

MADERA IRRIGATION DISTRICT

RULES AND REGULATIONS
FOR
DISTRIBUTION OF WATER
AND
MAINTENANCE OF DITCHES AND PIPELINES

Adopted April 1, 2014

MADERA IRRIGATION DISTRICT
OPERATIONS OFFICE
12152 Road 28 ¼
Madera, CA 93637
Telephone – (559) 673-9241

OFFICE HOURS:

Monday through Friday: 7:00 a.m. to 5:00 p.m.
Saturday: Office Closed
Sunday: Office Closed
District Holidays: Office Closed

After Hours: Call your Dichtender directly
Do not leave water orders on the answering
machine or cell phone voicemail

Dichtender: _____

Dichtender Phone No.: (Cell) _____

Relief Dichtender: _____

Relief Dichtender Phone No.: (Cell) _____

IN CASE OF EMERGENCY CALL (559) 673-9243

SECTION 1: CONTRACTS WITH THE UNITED STATES

- 1.01 Madera Irrigation District (District) water supplies include water received from the federal Central Valley Project (CVP) pursuant to contracts between the United States Bureau of Reclamation (USBR) and the District. All water distributed by the District pursuant to such contracts is subject to certain restrictions, terms, and conditions as required by the provisions of said contracts and the Reclamation Laws of the United States.
- 1.02 Copies of said contracts are on file and available for review at the District office and the provisions therein pertaining to use and distribution of, and payment for, CVP water are binding upon all Water Users and therefore incorporated by this reference as a part of these Rules and Regulations.

SECTION 2: CROP WATER APPLICATIONS

- 2.01 The irrigation delivery season shall be established each year by the Board of Directors as part of the annual Crop Water Distribution Policy. Also, the period for completing applications for crop water will be established annually by the Board. Crop Water Applications shall be filed in the District office on forms provided by the District. Late Crop Water Applications will be charged a fee as determined each year by the Board of Directors.
- 2.02 Crop Water Applications for water service shall be completed for each parcel prior to any delivery of water to that parcel. Reporting of any land ownership changes must be completed in writing no later than 30 calendar days after close of escrow in order for the parcel to be added and/or deleted on the Crop Water Application. There will be no changes to the Crop Water Application once water deliveries have begun.
- 2.03 All Crop Water Applications shall state the Madera County assessor's parcel number (APN). Applications must be signed by the owners of record as shown on the District assessment roll. Lessees must also sign the application. Facsimile (FAX) or scanned signatures are acceptable. Farm managers or authorized agents may execute the Crop Water Application in lieu of the landowner of record provided the District has current written authorization from the landowner on file.
- 2.04 The following prerequisites shall be completed each year prior to finalizing the Crop Water Applications:
 - (a) Landowners and lessees ("Water User") are responsible for completing all Crop Water Applications associated with the parcels they own or lease each year.

- (b) All delinquent crop water charges, assessments, certificates of sale, standby charges or any other charges on any and all parcels owned and/or leased by the Water User submitting a Crop Water Application must be paid in full prior to acceptance of the Crop Water Application by the District.
- (c) The Water User shall designate one or more Crop Water Accounts. Those accounts will not be combined or segregated once water deliveries have begun.
- (d) Landowners have the sole responsibility for the financial obligations on their property. If the land is leased out and the lessee does not pay the water charges in full, the amount owing will be added to and become part of the annual assessment levied on the land. Any unpaid standby or water charges shall be a lien encumbering the parcel to which it was applied and shall become a part of the first installment of the succeeding year's assessments in addition to any other remedy provided by California State Water Code Section 25806. Letters of nonfinancial responsibility from landowners will not be accepted by the District.

2.05 No District water service for parcels outside the District boundary or for lands which are ineligible to receive water under the District's contracts with the USBR.

SECTION 3: FLAT RATE WATER USERS

- 3.01 Water service to any parcel of land consisting of less than six (6.0) acres will be based on a flat rate charge, except as otherwise provided below. The Board of Directors will establish the flat rate charge each year. Flat Rate Water Users may request installation of a meter box on a flat rate parcel and become a regular Water User. The Flat Rate Water User is required to pay the cost of the meter and delivery structure installation. Parcels less than six (6.0) acres where meters have already been installed will remain regular Water Users permanently. Parcels less than six (6.0) acres adjoining a regular use parcel and jointly owned will be billed at the regular water rate.
- 3.02 Flat Rate Water Users must adhere to a fifteen (15) day period between irrigations. Flat Rate Water Users wishing to irrigate on an eight (8) day cycle must pay a second equivalent fee at the time of Crop Water Application.
- 3.03 One-half of the flat rate charge is due and payable at the time of Crop Water Application. The balance will be billed on the last business day of June and will become delinquent by the date set forth in the Crop Water Distribution Policy. Those Flat Rate Water Users that apply during the second half of the season must pay the total flat rate amount at the time of Crop Water Application.
- 3.04 Flat Rate Water Users may be changed to Regular Water Users at anytime by the District.

SECTION 4: SUBORDINATE WATER USERS

- 4.01 Subordinate parcels are those parcels that were annexed to the District at a later date than the original District lands. These parcels receive crop water during the years the Board of Directors has declared surplus water or outside purchased water is available. Subordinate parcels are assessed the year following the year of water usage. Standby charges are charged during the year the water is used.

SECTION 5: WATER ORDERING PROCEDURES

- 5.01 The first water order of the season must be placed through the District's Operations office at (559) 673-9241. Subsequent orders may be placed through the District's Operations office, or the appropriate Ditchtender.
- 5.02 The District's Operations Department shall be notified not less than three (3) days in advance of the time requested for a water order start or to make a flow change. Orders for termination of delivery will be accepted no later than 2:00 p.m. the day preceding requested shut-off. In the event water delivery to a Water User is terminated without a request, or less than 24 hours after shutoff is requested, billing for water use will be calculated as if delivery had continued for the full 24 hour period unless such water can be delivered to another Water User who has ordered water.
- 5.03 If water is available, it may be delivered earlier than the three (3) day notice period by mutual agreement between the Water User and District providing delivery can be made without waste of water, without increasing spill, and without interference to current users or users who have previously ordered water.
- 5.04 Water Users are entitled to take delivery of District water supplies onto the land described on their Crop Water Applications. Completion of a Crop Water Application and payment of standby charges or assessments do not result in an allocation of or entitlement to a specific quantity of water. The transfer of District supplied water by Water Users is prohibited.
- 5.05 Water must be used continuously until each irrigation cycle is complete. Established delivery flow rates must be maintained during the irrigation period unless changes are authorized by the Ditchtender.
- 5.06 Power outages and adverse weather conditions that terminate or disrupt deliveries will not relieve a Water User from being charged for up to 24 hours of water on order in the system.
- 5.07 A minimum delivery flow rate, depending on meter size, may be required by the District at any delivery point when necessary to ensure accurate measurement.

- 5.08 All deliveries through head gate structures shall be controlled by the Ditchtender who may lock these gates.
- 5.09 No water changes or terminations will be made after 2:00 p.m. unless previously agreed to by the Ditchtender. The District reserves the right to refuse service if any unreasonably large or small quantity of water is ordered.
- 5.10 If the ditch or pipeline is in such condition that a usable amount of water cannot be delivered, delivery will be denied until such condition is remedied. California State Water Code Section 22257 provides in part: "A District may refuse to deliver water through a ditch, which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water".
- 5.11 If the demand exceeds capacity of the system or for reasons determined by the District to increase operational efficiency, the distribution system may be operated on a restricted basis which means that new water starts may not be made until a shut off occurs. When the system is running in a capacity mode, there is a 7 day run time on each turnout. The District will maintain a priority list for starts during such periods and starts will follow a first come first serve basis.

Water Users need to be aware that water may be available earlier than a start request date and time. This water would be first offered to the Water User at the top of the priority list. If the Water User is unable to take the water at that time, then the water will be offered to the next Water User in line. The District cannot hold the water in the system to accommodate a start order.

SECTION 6: CHARGES AND PAYMENTS

- 6.01 Payments for water use must be received in the District office by 5:00 p.m. on the last Tuesday of the month. Postmarks are not acceptable as evidence of timely payment. Failure to pay any water charges will be subject to an interest rate of 2% per month.
- 6.02 The crop water charges shall be established each year by the Board of Directors as part of the annual Crop Water Distribution Policy.
- 6.03 Crop water charges are billed on a monthly basis by account number to the Water User.
- 6.04 Multiple parcels using a common turnout and/or meter that run concurrently will have water use charged based on the Ditchtenders knowledge of water usage for each parcel. The Water Users sharing the turnout and/or meter will be responsible, as a whole, for ensuring the Ditchtender is aware of which parcel is using water. All Water Users sharing the turnout and/or meter will be responsible

for the water costs in the event there is a dispute. The District may lien all parcels associated with the shared turnout and/or meter in the event the water costs are not paid. If Water Users would like to request individual turnouts and/or meters, they may contact the District and have individual turnouts and meters installed at the Water User's expense.

- 6.05 Standby charges are billed on an annual basis and are due upon receipt of the billing. Invoices for standby charges are mailed to the landowner of record on the parcel. Payment of the standby charge may be made by either the landowner or the lessee (if applicable), but ultimate responsibility for payment of the charge rests with the landowner.
- 6.06 Any Water User who believes they have been overcharged, or that their crop water charge contains errors, may contact the District's Finance Department Staff at (559) 673-3514 to attempt to resolve any such issue informally.

If the issue is not resolved informally between the Water User and Finance Department Staff, the Water User may appeal any crop water charge, or a portion of any crop water charge, on the grounds that the Water User was overcharged, or the crop water charge contains errors, by filing a written request for hearing with the Board Secretary within thirty (30) calendar days of receipt of the water statement. The appeal shall identify: (A) the name of the Water User, (B) the Water User's property, and (C) the grounds of appeal together with all material facts in support of it. Appeals will be heard by the Board of Directors at the next regular Board of Directors meeting, unless the appeal is received less than seven (7) calendar days prior to the next regular Board of Directors meeting, in which case the appeal shall be heard at the following meeting.

When a hearing is requested, the Board Secretary shall send written notice to the appellant by certified mail, return receipt requested, stating the time and place of the hearing. In the event the appellant refuses to accept receipt of the written notice by certified mail, the hearing will be removed from the Board's agenda, and the appeal will be denied without hearing.

SECTION 7: OPERATIONS AND CONTROL OF DISTRICT WORKS

- 7.01 All District facilities, including diversion works, canals, ditches, head gates, pipelines and other structures, will be operated and maintained by the District. The control and operation of such facilities will be conducted only by the District.

SECTION 8: ACCESS TO LANDS

- 8.01 The authorized agents or employees of the District shall have access at all times to all lands receiving water from the District system for the purpose of maintaining or examining the ditches and the flow of water therein, inspecting for

compliance with applicable state and federal regulations and laws and to determine the acreage and types of crops on irrigable lands within the District.

- 8.02 When the District has an easement for a canal, pipeline or other facility used to transport water across lands not owned by the District, the District has a secondary easement on each side of the canal, pipeline, or facility, and may access that area for the maintenance, repair, cleaning, operation, and control of the canal, pipeline, or facility. (See California Water Code § 22438 (a))

SECTION 9: BASIS FOR ALLOCATION OF WATER

- 9.01 In the event that extraordinary water supply circumstance warrant, the Board may establish terms and conditions for the allocation and distribution of water supplies to prevent undue hardship.

SECTION 10: WASTE OF WATER

- 10.01 Water Users wasting water, either willfully, carelessly or on account of defective or inadequate on-farm systems or structures, or because of inadequate preparation of the land for irrigation, may be refused further services immediately upon notice given by a District employee. Service will not be continued until the condition or practice is remedied. Early shut-offs by the District to prevent waste and/or unreasonable use by the Water User will result in additional water charges.
- 10.02 Waste, pollution, or other improper use of water shall be reported by the District to the appropriate authorities.

SECTION 11: LIMITATIONS OF WATER ELEVATIONS

- 11.01 The District shall not be required to raise water to an excessive height in District facilities to provide service to lands, ditches, pipelines or other structures of high elevations.
- 11.02 Water Users adding wood or other materials to District facilities to raise water levels will be held liable for issues these obstructions create, including, but not limited to ditch breaks.

SECTION 12: PUMPING FROM CANALS AND STREAMS

- 12.01 All Water Users pumping water from the canals or streams shall be governed in all respects by the Rules and Regulations applicable to Water Users under gravity service.
- 12.02 The District will not be held responsible for any debris which may accumulate in stream or canal flow which may tend to decrease the full operative capacity of or cause damage to pumps, filter systems, irrigation systems, or pipelines.
- 12.03 Pumps from canals or streams should have automatic shutoff to protect the pump if there are low flows in the canal or stream. The District is not liable for damage to pumps due to low flows, trash, or other foreign objects in the canal or stream. Pumps from canals must also have automatic restart controls to ensure the pumps restart following any power outage.

SECTION 13: OBSTRUCTION OF CANALS, USE OF CANALS AND RIGHTS-OF-WAY, AND TAMPERING WITH AND DAMAGE TO DISTRICT FACILITIES

- 13.01 No person shall enter upon any lands owned, operated or under the control of the District without permission of the District. No roadway gates or other obstruction across roads and canal banks used by the District shall be installed unless first approved by the District in writing and in accordance with District specifications. The installation of roadway gates that benefit both the District and the landowner may be subject to cost sharing by the District in accordance with District policies.
- 13.02 Trash, rubbish, debris, fences, and crops, including vines and trees, which actually or potentially interfere with the District's ability to operate and maintain the distribution system, shall be deemed to be an obstruction, and upon notification from the District, the Water User shall immediately remove said obstruction(s). If the obstruction is not removed within a reasonable time, as determined by the District, the District will remove the obstruction and bill the Water User for any costs incurred by the District.
- 13.03 The Water User shall be responsible for keeping turnouts free of trash and debris to ensure adequate water delivery. The District will not be responsible for any damage to machinery, equipment, motor vehicles or other personal property that is either operated or stored on District rights-of-way.
- 13.04 Any Water User, his authorized agent or employee or any other person who may use the right-of-way or other property of the District for movement of vehicles or machinery, whether authorized or not, shall be responsible to the District for any damage to the District property. If it is necessary for the District to repair such damage, the Water User must pay the costs of said repairs.

- 13.05 Any person entering upon District property does so at his or her own risk and any person using any canal right-of-way for any purpose assumes all risk of doing so and by use accepts responsibility for any damage to District property and for any damage to private property.
- 13.06 Under no circumstances shall the Water User modify a District structure or meter box. If such modifications are made, the District shall remove the installation and bill the Water User for any costs incurred.
- 13.07 The canals that have been built by the United States Department of the Interior, USBR are under the care, control, and operation of the District. Any person who travels the operating roads without authorization or in any manner interferes with, tampers with or damages any of the facilities is subject to prosecution.
- 13.08 The District will not be responsible for any loss or damage resulting from open ditch or drainage cuts, or improperly closed ditch or drainage cuts made by the Water User.
- 13.09 No swimming or water-related recreational use of District canals is permitted.

SECTION 14: ENCROACHMENT OF DISTRICT'S RIGHTS-OF-WAY AND PROPERTY

- 14.01 A permit will be required before any drains, trees, crossings, fences, structures, access use or other encroachments will be permitted to be used or installed upon the District's rights-of-way. Application for encroachment permit must be made at the District office and shall include payment of a filing fee. It is the District's sole discretion to authorize these permits.
- 14.02 Any and all encroachments must be approved by the District. All Construction must adhere to the District's specifications and will be done at the sole expense of the landowner and maintained under the supervision and to the satisfaction of the District.
- 14.03 If an encroachment permit is granted, the landowner shall be solely responsible for, and shall indemnify and hold the District harmless from, any and all liability for injuries to persons or damage to property caused by or resulting in any manner from the landowners' exercise of the rights and privileges given in the encroachment permit.
- 14.04 All encroachment permits are subject to the conditions and specifications delineated on each individual permit.
- 14.05 Issuance of an encroachment permit in no way grants a permanent right. If the District determines at any future date that said works or access do in fact

interfere with its operations, the said works shall be removed at the request of the District. The District's ditch or other right-of-way shall be restored to its original condition, at the sole expense of the landowner.

- 14.06 Granting of an encroachment permit in no way and to no extent surrenders or subordinates the Madera Irrigation District's control or supervision over the encroachment and rights-of-way involved.

SECTION 15: TAMPERING WITH WATER CONTROLS AND WATER THEFT

15.01 No person, other than District employees, shall change, alter, or disturb any valve, gate, weir board, pump or other device used by the District to control the flow of water. Violation of this rule is a criminal act punishable by fine or imprisonment or both.

15.02 District employees are not "water cops". If a District employee suspects water theft is occurring, the District will immediately call and report the matter to the Madera County Sheriff's Department. Water theft includes, but is not limited, to any unauthorized taking of District water without a Crop Water Application and/or intentionally disabling or altering District flow meters.

15.03 Section 592 of the California Penal Code states:

- (a) Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating, generation of power, or domestic uses is guilty of a misdemeanor.
- (b) If the total retail value of all the water taken is more than nine hundred and fifty dollars (\$950), or if the defendant has previously been convicted of an offense under this section or any former section that would be an offense under this section, or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in the county jail for not more than one year, or in the state prison.

15.04 Any violation may be referred to the Madera County Sheriff's Department and District Attorney for appropriate legal action.

SECTION 16: DISCHARGES INTO DISTRICT FACILITIES

16.01 All discharges of water into District conveyance or other facilities from any source, including but not limited to storm water, irrigation tailwater and filter

system flushing, are prohibited unless such discharges have been permitted or otherwise approved by the District.

- 16.02 All discharges of water into District conveyance or other facilities shall only be permitted if they are in compliance with all District, local, state and federal criteria, standards, regulation or laws pertaining to water quality or other pertinent factors.
- 16.03 All permitted discharges of water into District conveyance or other facilities are subject to immediate termination if such termination is necessary to comply with any District, local, state, or federal criteria, standards, regulation or laws.
- 16.04 Water Users who use their on-farm delivery systems to deliver groundwater are responsible for preventing leakage back into District canals. District canal gates are designed to control flow leaving the canal, not prevent the back flow of water into the canal. Water users may need to install a hub-end or pressure gate to prevent back flow into District canals.
- 16.05 Water Users using agricultural chemicals or other substances in the vicinity of District water conveyance and delivery facilities shall take appropriate actions necessary to prevent over-spray, spillage or any other form of discharge that could contaminate District water supplies. Chemicals and contaminants including grease and oil leaks from irrigation pumps and equipments shall not be added into District facilities due to potential damage to meters and meter boxes and safety of District staff. Chemicals should only be added at landowner owned and operated facilities.
- 16.06 The District shall hold anyone who knowingly or negligently allows any pollutants to be discharged into the District facilities liable for all damages caused by pollutants and the cost of cleanup of all impacted areas.

SECTION 17: LIABILITY FOR DAMAGES

- 17.01 Failure to deliver water due to supply or canal capacity may occur from time to time based on the quantity available to the District, either from the United States, or from the District's other sources. In no event shall any liability accrue against the District, or any of its officers, agents or employees for any damage arising directly or indirectly from the District's failure, refusal or inability to deliver water due to miscalculations in estimating needs, deficiency of water supply, drought, or other causes.
- 17.02 Any claim for damages allegedly resulting from the District's acts or omissions of its employees requires that a verified claim giving full particulars on date, occurrence, area, crop, extent of damage, etc. be filed by the claimant pursuant to the California Government Tort Claims Act with the General Manager at the

District office on a form provided by the District. Claim forms are available at the District office.

17.03 The District reserves the right to stop the flow in any stream, channel, pipeline, canal, or any other District facility at any time the District may determine such action to be necessary.

17.04 The District will not be liable for any damages to third persons caused by the use of its facilities, equipment, rights-of-way or property by persons other than District employees.

SECTION 18: MODIFICATION; SEVERANCE

18.01 All of these Rules and Regulations are subject to change as deemed necessary by the Board of Directors.

18.02 If any of these Rules or Regulations or any portion thereof is for any reason held to be invalid, unlawful, unconstitutional, or unenforceable in application as to any person or circumstances, the remainder of these Rules and Regulations shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

SECTION 19: PENALTY FOR NON-COMPLIANCE

19.01 Refusal or failure to comply with the requirements hereof or violation of any of the foregoing Rules and Regulations shall be sufficient cause for termination of District services until full compliance has been made.

19.02 The District reserves the right to use all available legal remedies in connection with the enforcement of these Rules and Regulations.