



**MERCED
IRRIGATION
DISTRICT**

**Rules and Regulations
Governing**

Distribution of Water

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8:00 a.m. to 5:00 p.m.
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RULES AND REGULATIONS
GOVERNING
DISTRIBUTION OF WATER
IN THE
MERCED IRRIGATION DISTRICT

ADOPTED BY THE BOARD OF DIRECTORS
MARCH 11, 1992

**RULES AND REGULATIONS GOVERNING
DISTRIBUTION OF WATER**

IN THE MERCED IRRIGATION DISTRICT

PREAMBLE

These rules are established pursuant to Water Code Section 22257 to insure the orderly, efficient, and equitable distribution, use and conservation of the water resources of the District. The Merced Irrigation District (District) will endeavor to deliver irrigation water in a flexible, timely manner consistent with the physical and operational limits of the delivery system facilities.

SECTION 1: Definitions

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

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

“Conduits” includes canals, laterals, ditches, drains, flumes, pipes, measurement and control devices, rights-of-way and all related operational facilities.

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

“District Conduits” mean conduits owned or leased by the District.

“District Facilities” include dams, structures, wells, conduits, pumps, power plants, reservoirs, rights-of-way and all other facilities of the District.

“Assistant General Manager, Water Resources” means the Assistant General Manager, Water Resources, or the Assistant General Manager, Water Resources’ authorized representative.

“Irrigator” means the landowner or tenant of a parcel of land who has the primary responsibility for irrigating the parcel. The term includes the irrigator’s officers, employees and agents.

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

“General Manager” means the General Manager of the Merced Irrigation District, or the General Manager’s authorized representative.

“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.

“Uncommitted or Surplus Water” means water that may be available over and above the water obligated by application to lands within the District.

“Tenant” means a person or entity who leases, rents, or sharecrops land from a landowner.

“Vehicle” means any motor vehicle, self-propelled vehicle, motorcycle, motorized bicycle, O.H.V. (Off Highway Vehicle), or all terrain vehicle.

“Water Commitment” means the base quantity of available water which is set annually by the Board of Directors for each acre of land within the District which can receive District water from District facilities directly or through private facilities which comply with these rules.

“Water Charge” means the charge for an acre foot of water.

“Standby Charge” means the annual charge per acre for District distribution system and facilities maintenance.

“Administrative Fee” means the annual account processing charge.

“Subjective Determinations” means determinations made by the General Manager or the Assistant General Manager, Water Resources.

The masculine, feminine, or neuter gender and the singular or plural number shall each include the others whenever the context so indicates.

SECTION 2: Facilities

2.1 CONTROL OF THE SYSTEM:

District facilities are under the exclusive control and management of the Board of Directors and its authorized agents. No other persons shall have any right to operate or interfere with said system in any manner.

2.2 ACCESS TO LANDS:

1. Every District Director, officer, employee, or authorized agent or representative shall have free access at all times (including weekends and holidays) to enter any land irrigated with District water for any of the following purposes: (1) inspecting District conduits or private irrigation facilities, the flow of water within the facilities (including measurement), and the use of water on the land; (2) determining the acreage of crops irrigated or to be irrigated; and (3) maintaining or operating District facilities or conduits.

2.3 ENCROACHMENTS:

1. No trees, vines, shrubs, corrals, fences, buildings, bridges, or any other type of encroachment shall be planted, or placed in, on, over, or across any District conduit or any District right-of-way unless the District has given specific written approval for such encroachment.
2. Any unauthorized encroachment may be removed by the District at the expense of the encroacher.

2.4 CONSTRUCTION OF IRRIGATION FACILITIES:

1. No diverting gates, weirs, structures, or pump intakes shall be constructed or placed in any District conduit until an application in writing has been made to the Board of Directors and permission granted therefore.
2. Upon application by the owner of the property to be served on the form provided by the District and receipt of payment by applicant of the full estimated cost of delivery and measurement facilities, the District shall construct such water service outlets and water measuring devices as may be reasonably required and applicant shall be solely responsible for such costs that exceed estimated costs. The service outlet or outlets shall be constructed in such a manner as to conform to standards established by the District, and once constructed shall be the sole property of the District. All costs for machines, materials, gates, valves, discharge facilities, and other facilities, regardless of nature, including measuring devices, (herein "facilities") shall be paid by applicant. (Maintenance and replacement of such works shall be at the expense of the District, except when such facilities are used to serve lands located outside the boundaries of the District. In such a case, the landowner of the serviced property outside the District shall be solely responsible for maintenance and/or replacement of such facilities, the need of which shall be solely determined by the District.) The location and number of gates required for the distribution of water from the District's conveyance facilities and the manner of delivery there from shall be determined solely by the District.
3. Whenever previously un-irrigated ground is to be irrigated or previously irrigated ground is divided, the District will, on a written application of the landowner, install whatever facilities are reasonably necessary to adequately serve the various parcels, but the entire cost of the construction of such facilities shall be paid by the landowner under terms and conditions herein previously described. No water will be delivered across property not owned by the water user without written agreement or agreements satisfactory to the District permitting such delivery. Unless applicant advises the District otherwise, and the District consents in writing, facilities installed or existing pursuant here-to shall be removed from District facilities after three consecutive years of non-recordable use. Replacement of facilities removed because of non-use shall be at the sole expense of the applicant or last user of the facilities, as the case may be.

2.5 CONSTRUCTION OF NON-IRRIGATION FACILITIES

1. No improvements such as bridges, gates, cross canal pipes, or facilities, etc., shall be constructed or placed in or over any District conduit until an application for a Non-Exclusive Revocable License Agreement has been made to the District and Board authorization is granted therefore. The applicant does not acquire any rights in the District's right-of-way other than those set forth in the Non-Exclusive Revocable License Agreement.
2. All such permitted bridges, gates, or other cross canal facilities shall be constructed, erected, installed, and maintained at the irrigator's expense and built to District Construction and Engineering Design Standards.

SECTION 3: Operation of Irrigation System Facilities

3.1 LIMITS OF LIABILITY:

1. The District will not be liable for damage of any kind or nature resulting directly or indirectly from any private ditch or conduit or the water flowing therein, or for negligent, wasteful, or other use or handling of water by the users thereof.
2. The District's responsibility shall absolutely cease when the water leaves the sidegates from a District conduit onto the irrigator's land or into a private conduit.

3.2 CONTROL OF GATES:

1. The District's employees have sole right and responsibility to open any sidegates from a District conduit, and they have the exclusive responsibility to close such gate. An individual irrigator may make special arrangements with the irrigator's D.S.O. to allow the irrigator the flexibility to operate sidegates during the period the irrigator is scheduled to receive water.
2. Any irrigator or group of irrigators may lock their sidegate(s) from the District facilities with prior written permission of the District.
3. The District may lock or require an irrigator to seal or remove, at their sole expense, a sidegate, turnout gate, or other valve where service from that facility is no longer desired or required by the irrigator.
4. All turnouts from District facilities shall be gated or have another positive shut-off system.

3.3 USE OF CANAL BANK ROADS:

1. Use of District canal bank roads and rights-of-way is at the sole risk of the user.
2. No person shall drive any vehicle upon any District canal bank road or right-of-way unless such person has received permission from the District to drive upon such road or right-of-way.
3. The following persons have permission to drive a vehicle upon a District canal bank road or right-of-way:
 - a. Any District Director, Officer, employee, or agent in the discharge of their duties.
 - b. Private parties actively involved with farming a parcel of land adjacent to the specific District canal bank road or right-of-way, or which require the use of a specific District canal bank road or right-of-way for access to irrigation facilities serving that parcel of land.
 - c. Any sheriff, police, fire, or public safety personnel on official business.
 - d. Any District contractor who needs to use a specific District canal bank road or right-of-way to perform work under its contract with the District.
 - e. The General Manager or the Assistant General Manager, Water Resources is authorized to adopt regulations setting forth the procedure for other persons to obtain permission to drive a vehicle on specific District canal bank roads or rights-of-way.

3.4 INTERFERENCE WITH DISTRICT FACILITIES:

1. Any interference with or damage to any District conduit and banks is prohibited.
2. Except for authorized District employees, agents and representatives, and persons authorized under these rules, no person shall be permitted to do any of the following:
 - a. to attach or place any boards, chains, ropes, or any other object to, on, or upon any District conduits or District facility;
 - b. to place or remove a weir board in a weir or drop;
 - c. to be on any counter weight, cable, or any parts of an automatic gate;
 - d. to remove any chain, board, post, or gate placed on or across any canal bank road of the District.
3. Any interference with or damage to District facilities by pedestrians, livestock, vehicles, parking of vehicles, or obstructions placed thereon is forbidden. Costs for repair of damages to District facilities shall be borne by the party causing said damage or obstruction.

3.5 PUBLIC USE OF CONDUITS:

1. District conduits shall be used solely for the authorized purposes of the District, including conveying irrigation water for all beneficial uses of water on or through land and for conveying drainage water away from the land. The use of District conduits for any other purpose shall be at the sole risk of the user.

3.6 PUMPING FROM CANALS:

1. All landowners or irrigators who pump from District conduits for the purpose of irrigating lands shall be governed in all respects by the rules and regulations applicable to landowners under Section 6 herein.
2. The District shall not be responsible for any trash or debris which may flow or accumulate in the water, or for any interference with or decrease in the operation or capacity of any private pump installations or pipelines.
3. Pump installations must be designed to facilitate accurate flow measurements of the pumped water. District personnel have free access at all times to make flow measurements of the water pumped.

3.7. DISTRICT DRAINAGE FACILITIES:

1. District drainage pumping plants are not installed to reclaim individual acreages. Groundwater control on individual parcels is best accomplished by installing tile drainage systems.
2. The District, within its sole discretion, shall determine the times (if any) to run a District-owned drainage pump depending upon the groundwater level in the vicinity of the pump, available gravity irrigation supply, peak power load, or quality of the water being pumped.
3. Before allowing water to drain or waste into drains maintained by the District, water

users must construct, install, and maintain all necessary structures so as to protect such drains from erosion or damage.

3.8 DISTRICT WELLS AND PUMPS:

1. The water pumped from any District well and used for irrigation shall be subject to all the rules and regulations governing the use of gravity water referred to in Section 6.
2. During the non-irrigation season, District pumps are to be operated by- District personnel only with prior authorization of the District.

SECTION 4: Duties of Irrigator

4.1 IRRIGATOR RESPONSIBILITIES:

1. When water is made available to an irrigator by the District's D.S.O., the irrigator must have a responsible person present, and the land to be irrigated must be properly prepared to efficiently take the water.
2. From the time delivery of the water is commenced to the completion of irrigation, the irrigator shall, day and night, attend and control the water.
3. When water is delivered to the irrigator, the irrigator shall be responsible for the water at all times after it leaves the District conduit.
4. The irrigator is responsible and liable for any damage caused by the irrigator's negligence or careless use of water, or the result of failure of the irrigator to properly operate or maintain any ditch, pipeline, or other facility for which the irrigator is wholly or partially responsible.
5. It is the irrigator's responsibility to close all of the irrigator's private valves at the end of each irrigation.
6. It is the irrigator's responsibility to clear the common facilities by opening stop gates and closing sidegates, unless directed otherwise by rules of that distribution system.

4.2 WASTE OF WATER:

1. All water must be applied efficiently and used in a reasonable and beneficial manner.
2. Any irrigator who wastes water by flooding of 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 properly irrigate other portions, may be refused District water until such conditions are remedied.

4.3 MAINTENANCE OF FACILITIES:

1. All private conduits must be kept free from weeds and other obstructions, be of sufficient capacity, and be properly constructed and maintained to carry the flow of water applied for, without the danger of breaks, overflow, or undue seepage.
2. Where private ditches are constructed parallel to District conduits, a full and complete bank must be constructed adjacent to and in addition to the bank of the District conduit.
3. The District may shut off the delivery of water to any private facility not meeting the above requirements and require them to be cleaned, repaired, or reconstructed before water is turned into them.

4.4 CAPACITY OF PRIVATE LIFT PUMP FACILITIES:

1. The irrigator will be required to install and operate lift pumps to receive water where the District is unable to delivery gravity water.
2. Where the irrigator chooses to install a pump system to irrigate the irrigator's lands with sprinklers or other pressurized systems, the delivery flow rates are to be compatible with the remaining gravity deliveries in that portion of the District.
3. The location and tie-in of gravity or pump facilities to District facilities must meet District Construction and Engineering Design Standards and be approved in writing by the District.

SECTION 5: Distribution System Operator Duties

5.1 MEASUREMENT OF WATER:

All measurements of water delivered by the District to irrigators shall be made by the District at the District sidegate or nearest available point. The District shall maintain records of the names of each irrigator, the parcel that each irrigator has irrigated, the number of acre feet of-water used by each parcel, and other such irrigation and operations information as required by the District.

5.2 INFORMATION TO WATER USERS:

The D.S.O. will provide a service to water users by informing and advising each irrigator of the anticipated flow rate, time of water delivery to his parcel of land, and the person's water is received from and passed to. Regular billings for water usage will be forwarded to water users by the District. Any dispute regarding a billed irrigation must be filed with the District within 15 days of receipt of the billing.

SECTION 6: Delivery of Irrigation Water

6.1 WATER RATES AND CHARGES:

1. Each year the Board of Directors shall establish policies, rates and fees as may be necessary including, but not limited to, standby fees, administrative fees, regular, uncommitted, and out of season pumped water rates, garden service rates, water wheeling

rates and continuous flow rates. These charges may be made payable in advance. The Board shall also establish the beginning and ending dates for the irrigation season.

2. Pursuant to Water Code Section 22259, the Board of Directors may determine that water can be sold for irrigation of lands outside the District boundaries. These water supplies determined to be not necessary for use within the District are intermittent and can not be counted on as a firm supply to be delivered every year.

6.2 FAILURE TO PAY CHARGES:

1. The District may refuse to furnish water to any parcel if outstanding charges for water or services already furnished or rendered such parcel (including any accrued interest and penalties) have not been paid in full by the District-prescribed payment date.
2. All charges shall be made for individual parcels and are the responsibility of the recorded owners of the record for each parcel even if the irrigator is only a tenant and not the landowner. All delinquent charges and assessments, together with any accrued interest and penalties, may result in a lien on the property and will be collected in accordance with the procedures specified in Water Code Section 25806.

6.3 IRRIGATION SERVICE:

1. At the beginning of each irrigation season, or by date established by the Board, the landowner shall provide to the District a written application for water on forms furnished by the District, specifying the number of acres he expect to irrigate, the kind of crops, and such other information as may be required to plan properly for the irrigation season. The Board may require a cash deposit not to exceed the water charge for water applied for.
2. Irrigation water will be provided to the irrigator on the basis of an arranged demand delivery, "call system", whereby the APN of the parcel to be irrigated, rate of gravity water, time, and duration of use is requested by the irrigator.
3. The D.S.O. will endeavor to meet the scheduled time of delivery within the capacity limitations of the District facilities while maintaining efficient and equitable water distribution between irrigators. A time limit may be applied to each delivery of water to prevent unreasonable use or waste of water.
4. To schedule an irrigation, the irrigator must contact the District office a minimum of four (4) days in advance of the time the water is to be used. In the initial water order, the irrigator should give an estimate for the flow rate and length of time the water will be used and the day the water is desired for each individual parcel intended to be irrigated by APN. The D.S.O. will contact the irrigator within 24 hours of receiving the water, will give an estimate of the day when water will be available, and will later give the irrigator at least twelve (12) hours notice before water is to be delivered and further notice of any change in time of delivery. The irrigator must have his land ready to receive water by the scheduled time for delivery. In case the D.S.O. has water available which he must otherwise spill or waste, the irrigator may take the water anytime during the 24-hour period prior to the time and date of request.
5. When the D.S.O. is unable to locate the irrigator after making two separate calls at his residence and leaving word that water is available, it shall constitute a refusal and

forfeiture of that irrigation and the D.S.O. shall have authority to sign a refusal.

6.4 REFUSAL OF WATER BY IRRIGATOR:

1. If an irrigator fails or refuses to continuously use the entire head of water normally delivered to him, then the following shall apply:
 - a. the full amount will be charged to the irrigator;
 - b. the irrigator shall not be entitled to use the unused portion of water at any other time;
 - c. the irrigator will be required to reschedule for delivery of water.
2. The District will endeavor to utilize cancelled water to the benefit of other irrigators and that portion so utilized will not be charged to the irrigator described in Section 6.4 - 1: Any irrigator refusing to use water in accordance with the foregoing shall forfeit their cancelled head of water.

6.5 INTERRUPTIONS OF SERVICE:

In case of a break in a District conduit, the water shall be turned onto the nearest land above the break that can take water without damage to the land or to the crops thereon until the D.S.O. can otherwise allocate the water. Receiving water in such cases shall not affect the right of any irrigator to receive water in his regular turn, but if the irrigator desires to complete the irrigation of his land under such circumstances, the D.S.O. shall allow him to do so. Irrigators whose irrigation was interrupted shall be allowed to finish irrigating when service is restored.

6.6 UNAUTHORIZED USE OF WATER:

1. Any person who uses the District water without the District's permission may become subject to criminal prosecution and civil liability.
2. First time use of the District's water without the District's permission shall result in an additional charge, for the water taken, at the rate set by the Board for the unauthorized use of water.
3. Subsequent taking of water without permission shall result in forfeiture of irrigation water for the remainder of the season and an additional charge, for the water taken, at the rate set by the Board for the unauthorized use of water.
4. If the District cannot make a reasonable estimation of the water taken, the average irrigation in acre-feet of the parcel irrigated without the District's permission shall be used for assessing the additional charge.

6.7 SERVICE TO PRIVATE SYSTEMS:

Water entitlements of irrigators who utilize private conduits shall be delivered to the head of these facilities by the D.S.O. It shall be incumbent on the irrigators to control the actions of individuals taking water from private conduits.

6.8 IRRIGATION OF GARDEN SERVICE AREAS:

1. Garden service areas, defined as parcels less than five acres in size that are separate or distinct from farm service areas, will be irrigated as a group, where possible, with a standardized rotation irrigation flow consistent with the capacity of the garden service area irrigation facilities.
2. Deliveries of water to ditches or pipelines for irrigation of garden service areas will be scheduled by the District and may be subject to interruption when it is necessary to minimize waste of water.
3. The Board may establish a minimum water charge for garden service areas.

SECTION 7: Agricultural Drainage to District Facilities

7.1 DRAINAGE PERMIT:

1. A Non-Exclusive Revocable License Agreement, approved by the District, is required to pump, siphon, or drain surplus irrigation water, storm water, waste water, tile drainage, or any other water into any District conduit.
2. The rate and quantity of drainage into the District facility is subject to limitation based on the capacity of the facility and the quality of the drainage water. Connections to District facilities shall be made to District Construction and Engineering Design Standards at the permittee's expense.
3. If the Assistant General Manager, Water Resources determines that it is in the best interests of the District, existing field drainage facilities not currently covered by a Drainage Permit shall become subject to the same limitations on rate, quantity, or quality as the then current standards for new installations under a permit. The Assistant General Manager, Water Resources determination shall be on a case-by-case basis unless federal, state or local law requires that all such facilities or discharges be regulated.

7.2 DRAINAGE OF WATER:

Where excessive runoff from lands receiving District water are 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 back into the District facilities.

SECTION 8: Water Quality

8.1 DISCHARGE TO DISTRICT FACILITIES:

No pollutant shall be placed, emptied, discharged, or otherwise allowed to enter into any District facility without the prior express written approval of the District.

8.2 CLEANUP OF DISTRICT FACILITIES:

1. Any person who willfully or negligently allows any pollutant to enter any District facility without the prior express written approval of the District shall be liable for all damages caused by the pollutant and the costs of the cleanup of all affected facilities and of all

property adversely affected by the pollutant.

2. The District will not deliver water to the land from which the pollutant originated until the facilities by which the pollutant entered the District facilities are removed or permanently sealed and all costs associated with the cleanup and damages have been paid.

8.3 GROUNDWATER QUALITY:

Salinity from wells and tile drain systems that discharge into District facilities can adversely impact the quality of water delivered to irrigators or spilled to the rivers. The State of California sets standards for salinity in the rivers that can impact the District's discharges to the rivers. Discharges into District facilities from wells or tile drain systems having an EC_w greater than 1.5 will require prior written approval by the Assistant General Manager, Water Resources.

SECTION 9: Irrigation Regulations

9.1 AUTHORITY OF GENERAL MANAGER, DEPUTY GENERAL MANAGER AND ASSISTANT GENERAL MANGER, WATER RESOURCES, TO ADOPT REGULATIONS:

The General Manager, Deputy General Manager and the Assistant General Manager, Water Resources, or either of them, are authorized to adopt regulations to implement or supplement these rules.

9.2 VIOLATION OF A REGULATION CONSTITUTES A VIOLATION OF THESE RULES:

A violation of a regulation duly adopted pursuant to Section 9.1 shall constitute a violation of these rules.

SECTION 10: Enforcement of Irrigation Rules and Regulations

10.1 TERMINATION OF DISTRICT WATER DELIVERY FOR FAILURE TO COMPLY WITH RULES OR REGULATIONS:

Failure or refusal of any landowner or irrigator to comply with any of these rules or applicable regulations ("rules and regulations") shall be sufficient grounds for terminating delivery of District water to the lands of such landowner or irrigator, and water shall not again be furnished until there is full compliance with all rules and regulations.

10.2 NOTICE AND ORDERS:

1. The Irrigation Operations Superintendent is authorized to issue a Notice and Order to any landowner or irrigator the Irrigation Operations Superintendent determines is in violation

of any rule or regulation. An oral or written warning may be issued in lieu of a Notice and Order.

2. The Notice and Order shall contain a brief description of the alleged violation, a statement of the action to be taken by the landowner or irrigator, and that a written appeal must be filed within ten (10) calendar days of the date of service of such Notice and Order of the person waives all rights to a hearing on the matter.

10.3 RED TAGS:

1. The Irrigation Operations Superintendent is authorized to immediately terminate the delivery of District water to a parcel under any one of the following circumstances:
 - a. If the land or irrigation facility in question is in such a condition so as to make it immediately dangerous to any person, to the public, or to any property, including but not limited to the flooding of property.
 - b. If the landowner or irrigator has failed to comply with a prior District Notice and Order or warnings pertaining to the same or similar problem.
 - c. Such other circumstances as are described in regulations adopted by the Assistant General Manager, Water Resources pursuant to Section 9.1.
2. Notice of an immediate termination of the delivery of District water shall be by service of a Notice of Order with a Red Tag.
3. When a Red Tag is issued, the Board will be notified at the next Board meeting.

10.4 SERVICE OF NOTICE AND ORDERS AND RED TAGS:

Each Notice and Order and Red Tag shall be served upon the landowner or irrigator either personally or by regular mail to each such landowner or irrigator at the address indicated in the District's records. Service by mail shall be effective on the date of mailing. The Red Tag shall also be posted on the affected land or irrigation facility.

10.5 COMPLIANCE WITH NOTICE AND ORDERS AND DECISIONS:

1. A Notice and Order becomes final if a written appeal is not filed within ten (10) calendar days of the date of service of such Notice and Order. The Assistant General Manager, Water Resources decision becomes final if a written appeal to the Board is not filed within ten (10) calendar days of the date of service of the decision. The Board's decision becomes final on the day the decision is issued.
2. After a Notice and Order or a decision of the Assistant General Manager, Water Resources or of the Board has become final, no person to whom any such order or decision is directed shall fail, neglect, or refuse to obey any such order or decision.
3. If, after an order or decision has become final, the person whom such order or decision is directed fails, neglects, or refuses to comply with such order or decision, the District may refuse to furnish water to the land in question and the District may institute any other appropriate action under these rules or applicable law.

4. Whenever any order, action or repair is not commenced within seven (7) calendar days after any order or decision has become final or is not pursued with sufficient diligence to enable the order, action or repair to be completed within the time established - for compliance, the Irrigation Operations Superintendent may issue a Red Tag if a Red Tag has not already been issued.

10.6 APPEALS OF NOTICE AND ORDERS AND RED TAGS:

1. Any landowner or irrigator affected by the Notice and Order and any Red Tag may appeal from Notice and Order.
2. When a Notice and Order is issued without a Red Tag, a written appeal must be filed with the Assistant General Manager, Water Resources within ten (10) calendar days of the date of service of such Notice and Order or the person waives all rights to a hearing on the matter by the Assistant General Manager, Water Resources and the Board. The Assistant General Manager, Water Resources decision may be appealed to the Board.
3. When a Notice and Order is issued with a Red Tag and water delivery is terminated, a written appeal must be filed directly with the Board within ten (10) calendar days of the date of service of such Notice and Order or the person waives all rights to a hearing on the matter.
4. If the final decision requires compliance with the Notice and Order or any portion thereof and delivery of water is terminated to the land in question for failure to comply with the Notice and Order, no further appeal is allowed and the landowner or irrigator must fully comply with the Notice and Order with all rules and regulations before water will be delivered.

APPENDIX

Pertinent provisions of law:

Water Code Section 22257 provides in part as follows:

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

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

Water Code Section 22282.1 provides that:

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

Penal Code Section 592 provides that:

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

Penal Code Section 607 provides that:

“Every person who willfully and maliciously cuts, breaks, injures or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected ... to store or conduct water for reclamation, or agricultural purposes ... or any embankment necessary to the same, or either of them, or willfully or maliciously makes, or causes to be made any aperture or plows up the bottom or sides in any such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same ... is guilty of a misdemeanor, and upon conviction, punishable by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or both such fine and imprisonment...”

WATER MEASUREMENTS & EQUIVALENTS

RATE

| | |
|----------------------------------|--------------------------|
| 1 cubic foot per second (c.f.s.) | |
| = | 7.48 gallons per second |
| = | 448.8 gallons per minute |
| = | 26,928 gallons per hour |
| = | 646,272 gallons per day |
| = | 40 miners inches |

VOLUME

| | |
|----------------------------------|---|
| 1 cubic foot per second (c.f.s.) | |
| For 1 hour | = .9917 acre inch |
| For 12 hours | = .9917 acre feet a.f. |
| For 24 hours | = 1.9835 acre feet |
| For 30 days | = 59.5 acre feet |
| 1 acre foot | = 325,828.8 gallons |
| 1 acre foot | = 43,560 cubic feet |
| 10 cents per 1,000 gallons | = \$32.57 per acre foot |
| 1,000 gallons | = .003 acre foot |
| 1,000,000 gallons | = 3.07 acre feet |
| 1 acre foot | = Amount of water required to cover 1 acre to a depth of 1 foot |

Family of 5 uses 1 acre foot per year