

XL.

# DEL PUERTO WATER DISTRICT

## Rules and Regulations for Water Service

### I. WATER APPLICATION & CERTIFICATION REQUIREMENTS

As a pre-condition to the receipt of water, each landowner and each lessee/tenant where applicable (herein called "landowner/wateruser") is required to submit to the District, on an annual basis, a fully executed:

#### A. WATER AVAILABILITY APPLICATION

Each landowner/wateruser must agree in writing to subscribe to and be bound by these Rules and Regulations and to provide payment to the District of all sums necessary for the purchase and delivery of his/her pro rata share of the District's Water Supply and other supplies as requested; and

#### B. LANDHOLDING UPDATE FORM(S)

Each landowner/wateruser must provide the District with information, prior to each water year or as requested, describing, among other things, owned and/or leased lands (Landholdings). Subsequent Landholding changes are required to be noticed to the District within (30) days of their occurrence. Recorded Grant deeds shall be the basis for establishing ownership changes; Executed leases shall be the basis for establishing tenancies. In a case where there may be multiple beneficial owners within a legal entity (i.e. a Corporation, Partnership or an LLC), the District may request proof of such interests in order to establish voting percentages.

### II. CVP CONTRACT ALLOTTMENT

The District's water supply is allocated on an equal-share-per-irrigable-acre basis regardless of cropping pattern.

- The District will allot to its users the water supplies allocated to it under its contract with the U S Bureau of Reclamation (USBR) based on the Bureau's February declaration of water to be made available to the District. This allotment will be revised as necessary to reflect any subsequent changes in contract supplies made available to the District by the USBR.
- Water so allotted will be called "CVP Contract Allotment".
- Prior to March 31<sup>st</sup> of each year, a wateruser may elect to reduce his/her Allocated Water supply for the current water year conditioned on a certification that groundwater will not be used in lieu of the reduced allocation. The reduced allocation shall become the user's Allocated Water for the remainder of the water year[AH1].

### III. NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM (NVRWP) ALLOTMENT

Prior to each Water Year, the District will estimate a quantity of supply available to each irrigable acre regardless of cropping pattern. Administrative procedures for implementing the NVRWP will be subject to annual approval by the District's Board of Directors, and will generally include the establishment of a rate for the current year's estimated NVRWP supply, which is to be paid as an assessment (i.e. the "NVRWP Assessment"), and procedures for allocating and making the supply available for use.



#### **IV. ADDITIONAL WATER**

- "Additional Water" is water that a wateruser requests in addition to his/her CVP Contract Allotment.
- The District will attempt to meet all wateruser requests for Additional Water.
- The Board of Directors shall annually establish terms regarding the cost, apportionment, and payment requirements for Additional Water.
- The District may also enter into and administer agreements with certain District landowners who have, on a long term basis, subscribed to and contracted for additional water supplies (beyond such Additional Water) under the terms and conditions of recorded water service contracts.

#### **V. WATER YEAR**

The District's Water Year runs from March 1 of each year through the last day of February of the following year.

#### **VI. WATER PURCHASE OBLIGATION**

##### **A. PAYMENT FOR ALLOCATED WATER**

The CVP Contract Allotment shall be paid for at rates annually established by the Board of Directors based on the information then available to the District, following the billing procedures set in Article VII below.

##### **B. OTHER WATER SUPPLIES, TRANSFERS, RESCHEDULING AND STORAGE**

The Board may acquire other water supplies, may provide for the annual transfer of water allocated to each landowner, may facilitate annual opportunities for Rescheduling of supplies from one Water Year to the next, and may provide for transportation and/or storage of water obtained from other sources, including groundwater. Such other water supplies, annual transfers, Rescheduling, and transportation/storage shall be administered by the District under separate annual policies, programs, and/or contracts. Any landowner/wateruser interested in such policies, programs, or contracts should contact the District.

##### **C. COST ADJUSTMENTS**

The District will bill for services provided under "A" and "B" above based on rates approved by the Board of Directors. However, there may be subsequent adjustments to such rates and charges when the actual costs of the acquired supplies become known.

##### **D. LANDOWNER RESPONSIBILITY**

- While reasonable efforts will be made by the District to collect from tenants, unpaid water tolls shall remain the responsibility of the landowner. District management shall make an effort to notify landowners that tenants have unpaid water tolls within 15 days of any delinquency.
- Waterusers with unpaid water tolls shall be subject to discontinuation of water deliveries until such time as these debts are cleared or payment arrangements have been made. In addition to other remedies available to the District, unpaid Water Availability Charges, Water Cost Prepayments and Other Water Charges and Assessments shall constitute a lien on the land.

#### **VII. BILLING PROCEDURES**

Billing Statements detailing current obligations based on the then-current water allotments and rates set by the Board of Directors will be provided prior with the start of the Water Year. No water will be delivered until all assessments and charges have been paid.



**A. WATER AVAILABILITY CHARGE**

- The District's General and Administrative Budget is funded through a Water Availability Charge that is charged to all irrigable lands within the District on a per-acre basis.
- The rate for the Water Availability Charge is established annually by the Board of Directors.
- The Water Availability Charge is due on March 1 and becomes delinquent on March 31 of each Water Year. If water deliveries are required prior to March 31, the Water Availability Charge must be paid in advance of any such delivery.
- Should the Water Availability Charge become delinquent, the current Water Year's supply is forfeited. Upon such delinquency, a lien pursuant to Section 36729 of the California Water Code will be recorded on the subject property, which must be cleared prior to receiving any future water service from the District. At such time as the Water Availability Charge becomes six months delinquent, Delinquent Sale Procedures as set forth in Chapters 4-7 of Part 7 of California Water District Law may be invoked and exercised at the District's discretion, providing for the sale of real property for failure to pay assessments. Assessments for the purpose of Chapters 4-7 of Part 7 are defined to include standby charges and other charges levied for the use of District water.

**B. NVERRWP ASSESSMENT**

- The annual cost of administering the North Valley Regional Recycled Water Program is funded through a NVERRWP Assessment that is charged to all irrigable lands within the District on a per-acre basis.
- The rate for the NVERRWP Assessment is established annually by the Board of Directors.
- The NVERRWP Assessment is billed in two installments, on January 1 and July 1 of each Water Year. If more than 50% of a water user's NVERRWP deliveries are required prior to July 31, the 2<sup>nd</sup> one-half NVERRWP Assessment must be paid in advance.

**C. WATERSHED COALITION MEMBERSHIP CHARGE**

- Landowners/waterusers requesting and requesting coverage under the Regional Water Quality Control Board's (RWQCB) Irrigated Lands Regulatory Program (ILRP) will be billed annually for their share of the District's costs to fund the activities of the Westside San Joaquin River Watershed Coalition.
- The rate for the Watershed Coalition Membership Charge is established annually by the Board of Directors.
- The Watershed Coalition Membership Charge is due on March 1 and becomes delinquent on March 31 of each Water Year.
- Should the Watershed Coalition Membership Charge become delinquent, deliveries of District supplies will cease and the Coalition and the RWQCB will be appropriately notified.

**D. SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) PARTICIPATION CHARGE**

- The annual cost of the DM-II Groundwater Sustainability Agency (GSA) is funded through a participation charge levied on all acreage within the GSA boundaries[AH2].
- The rate for the SGMA Participation Charge is established annually by the Board of Directors.
- The SGMA Participation Charge is due on March 1 and becomes delinquent on March 31 of each Water Year.
- Should the SGMA Participation Charge become delinquent, deliveries of District supplies will cease and the Northern & Central Delta Mendota Subbasin GSP Group will be appropriately notified.



**BE. WATER COST PREPAYMENT** [AH3]

- A Water Cost Prepayment equal to 25.100% of the total cost of the Allocated Water up to a 75% CVP Allocation is due prior to water deliveries or no later than March 31st within 30 days of the Allocated Water being made available.
- The Water Cost Prepayment will be applied toward the last 25% of water charged after 75% of the water user's charges for water have been incurred and paid for through monthly billings in accordance with Article VI (C) below.
- A Water Cost Prepayment(s) may be applied prior to incurring and paying for 75% of a water user's water charges refunded, but only after the water user provides the District with appropriate written notification that he/she is finished irrigating for the Water Year and wishes to forego all unused water remaining in their account. Upon such notification, the water user's Water Cost Prepayment(s) will be applied against any balances due and any remaining credit will be refunded. This action shall be conditioned on a certification that groundwater will not be used in lieu of the relinquished allocation, and water users exercising this option must do so with the understanding that any subsequent request for water from current year supplies will be subject to the terms and availability of Additional Supplies and must be paid for in advance.

**C. MONTHLY BILLINGS**

- All water charges will be based on actual monthly water use and [AH4] billed to the water user by the 10th of the month following its use.
- Payment of monthly charges must be received within 30 days of the invoice date (i.e. before the end of the next month) to avoid interruption in service.
- If payments are not received within 30 days of the invoice date, the water user's account will be subject to the District's Payment and Collection Policy.

**VIII. WATER DELIVERY / SHUTOFF PROCEDURE**

**A. WATER ORDERS**

- All orders for water must be placed before 11:00 a.m. at least two days prior to the day of delivery. Orders received after that hour may be delayed an additional day. Orders for Saturday, Sunday or Monday morning must be received before 11:00 a.m. the preceding Friday.
- When ordering, each landowner/water user must provide the District with the following information:

1. Account name of the water user
2. Turnout location (e.g. 19.18 Left)
3. Which pump, if applicable (e.g. "A", "B" or "C")
4. Flow requested (in cubic feet per second)
5. Requested start date and time
6. Current meter reading, if applicable or requested





- Information regarding shutoffs or changes in flow may be provided concurrent with the order or in the same manner a day in advance of the action.
- All orders must be processed through the District office. Those taking water without ordering will be subject to unannounced shutoffs.

**B. LOCKS AND LOCKING MECHANISMS**

- Under no circumstances are Bureau of Reclamation or District chains or locks to be cut, tampered with or subverted in any way. Offenders are liable for damages, subject to fines, possible prosecution for damage to government property and unannounced shutoffs.
- All electrical pump panel boxes must be equipped at all times with an operational locking device which is to be maintained by the landowner/wateruser.

**C. OPERATION OF TURNOUT GATES**

After an order has been placed and a gate unlocked, the wateruser may operate the turnout gate. However, under no circumstances are these gates to be tampered with or operated beyond the tolerances set by the locking nuts that determine normal opening and closing. Leaking or otherwise inoperable gates should be reported to the District office immediately so that repairs can be made as soon as possible.

**D. SPRAY WATER ORDERS**

Orders for spray water, whether it is to be taken through a turnout or by pumping water over the lining of the canal, must be authorized through the District office. The District is required to charge a minimum one (1) acre-foot per spray water order.

**IX. WATER MEASUREMENT**

**A. MEASURING DEVICES**

The District's water use is determined by Bureau of Reclamation metering devices installed at each turnout. At turnouts serving more than one wateruser, the District requires that the landowners/waterusers provide at their expense appropriate location(s) for the installation of a District installed and maintained metering device(SIAH5). As of December 1, 2001, additional metering sites required as a result of parcel subdivision and/or property sales and the cost to install, maintain and replace such new meters will be borne by the landowner/wateruser served thereby.

**B. WATER USE DETERMINATIONS**

Measuring device readings are subject to adjustments for accuracy. While the Bureau of Reclamation and the District strive at all times to keep all meters functioning, it is possible that a measuring device may become inoperable for a period of time. In the case of a failure in such measuring devices, it is the responsibility of the landowner/wateruser to notify the District immediately and to provide the District with an accurate determination of the amount of water used but not measured. This determination will be checked against recorded water orders (both ON and OFF orders) to make a final determination of water use for billing purposes. The landowners/waterusers of a turnout serving more than one landowner/wateruser must account for the total water use at that turnout as measured by the Bureau of Reclamation meter. In the event of a dispute regarding use at a shared turnout, the District reserves the right to shut off water service from the turnout until a resolution is reached.

**C. OVERUSE**

- There is no provision for overuse of available supplies.



- In the event of any overuse, and at the discretion of the District, the landowner/wateruser will either be charged the cost to the District associated with purchasing an additional supply to cover the overuse (to the extent that any such supplies are available to the District) or have his/her supply in the subsequent year reduced by a like amount.

#### **X. WATER CONSERVATION**

The District encourages prudent and responsible water conservation measures by its landowners/waterusers and will cooperate to the extent possible in studies and efforts to conserve available water supplies. Landowners/waterusers are responsible for use of water on their property and shall not use water in a wasteful manner.

#### **XI. USE OF BUREAU OPERATING ROADS / RIGHTS OF WAY**

Canalside and wasteway operating roads are owned by the Bureau of Reclamation. Permission to use these roads is subject to Bureau of Reclamation approval and is granted only at one's own risk. Many areas along the Delta-Mendota Canal are secured by gates owned by the USBR and maintained by the San Luis & Delta-Mendota Water Authority (SLDMWA). Access to gate lock combinations is a privilege afforded to responsible landowners/waterusers, and may be denied at the District's or SLDMWA's discretion. Any use of lands within the Bureau of Reclamation right-of-way is subject to prior approval and conditions.

#### **XII. USE OF FARM CHEMICALS**

Under no circumstances are farm chemicals allowed to be directly introduced into Bureau of Reclamation facilities.

#### **XIII. ANNUAL CROP REPORTS**

Each landowner/wateruser shall provide the District with an annual crop report in order to assist the District in compiling its annual crop report for the Bureau of Reclamation.

#### **XIV. DISTRICT LIABILITY**

Neither the District, nor its directors, officers, employees nor agents will be liable for any damages arising out of the inability of the District to provide sufficient water to landowners/waterusers. Furthermore, landowners/waterusers shall indemnify, hold harmless and defend the District and its directors, officers, employees, and agents from any damage, injury or death arising out of or relating to landowners/waterusers use of water provided by the District once it is delivered to the landowners/waterusers.

#### **XV. ENFORCEMENT OF RULES AND REGULATIONS**

The General Manager of the District is authorized to perform all acts necessary and proper to enforce these Rules and Regulations. Failure of a landowner/wateruser to comply with any of these Rules and Regulations shall be sufficient cause for termination of water service, and water service will not again be furnished to such landowner/wateruser until full compliance has been made with all the requirements as herein set forth; PROVIDED, HOWEVER, that the landowner/wateruser in no way be relieved of any responsibility for payment of any charge or obligations by reason of such termination of water service. When it is practicable to do so, advance notice of any such termination of water service will be furnished to landowner/wateruser. In no event shall any liability accrue against the District or any of its officers, agents or employees, for damage, direct or indirect, arising from such terminations of water service. Non-enforcement of any provision of these Rules and Regulations does not constitute a waiver of the District's right of enforcement at any time.



**XVI. APPEALS**

In the event a landowner/wateruser disagrees with a decision made by the General Manager in carrying out the enforcement of these Rules and Regulations, he/she shall have the right of appeal to the Board. Appeals should be submitted in writing no less than fifteen (15) days prior to a regular meeting of the Board in order to be considered at that meeting, and shall specifically set forth the decision being appealed and shall give the reasons for said appeal. Decisions of the Board of Directors shall be final.

**XVII. EFFECTIVE DATE AND AMENDMENTS**

These Rules and Regulation shall become effective September XX, 2022 and may be added to, amended or repealed at any time by resolution of the Board of the Directors.

