actual costs if the estimate is exceeded. If the actual cost is less than the estimate, the applicant will receive a rebate from the District for the overpayment.
 - (d) In order that all involved be protected, in instances and to the extent the Manager deems appropriate, a written contract is entered into specifying the conditions of performing the work and conditions applicable to the use of the facilities.
 - (e) If the work can affect the flow of water in works of the District, the work must only be performed during times approved in writing by the Manager. Ordinarily, in the absence of an emergency, such work will not be permitted during the period of March 1 to November 1.
- 3091 No irrigation system improvements, including without limitation diverting gates, weirs, pump intakes, mechanical screens or structures of similar nature, shall be installed, constructed or placed in, on, over, under, along, or across any District Facility or right-of-way unless written permission, in the form of an encroachment agreement and/or a revocable license agreement, has first been granted therefor by the District. No permitted person or agency, public or private, shall acquire any rights in the District's Facilities or rights-of-way other than those set forth in the District's agreement. Permittees shall, at their sole expense, upon receipt of notice from the District, promptly relocate or remove any improvement. In the event that the Permittee fails to do so, the District reserves the right to perform such relocation or removal at the Permittee's sole expense.
- 3092 No improvements, including without limitation buildings, bridges, culverts, gates, corrals, landscaping, recreational pools, cross-canal conduits, or structures of similar nature, shall be planted, installed, constructed, or placed in, on, over, under, along, or across any District Facility or right-of-way unless written permission has first been granted therefor by the District. No permitted person or agency, public or private, shall acquire any rights in the District's Facilities or rights-of-way other than those set forth in the District's agreement. Permittees shall, at their sole expense, promptly upon receipt of notice from the District, relocate or remove any improvement. In the event that the Permittee fails to do so, the District reserves the right to perform such relocation or removal at the Permittee's sole expense.
- 3093 Except where otherwise specified by agreement, all improvements, irrigation or otherwise, shall be at the sole expense of the Permittee and constructed in accordance with District construction and design standards. All improvements shall become the property of the District, unless otherwise agreed.

Design of Irrigation Facilities

- 3094 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.
- 3095 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. 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 Water User of the sole responsibility for the facilities' plans, schedules and installations, and construction and placement of work.
- 3096 Water Users shall be required to install, operate, and maintain lift or booster pumps, at their sole expense, for all irrigation improvements that cannot utilize District delivered gravity water.

Improvements/Relocation of Irrigation Facilities

- 3097 If extensions of District Conduits, increases in capacity or additional outlets are desired, they must be approved by the Board and the desired construction or modification must be done in accordance with District specifications at the sole expense of the person desiring the work to be done. The estimated cost shall be deposited with the District in advance of the start of the work. Where pipelines are installed in lieu of open ditches, one outlet per 40 acres shall be installed at District expense. Additional outlets shall be at the request and sole expense of the landowner.
- 3098 Any person desiring to build on or develop the area over a District Conduit or to move or relocate a lateral or drain, must apply in writing to the District and receive written approval of the Board prior to commencement of work. Once permission is granted, all construction shall be performed in a good and workmanlike manner approved by the Engineer and at the sole cost of the applicant.

SECTION 4: DUTIES OF WATER USERS

Responsibilities

- 4001 All land to be irrigated shall be properly prepared to efficiently and economically receive water.
- 4002 Water Users shall maintain Private facilities in a manner that is conducive to the reasonable and beneficial use of supplied water. The Water User is responsible for ensuring that all Private facilities are in an acceptable working condition, able to receive water at the irrigation start time, and capable of continued use for the duration of the irrigation event.
- 4003 Water Users shall be responsible for the control and distribution of water to their lands at all times after the water is diverted from a District Facility. As determined by the District, where control is not appropriately exercised by the Water User, the District may require that an Irrigator be present at all times during irrigation events.
- 4004 Water Users shall be responsible to close all Privately owned gates and valves at the conclusion of the irrigation event.
- 4005 Water Users are responsible for communication with the Distribution System Operator. The District requires that the Distribution System Operator be notified of any planned or unplanned changes that may occur during the irrigation event. At a minimum, the Irrigator is responsible for notifying the Distribution System Operator four (4) hours prior to any change in, or termination of, the irrigation event.
- 4006 The Distribution System Operator may require any Water User, at the end of an irrigation event, to notify the Water User next in line for the receipt of water.
- 4007 For the purposes of determining operation schedules and water demand, the District requests that Water Users submit a crop declaration to the Distribution System Operator prior to or during the first irrigation event of the irrigation season. The crop declaration shall include without limitation the type of crop, number of acres of each crop type, and an estimate of the annual crop water requirement.
- 4008 All Water Users are responsible for providing the District with the most current and accurate contact information. At a minimum the District requires that Water Users provide a mailing address, Landowner telephone number, and Irrigator telephone number.

Use of Water

- 4009 All District supplied water must be applied efficiently and used reasonably and beneficially.
- 4010 All District supplied water shall be used for irrigation purposes, except where a written agreement has been entered into between the Water User and the District.

- 4011 Any Water User who wastes water on roads, vacant land, or land previously irrigated, either willfully, carelessly, or on account of defective or inadequate conduits or facilities, or inadequately prepared land, or who floods a portion of the land to an unreasonable depth or amount in order to irrigate other portions, or floods across one parcel to irrigate another parcel, may be refused District water until such conditions are remedied.
- 4012 Water shall not be used on lands outside of District boundaries except where agreed upon through an annual Out of District Service Agreement. Water Users shall not use water on lands outside the District that was originally applied on lands within the District, whether by routing through a conduit, first flowing it across land within the District, recapturing it from drains, or otherwise. The District has the authority to terminate any current or future water use if it is determined that the aforementioned event has occurred. The District may also require that facilities be constructed to ensure that future deliveries are maintained on the property to which it was originally diverted.

Charges

- 4013 The Board shall, annually, establish the rates of charges for water and the payment due dates.
- 4014 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 usually due by December 20th and the second installment is due by June 20th.
- 4015 Any account that is delinquent shall be charged a penalty of 10% plus a \$3.50 service charge on the first installment, and 5% plus a \$3.50 service charge on the second unpaid installment.
- 4016 Landowners are responsible for all charges regardless of whether or not the land is being rented, leased, or farmed by a third party.
- 4017 The District reserves the right to enforce payment of delinquent water charges and penalties through any and all of the following methods: (a) cause a lien therefor to be placed and enforced pursuant to California Water Code §25806 on the subject real property of the delinquent account; (b) through contracts with County Tax Collectors, placement of delinquent charges on county tax rolls for collection; (c) refuse or discontinue water service (d) require full payment in advance of the annual charges for future service; and (e) bring action to collect.

SECTION 5: DISTRIBUTION OF WATER

Allocations & Entitlements

- 5001 Irrigation water is typically available starting in March and ending during the middle of October. The start and end of the irrigation season shall be approved by the Board.
- 5002 The Water Operations Manager shall determine and has the authority to apportion water to the District distribution system. The Distribution System Operators shall be held responsible for the equitable, efficient, and economical distribution of the water that is allotted by the Water Operations Manager to the individual distribution divisions.
- 5003 Water shall be distributed equitably and fairly to Water Users within the District who have paid all charges and penalties therefrom.
- 5004 No Water Users shall receive or be entitled to a greater amount of water than can be reasonably and beneficially used without waste.
- 5005 The District does not guarantee that delivered water will be of any specified condition or quality.
- 5006 The District may, if operational conditions warrant, vary the irrigation time and flow rate so long as the Water User is afforded a reasonable opportunity to utilize a fair allotment of irrigation water.

Scheduling & Notification

General

- 5007 Distribution of irrigation 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.

Rotational Deliveries

- 5008 Rotation schedules which set forth each Water User's rate of flow, day or days of the month, and duration of 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 taking delivery and utilizing water from the District's Conduits. The District reserves the right to revise the rotation schedule at any time during the irrigation season.

- 5009 Water deliveries under the rotation schedules shall be made on the basis of continuous and steady use of water during all days and nights, including holidays and Sundays. It shall be incumbent upon the Water User to fully utilize water during the allotted time and to relinquish the water at the end of the scheduled time period unless otherwise approved by the Distribution System Operator. In order to prevent the waste of water, canal overtopping and canal breaks, it is mandatory that every Water User notify the Distribution System Operator if the irrigation event must be discontinued prior to the scheduled time.
- 5010 The Distribution System Operator shall provide as much advance notice as possible to Irrigators, of the approximate time that water will be delivered. The Distribution System Operator will strive to provide a minimum of twelve (12) hours notice, however at times a significantly reduced notification period may be necessary.
- 5011 The District recognizes that there is a potential for breaks and/or unforeseen interruptions to occur and thus requires that the Water Users, on short notice, take the delivered water at the time it is available by the Distribution System Operator or declare a pass on the rotation.
- 5012 In the event that an Irrigator or Water User cannot be contacted, located, or otherwise notified of the availability of water, the Distribution System Operator shall declare that the Water User has passed and will not receive water until the next regularly scheduled rotation.
- 5013 Any person who takes water out of turn without the permission of the Distribution System Operator forfeits the right to water at the next regular rotation and is liable to criminal prosecution.

Non-Rotational Deliveries

- 5014 Water Users may submit a written request to receive water on a non-rotational delivery schedule. The request shall be made in writing and submitted to the Water Operations Manager for review and approval if appropriate.
- 5015 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.
- 5016 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 maintain the equitable distribution of water to all Water Users within the impacted distribution network.
- 5017 Non-rotational deliveries shall not be allowed to negatively impact the District’s ability to deliver irrigation water economically and efficiently. In the event that any adverse impact is identified the Water Operations Manager is authorized to suspend the non-rotational delivery and re-establish a rotational delivery schedule.

- 5018 At no time shall non-rotational Water Users 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 Distribution System Operator shall reduce the delivered flow and notify the Water Operations Manager. On the first offense the Water Operations Manager shall provide a warning to the Water User, if the problem occurs again the Water Operations Manager is authorized to enact the necessary sanctions to ensure the reasonable and beneficial use of water.

Knights Ferry Deliveries

- 5019 Historical Knights Ferry water right holders shall be entitled to their adjudicated flow of four (4) cfs to those lands entitled to water.

Specialty Crop Deliveries

- 5020 Any Water User who desires irrigation water on a tailored delivery schedule in order to grow a specialty crop is required to submit a detailed application to the District for consideration.
- 5021 Surface irrigation water shall not be made available during the months of October through March unless otherwise approved by the Board. Water Users desiring to grow winter crops and utilize District facilities shall submit a request for off-season irrigation services. The District reserves the right to approve or deny any request for Private use of any District facility for any reason at any time.
- 5022 The District will strive to supply water of sufficient quality to those crops which are sensitive to certain constituents or parameters. However, the District does not and cannot guarantee the quality of water that is delivered to any agricultural Water User and therefore shall not be liable for any damages that may result from the application of the supplied irrigation water.

Measurement

- 5023 All measurements of water delivered by the District to a Water User shall be made at the diverting gate or valve in the District's canal, or at other appropriate locations as determined by the Distribution System Operator.
- 5024 The Distribution System Operator is required to measure and maintain documentation of flow rates, delivered volume, and other pertinent irrigation event statistics as determined by the Water Operations Manager.
- 5025 All water measurements performed and documented by the District shall be considered correct in the absence of evidence to the contrary.
- 5026 The District shall maintain, calibrate, and otherwise properly care for all measurement facilities, equipment, and devices.
- 5027 The District, as provided by California Water Code §22083, has the authority to install or require the installation of irrigation flow measurement devices, equipment, or structures at all District turnouts.

- 5028 Measurement equipment is the property of the District and shall not be tampered with, removed, or otherwise inhibited by any person unauthorized to do so. Any unauthorized person that performs such acts is subject to criminal prosecution under Penal Code § 498c.

Interruption or Refusal of Service

- 5029 The Distribution System Operator will make every effort to maintain an adequate flow of water in each lateral system to meet anticipated demands. However, changes in water use due to temperature variation, improper coordination by upstream users during water changes, local runoff from precipitation, spill water from other lateral systems, canal breaks, and other emergencies may cause unavoidable fluctuations and interruptions in flow. It is expected that a Water User will notify the Distribution System Operator 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 Water Users will cooperate with the Water Operations Manager and/or the Distribution System Operator in determining the cause of the interruption and will, to the extent practical, assist in correcting the problem.
- 5030 No additional time shall be granted to Water Users who fail to use the water continuously when available during the allotted time. If a Water User fails, neglects, or refuses to use the water during the period assigned, it shall not be a valid basis for claiming the right to use water at any other subsequent time. However, if such failure to use water is due to circumstances beyond the control of the Water User, particularly if caused by the unavailability of water, the District shall endeavor to make up the lost time insofar as it can be done without unreasonably interfering with the scheduled delivery of water to other Water Users. Any such Water User which is unable to divert the full allotment of water shall promptly notify the Water Operations Manager of the desire to divert the remainder of the entitlement.

Out of District Service Agreements

- 5031 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.
- 5032 Persons interested in or currently receiving water for application onto lands outside of the current District boundaries are required annually to submit an application for water service. Applications for out of District water shall be submitted to the District on or before the first Monday of February. The application shall be accompanied by any and all fees, charges, or deposits as required by the District.
- 5033 Applications will be reviewed by the General Manager, Water Operations Manager, Engineering Department, 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 shall approve or deny the application, and reserves the right to do so for any reason.

- 5034 Out of District irrigation service is established on an annual basis and is not guaranteed for the duration of any irrigation season. Out of District water is considered surplus water and is made available, without obligation, to Board approved recipients. Water supplied to out of District Landowners is a non-guaranteed availability and may be suspended at any time by the District.
- 5035 The District shall not be liable for any damages that occur from the negligent use or misuse of water supplied to out of District Water Users.
- 5036 The District shall not be liable for any damages, economic hardships, or otherwise unfavorable consequences resulting from the suspension of an out of District service agreement. Persons entering into agreements for out of District irrigation service assume and shall be knowledgeable of all risks associated with not receiving anticipated flows and/or volumes of irrigation water. The District does not and cannot guarantee any degree or level of service to any out of District Water Users.
- 5037 Approval of out of District service agreements are considered conditional and only valid for one irrigation season. 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.

Unauthorized Use of Water

- 5038 Any person who uses District water without the District's permission may become subject to criminal prosecution and/or civil liability under Penal Code §§ 498 and 592.
- 5039 Use of District water without the District's permission may result in a forfeiture of the Landowner's and/or Water User's right to receive water on the next scheduled rotation or planned irrigation event.

SECTION 6: LIABILITY

District Liability

- 6001 The District will not be liable for any damages resulting directly or indirectly from any Private Conduit or the water flowing therein or by reason of lack of capacity in any Private or District Conduit or for negligent, wasteful, careless, or other use of handling of water by Irrigators, Landowners, or consumers of water.
- 6002 Nothing in these rules shall be construed as an assumption of liability on the part of the District, its Directors, officers, or employees for any damage occasioned by the use of water by any Irrigator or for failure to enforce any of the provisions of these rules.
- 6003 Most of the water furnished by the District flows through many miles of open ditches, and is subject to 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 consumer putting the water to other uses does so at their own risk and by doing so assumes all liability for, and agrees to hold the District and its officers and employees free and harmless from liabilities and damages that may occur as a result of defective water quality, shortages, fluctuation in flow and interruptions in service.
- 6004 The District sells water as a commodity only and not as a guaranteed service and will not be liable for defective quality of water, shortage of water, either temporary or permanent, or for failure to deliver water or delay in doing so.
- 6005 Pumping by consumers of District water is done at the consumer's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of turbulent water or shortage or excess of water or other causes.
- 6006 The District assumes no liability for damages to persons or property occasioned through defective works.
- 6007 District Conduits are to be used solely for the purpose of conveying water for use on land and for conveying drainage water away from the land. Their use for recreation purposes or play is prohibited.
- 6008 Landowners and Water Users are prohibited from using District Conduits and their lands for swimming or play. The water in many District Conduits is cold, swift and deep, and the Conduits cover so many miles that District supervision of their use of recreation is impossible.

Water User Liability

- 6009 Each Irrigator shall be responsible to the District and to third parties for all damages caused by his or her neglect or malicious or careless acts.

- 6010 It is the duty of each irrigator to regulate and control the water delivered to his or her land so as to avoid damage to the District or third persons.
- 6011 Any persons who cause damages or injury to works of the District as a result of doing or permitting any of the following to be done:
- a. Permitting livestock, poultry, or waterfowl to go on or in District Conduits.
 - b. Burning or otherwise injuring or destroying works of the District
 - c. Dumping or flowing into the District Conduits rubbish, soil, filth, or other substances that would pollute or impede the flow of water therein.
 - d. Erecting signs, fences, or other structures on or across or otherwise obstructing District rights-of-way without written permission of the District.
 - e. Shutting off or reducing the flow of water from a District Conduit into a Private Conduit or field without giving reasonable prior notice of such proposed action to the Manager or Distribution System Operator in charge.
- shall pay to the District all costs incurred by the District in repairing the damage or removing the obstructions.
- 6012 Under the Penal Code §§ 588, 592, and 607, it is unlawful to do any of the following without authority of the District:
- a. Take water from a District Conduit with intent to defraud.
 - b. Disturb any facility for the control or measurement of water.
 - c. Cause to be emptied or placed into any District Conduit any rubbish, filth, or obstruction to the free flow of water.
 - d. Willfully and maliciously cut, break, injure, or destroy any bridge, dam, or District Conduit.
- 6013 The Water User is responsible and liable for any damage caused by the Irrigator's negligence or careless use of water, or the result or failure of the Irrigator to properly operate or maintain any ditch, pipeline, or other facility for which the Water User is wholly or partially responsible.
- 6014 The District's responsibility for water and its associated characteristics, including quality, shall cease when the water is diverted into any Private or Improvement District Facility or property. The District shall not be liable for any damages that occur once the water is diverted from District Facilities.

Claims for Damages

- 6015 Landowners must submit a damage claim to the District within ten (10) business days of the date that the damage occurred.
- 6016 Claims shall be processed by the Water Operations Manager and forwarded to the General Manager. The General Manager shall prepare a response to the claim and notify the Board.
- 6017 Claims from Water Users or third parties for damages resulting from the misuse or negligent use of water by the Water User shall immediately be rejected.

6018 The Water Operations Manager shall within five business days of receipt of the claim, investigate the incident, document the events, and provide to the General Manager a recommendation of action.