

YOLO COUNTY

Effective water resource management

FLOOD CONTROL &
WATER CONSERVATION
DISTRICT

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RULES AND REGULATIONS

As Amended by the
Board of Directors

May 2016

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**RULES AND REGULATIONS
GOVERNING DISTRIBUTION AND USE OF WATER
AND FIXING RATES AND CHARGES FOR WATER SERVICE
BY THE YOLO COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
(Adopted 3/2/93)
(As amended through 5/1/2016)**

The Board of Directors of the Yolo County
Flood Control and Water Conservation District
does ordain as follows:

I. DEFINITIONS

The terms below will have the following respective meanings unless the context of the Rules and Regulations indicates otherwise.

Acre Foot – the unit of volume of water used by the District for invoicing purposes. One acre foot equates to 325,851.38 gallons.

Agricultural Service - the furnishing or diverting of District water for use primarily in the commercial production of agricultural crops or livestock, including incidental domestic use thereon.

Applicant - the individual or entity applying to the District for water service or structure addition.

Board - the Board of Directors of the District.

Cubic Foot per Second (cfs) – the volumetric standard for ordering agricultural water. It is sometimes referred to as a foot of water. One cfs equates to 448.8 gallons per minute and 1.98 acre-feet per day.

District - the Yolo County Flood Control and Water Conservation District. Unless otherwise specified, all acts or determinations by the District permitted or required by these rules and regulations will be performed or made by the General Manager of the District.

District Water - the water, which the District has the right to store, divert, deliver and/or sell for use.
Head of Water – an undefined quantity of water.

Manager - the General Manager of the District or any person designated by the General Manager to perform the acts or to make the determinations permitted or required under these rules and regulations to be made by the General Manager.

Measured Service - the provision of District water by measured quantities.

Measuring Device - the device used for measuring water, a venturi, meter, weir, flume, meter gate, or other standard device.

Nonagricultural Service - the furnishing or diverting of District water for other than agricultural service.

Premises - the integral property or area, including improvements thereon, to which District water service is or is to be provided.

PUR Number – the Restricted Materials Permit Number assigned by the Yolo County Agricultural Commissioner’s Office.

Service Area - all lands within the District’s boundary as it may change from time to time, and lands upstream of the Cache Creek Dam along Cache Creek and around Clear Lake, as determined by the Board from time to time.

Turnout - a structure, pump or other approved device to deliver or divert District water from a District canal or reservoir or natural channel into facilities owned or controlled by other than the District.

Water System - all dams, reservoirs, pumps, canals, channels, flumes, tunnels, measuring devices and other pertinent works, facilities and properties and right-of-ways owned, operated or used, and maintained by the District for the purpose of storing, diverting or delivering District water.

Water User - those receiving water service from the District or its authorized agent.

II. MUNICIPAL WATER SERVICE.

Water service for municipal use will be provided under water service contracts that specify, among other things, the maximum quantity of water to be diverted, the diversion and measurement of water, the rate to be paid, the provisions for increases in rates, the time and the method of payment, and the term of agreement.

III. APPLICATIONS.

A. APPROVAL OF APPLICATIONS REQUIRED, POINT OF DELIVERY OR DIVERSION.

District water service or the addition or change of structure to allow such water service will be provided or permitted only upon District approval of written applications on forms prescribed by the District as required below. Each application will be signed by the applicant and by the owner of the property upon which service is requested if such owner is not the applicant, unless the requirement of execution by the

land owner is waived by the District upon satisfactory establishment of credit under Section V.A. Each application will specify the applicant's desired point or points of delivery or diversion from the water system. In its approval of such application, the District will specify the approved point or points of delivery or diversion, and also the point of measurement for measured water service.

B. APPLICATIONS FOR AGRICULTURAL SERVICE.

1. During Times of Short Supply.

a. Deadline for Filing Applications.

Applications are due no later than February 7 of each year (or the first Monday following February 7, if February 7 falls on a weekend), or a later date if the District extends the filing deadline. By the due date, each applicant desiring agricultural service will have an application on file, whether hand delivered or mailed to the District office (34274 State Highway 16, Woodland, CA 95695), stating (a) the number of irrigable acres of each field for which irrigation service is desired, (b) an accurate location on an assessor's parcel map of the boundaries of the land to be irrigated, (c) the crop or crops growing or to be grown, (d) the landowner's name if different from the applicant, (e) the assessor's parcel number of the property, (f) the Yolo County Agricultural Commissioner's PUR number, and (g) any other information required by the District.

b. Application Acreage Deposits.

Each application will be followed by an acreage deposit, due no later than March 15 (or the first Monday following if March 15 is on a weekend), or by an earlier date if water delivery is requested by the applicant prior to March 15. The application will not be considered approvable until such deposit is received. Such deposit is a guaranteed minimum water purchase for the season and a credit on the applicant's aggregated water bill if District water is available for delivery, whether or not the applicant actually takes any water. If the acreage deposit is less than the amount of the minimum charge as set by the Board from time to time, the applicant will pay the minimum charge. Any deposit check returned to the District for lack of sufficient funds for payment or for any reason other than bank error will be treated as if it were not received.

See the rate schedule at the end of this document. The Board may modify the rate schedule from time to time.

c. Transfers and Cancellation of Applications and Deposits.

Applications or portions thereof may be transferred from one applicant to another, acre for acre, if accomplished not later than June 1 and only if approved by the District. Applications or portions thereof may also be canceled not later than March 15, except on parcels that have already used water. Acreage deposits relating to applications that are canceled as permitted above will be credited to the applicant's water account as an independent payment rather than as a portion of the guaranteed minimum purchase for the season or will be refunded at the

applicant's option. Other than as provided above, applications may not be canceled and the District will retain acreage deposits whether or not the applicant actually takes any water.

d. Late Applications.

No applications will be accepted after the filing deadline except as deemed proper by the General Manager.

e. Lands Outside the District.

Lands outside the District will be served on a surplus water basis only. In the event that those lands are unable to be serviced the acreage deposit will be returned.

2. During Times of Full Supply.

a. Deadline for Filing Applications.

Applications are due no later than March 15 of each year (or the first Monday following March 15, if March 15 falls on a weekend), or a later date if the District extends the filing deadline. By the due date, each applicant desiring agricultural service will have an application on file, whether hand delivered or mailed to the District office (34274 State Highway 16, Woodland, 95695), stating (a) the number of acres of each field for which irrigation service is desired, (b) an accurate location on an assessor's parcel map of the boundaries of the land to be irrigated, (c) the crop or crops growing or to be grown, (d) the landowner's name if different from the applicant, (e) the assessor's parcel number of the property, (f) the Yolo County Agricultural Commissioner's PUR number, and (g) any other information required by the District.

b. Application Acreage Deposits.

An acreage deposit will accompany each application. The application will not be considered filed until such deposit is received. Such deposit is a guaranteed minimum water purchase for the season and a credit on the applicant's aggregated water bill if District water is available for delivery, whether or not the applicant actually takes any water. If the acreage deposit is less than the amount of the minimum charge, the applicant will pay the minimum charge.

See the rate schedule at the end of this document. The Board may modify the rate schedule from time to time.

c. Transfers and Cancellation of Applications and Deposits.

Applications or portions of them may be transferred from one applicant to another, acre for acre, if accomplished not later than June 1 and if approved by the District. Applications or portions of them may be canceled not later than May 1. Acreage deposits relating to applications that are canceled as permitted above will be credited to the applicant's water account as an independent

payment rather than as a portion of the guaranteed minimum purchase for the season or will be refunded at the applicant's option. Other than as provided above, applications may not be canceled and the District will retain acreage deposits whether or not the applicant actually takes any water.

d. Late Applications, Penalty.

In the event that application for water service is filed subsequent to March 15, (or the first Monday following March 15, if March 15 falls on a weekend), or a later date if the District extends the filing deadline, a penalty charge in the amount set by the Board from time to time will be paid when the application is made, and this charge will not be a credit on the water bill of the applicant. The minimum penalty will be equal to the minimum set for any application. No application filed after May 1 will be accepted unless the District determines that water will be available for the balance of the irrigation season surplus to the needs of lands covered by applications filed on or before May 1.

C. APPLICATIONS FOR AGRICULTURAL STRUCTURE ADDITIONS OR CHANGES.

Applications for agricultural structure additions or changes will not be approved, if, in District's determination, the requested addition or change will interfere with delivery of water to other Water Users or there is insufficient water or capacity in the water system to satisfy the service requested in the application. If such application is approved, the District will determine whether the work will be performed by (a) the District or under its direction, or (b) by the applicant, pursuant to plans approved by the District.

Before construction is begun by the District or under its direction, the applicant will execute a repayment contract with the District upon approval by the General Manager or the applicant will deposit the amount estimated by the District as the cost of the work and the structure. The adjustment between the estimated and actual cost payable by the applicant will be made within 90 days after completion of construction.

1. Additions Involving Canal Construction or Extension.

If the approved application is for agricultural service additions requiring canal construction or extension, the cost or any portion of it may be paid by the District if, in its judgment, the annual ongoing use of water on the lands to be served will justify the expenditure. Applicants for such additions may be required to pay all or a specified part of the cost of such addition as a condition to approval of the application. The District may form a zone of benefit for this purpose. Persons applying for service from such additions who have not made a deposit to apply on the cost thereof may be required to pay the District their fair share of the reasonable cost of such addition before receiving service, which sum will, unless otherwise provided, be refunded by the District ratably to the participants who have previously made such deposits with the District. If the District is unable,

with reasonable effort in the District's determination, to locate the participants, the sum will default to the District.

D. APPLICATIONS FOR NONAGRICULTURAL SERVICE AND STRUCTURE ADDITIONS OR CHANGES.

1. For Service Through Existing Service Connection or Turnout.

Any applicant requesting nonagricultural service through an existing service connection or turnout where measuring devices are already installed will apply to the District for such and will pay a turnout fee.

See the rate schedule at the end of this document. The Board may modify the rate schedule from time to time.

2. For Change in Ownership, Tenancy, or Service.

A new application must be made and a turnout fee paid in the amount set from time to time by the Board by the applicant on any change in nonagricultural service or the Water User as described in the application.

3. For Service Requiring the Installation of Additional Structures.

Any applicant requesting nonagricultural service requiring the installation of a new service connection, turnout or measuring device will apply to the District for such service.

4. For Change in Location of Service or Size of Meter.

Any Water User desiring to change the location of any nonagricultural water service or the size of any service connection or measuring device that has been installed will make application to the District for such installation.

5. Approval Dependent of Sufficient Capacity and Water.

No application for new nonagricultural service or structure addition or change will be approved if, in the District's determination, there is insufficient District water and/or insufficient capacity in the water system to satisfy the requested service, or if the requested addition or change will interfere with delivery of water to other Water Users.

6. Installation of Additional or Changed Structures.

Except as otherwise specifically approved by the Board, the applicant will be responsible for installing the additional or changed facilities under Sections III.D.3. and III.D.4. Such installation

will be in accordance with plans approved by the District prior to commencement of installation. The District will not review plans for approval until the applicant has paid a fee as determined by the District to cover its cost of plan review and inspection of installation.

IV. TEMPORARY SERVICE.

The District may, if no undue hardship to its Water Users will result there from, furnish temporary service, by contract, not exceeding three years, to contractors, road builders, or any purpose approved by the District under the following conditions:

(1) The applicant may be required to install or at the District's discretion pay the District in advance, the cost as estimated by the District of installation and removal of the facilities necessary to furnish the service, subject to adjustment when the actual cost becomes known.

(2) If the duration of service is to be not more than one month, the applicant may also be required to deposit a sum of money equal to the estimated bill, subject to adjustment in accordance with the actual bill due upon discontinuance of service.

(3) If the duration of service is to exceed one month, the applicant may also be required to establish his credit in the manner prescribed in Section V.

(4) Rates for temporary service will be those prescribed for measured service in Rule VI, with a minimum charge based on one-half acre-foot per day or part thereof for any day of water use for such temporary service.

V. ESTABLISHMENT AND REESTABLISHMENT OF CREDIT AND DEPOSITS.

A. ESTABLISHMENT OF CREDIT.

Each applicant for service or structure addition will be required to establish credit before the applicant's application is approved. Credit is established when, in the discretion of the District, any one of the following conditions is met:

(1) The owner of the property upon which service is requested enters into a contract with the District providing that payment of the cost of the service or structure addition is secured by, and can be enforced against, such property.

(2) Applicant makes a deposit in cash (hereinafter referred to as "credit deposit") to secure payment of applicant's water bill as prescribed in Section V.C.

(3) Applicant furnishes a guarantor satisfactory to the District to secure payment of applicant's water bills.

(4) Applicant has been a Water User for a period of time satisfactory to the District and has timely paid all water bills to the satisfaction of the District.

B. REESTABLISHMENT OF CREDIT.

An applicant who within the previous 24 months had (a) water service discontinued or service refused because of nonpayment of District bills, or (b) had an unpaid balance for water service for a period of 90 days, or (c) had an unpaid balance for water service as of December 31 of the previous year, will be required to reestablish credit by depositing the amount prescribed in Section V.D. as a credit deposit, except as otherwise specifically determined by the Board.

C. DEPOSITS TO ESTABLISH CREDIT.

For all service, the amount of credit deposit is the estimated maximum monthly bill for the service desired, as determined by the District. Such credit deposit is a credit to the Water User's account for water service and to be used after depletion of the required acreage deposit.

D. DEPOSITS TO REESTABLISH CREDIT.

For all service, the amount of credit deposit to reestablish credit is twice the estimated maximum monthly bill for the service desired as determined by the District. In addition, all unpaid bills plus penalties must be paid in full to reestablish credit, and all water bills will be paid timely incurring no finance charges for the irrigation season

E. REFUND OF DEPOSITS TO ESTABLISH OR REESTABLISH CREDIT.

1. Agricultural Service.

At the end of the irrigation season, the District will refund the Water User's credit deposit or the balance in excess of unpaid bills for that service (in excess of the minimum charge under Sections III.B.1.b. and III.B.2.b.).

2. Nonagricultural Service.

After the Water User has, for twelve (12) consecutive months, paid bills for service on the average of fifteen (15) days after presentation, the District will refund the credit deposit.

F. DEPOSIT RECEIPTS.

A credit deposit to establish or reestablish credit for service may be applied by the District to unpaid balances where the District because of nonpayment of bills has discontinued service.

VI. RATES.

The Board will set the rates from time to time for the types of District water service set forth below, whether received by gravity or pumped by the Water User. The Board of Directors of the District reserves the right to change these rates at any time and without prior notice.

See the rate schedule at the end of this document.

A. AGRICULTURAL SERVICE.

Agricultural service rates will be set for crop and non-crop irrigation based on per acre foot use.

B. NONAGRICULTURAL SERVICE.

Nonagricultural service is available at a per acre foot rate to all nonagricultural Water Users.

C. OUTSIDE OF SERVICE AREA.

The rate for service outside the service area is established to be 125% of the rate applicable to similar service within the District's service area except as provided under Section VI.D. or VI.E. The Board may change this rate and ratio from time to time.

D. KELSEY CREEK GROUNDWATER RECHARGE PROJECT, BIG VALLEY, ZONE 5 OF LAKE COUNTY.

The rate is to be established by the Board from time to time.

E. OTHER TYPES OF SERVICE.

The Board may establish rates for other types of service from time to time.

VII. ORDERS AND DELIVERY OF WATER SERVICE.

A. *PLACING START ORDERS.*

All orders by a Water User for delivery by the District of water for service through a District canal or natural channel must be received by the District office in sufficient time to allow 24 hours travel time for the water from the source to the point of delivery unless the water is otherwise available as determined by the District. The orders must be received before 11:00 a.m. unless an earlier deadline is provided in notice from the District, otherwise the 24 hours will be calculated from deadline time on the following day. The District may refuse to accept orders for irrigation water for a lesser amount than 1 cubic feet per second or which, in the District's opinion will constitute an unjustifiable use of water. Orders may be made in writing, or orally in person or by telephone by the Water User.

Orders will include the name of applicant, the location of service by the canal designation, the flow in cfs, the crop and the preferred date for service.

B. *ROTATION OF WATER SERVICE.*

Water will be taken on a canal or lateral in turn or rotation based on priority of order, except that, when agreeable to the District, Water Users on a canal or lateral may exchange turns for mutual accommodation, provided such change will not alter the system of delivery to other Water Users on the same canal or lateral.

C. *LIABILITY FOR TAKING HEAD OF WATER.*

Water Users will be liable for damages or loss caused by their taking a head of water without permission of the District.

VIII. NOTICE OF SHUTTING OFF AGRICULTURAL WATER SERVICE.

A. *REQUIRED NOTICE.*

1. *General.*

Water Users, served from a District canal or natural channel, who wish to discontinue the service of water or change the head will give notice to the office of the District before 11:00 a.m. the day before such service is to be discontinued or such head changed, unless an earlier deadline is provided in a notice from the District.

2. Service of Less Than 24 Hours Duration.

Where the service is to be for less than 24 hours, notice of the time of shutting off the water or reducing the head, will be given when the order for water is placed. If Water User uses more than 0.5 cfs for less than 24 hours on consecutive days, Water User will be charged for the water spilled between irrigations. An exception will be made for Water Users on the Winters Canal because the unused water will be captured in the Chapman Reservoir and available for subsequent use.

The maximum number of consecutive days allowed on an order is seven. For intermittent service lasting in excess of seven days, Water User will be required to place additional orders not to exceed seven days.

3. Failure to Give Notice.

Failure of the Water User to give required notice may cause a waste of water, in which case the water ordered for, but not diverted by the Water User may be charged to the Water User's water bill as provided in VIII-C.

B. LIABILITY FOR DAMAGE CAUSED BY TURNING BACK HEAD OF WATER.

Water Users will be liable for damages and/or losses caused by their turning a head of water, which was being used by them, back into the District's canal without permission of the District.

C. FAILURE TO USE WATER.

When a Water User fails to make use of water that the Water User has ordered and the same is ready for delivery and is not actually delivered by the District to another Water User, the Water User who placed the order will make full payment for water until it can be shut off at the source plus 18 hours or delivered to another Water User. If the District determines waste has occurred, the District may charge the Water User for water wasted at 1.5 times (150%) the regular rate.

IX. MEASUREMENT OF WATER AND RENDERING AND PAYMENT OF BILLS.

A. DISTRICT ACCESS TO MEASURING DEVICE.

Each Water User will give the District access for all reasonable purposes to the measuring device that measures the amount of District water delivered to or diverted by such Water User, whether the District or the Water User owns such device.

B. MEASUREMENT OF WATER - MEASURED AGRICULTURAL SERVICE.

The measuring devices for measured agricultural service will be read and the reading recorded by the District once each day when there is no change in the rate of flow of water delivered. Additional daily readings will be made and recorded when deemed necessary by the District.

C. MEASUREMENT OF WATER - MEASURED NONAGRICULTURAL SERVICE.

The measuring device for measured nonagricultural service will have an accumulating meter and will be read monthly or more frequently by the District, or by the Water User. The results will be reported immediately to the District, unless otherwise determined by the District.

D. TESTS OF MEASURING DEVICE ON WATER USER REQUEST.

The District will, on reasonable notice by a Water User, test any water-measuring device serving Water User's premises. No charge will be made for such a test, except where a Water User requests more than one test of a device in any year, in which case he will be required to reimburse the District the cost of the test if the test shows the District has not been overcharging the Water User.

The District, at its discretion, may test any water-measuring device for accuracy, whether belonging to the Water User or the District.

X. BILLING AND PAYMENT.

A. BILLING.

1. Agricultural Service Invoices.

Agricultural service invoices will be mailed monthly to each Water User for each turnout. Invoices will provide the amount of water delivered each day.

2. Other Invoices.

Invoices other than agricultural service will be mailed monthly, unless otherwise determined by the District.

B. PAYMENT OF BILLS.

All bills will be due and payable upon receipt.

C. DELINQUENT BILLS.

Bills become delinquent 30 days after the date of the bill. All delinquent payments and penalties will bear finance charges at the rate set by the Board from time to time. All payments delinquent as of December 31 of any year will be charged a one-time penalty in the amount set from time to time by the Board. All delinquent payments, penalties and finance charges which are added to the county tax roll for collection are subject to being charged an additional penalty in an amount set from time to time by the Board so long as the total penalties assessed by the District excluding finance charges do not exceed 10%.

See the rate schedule at the end of this document. The Board may modify the rate schedule from time to time.

A Water User's service may be discontinued for nonpayment of a bill under Section XII.A.

D. DISPUTED BILLS.

Should a Water User dispute the correctness of a bill rendered by the District for water, the Water User may, within 30 days after presentation of the bill on which the Water User claims an error has been made, deposit with the District the amount claimed by the District to be due and submit a written statement setting forth the reasons why the bill is disputed. On receipt of the deposit, the District will investigate the complaint and communicate its findings to the Water User. If the Water User fails to comply with this provision within 30 days after presentation of the bill, Water User's failure will constitute an acceptance of the bill as correct and warrant the District in discontinuing service without further notice if the bill becomes delinquent.

E. CHARGE FOR RETURNED CHECKS.

A fee will be charged against any Water User whose check is returned to the District for lack of sufficient funds for payment or reasons other than bank errors.

XI. ACCESS TO PREMISES SERVED BY DISTRICT WATER AND CONTROL OF WATER SYSTEM.

A. ACCESS.

The District and its officers, agents, and employees will have free access at all times to and across all premises served with District water for any purpose connected with the distribution of District water or the operations of the District or its water system.

B. CONTROL.

The entire water system and all measuring devices there from, whether such measuring devices were installed or are owned by the District or the Water User, are under the exclusive control of the District General Manager and no other person, except District employees or such other persons as the General Manager may authorize, will have any right to interfere with or to operate the water system or any part thereof.

C. RESPONSIBILITY FOR WATER AFTER LEAVING WATER SYSTEM.

The District will not be responsible for the distribution of District water among Water Users from facilities outside the District's water system, nor will the District be responsible for water after it leaves the points of delivery or diversion from its water system to facilities owned by others. Several Water Users may unite in the construction and operation of a common distribution system, in which case the District will deliver District water at the junction of such distribution system with the canal of the District.

D. RESPONSIBILITY FOR FACILITIES NOT OWNED BY DISTRICT.

The District will not be responsible for operating, maintaining or replacing water distribution facilities not owned by the District. The installation and maintenance of a District-owned measuring device on private property or within a portion of a water distribution system not owned by the District will not create any obligation on the part of the District for operation, maintenance, or replacement of any segments of the water distribution system owned by others, unless provided for in a written agreement.

The District does not share with landowners in the cost of maintenance of natural waterways used to convey water by the District.

E. PROTECTION OF WATER SYSTEM CANALS.

All lands to be served with District water will be so prepared and Water User-owned structures and laterals so located as not to require water in the District's canals to be raised to such a level, in order to irrigate said lands, as to endanger the canals or structures of the District or to cause seepage to lands adjacent thereto. The District will determine the level to which water may be safely raised in its canal.

F. MAINTENANCE OF WATER USER-OWNED LATERALS.

At the beginning of each irrigation season and before the water will be turned therein, Water User-owned canals or laterals, including the structures thereon, must be put and thereafter kept in good repair, with vegetation removed from them so that water may flow through them with the least practicable loss. Such canals and laterals must be of sufficient capacity to carry an adequate quantity of water to economically irrigate the area under them. Failure on the part of any Water User along any canal or lateral to do the things herein required will warrant the District in refusing to turn water therein, until said ditches or canals are put in condition.

G. CONTROL OF WATER.

Under California water law, the District has control of water under its water rights, including return flows, transported in District facilities and natural watercourses, such as streams, within the boundaries of the District. No diversions of water under control of the District from District facilities or natural watercourses will be permitted unless the District has approved the manner of diversion and such diversion complies with the provisions of these rules and regulations. All persons taking delivery of District water from natural watercourses or the District's ditches or canals must take such deliveries through gates or structures approved by the District.

H. PUMPING WATER INTO CANAL SYSTEM.

No Water User will pump or discharge any water into District owned or operated canals without prior authorization of the General Manager or the General Manager's assigned representative. Prior to receiving such authorization, District may require Water User to provide results of a test of the pumped or discharged water quality for those constituents that the District deems appropriate in order to protect the water quality in the canal system. Authorization may be denied or curtailed if, in the District's opinion, the activity may degrade water quality, or create operational or other significant problems. District retains authority to curtail such activity at any time.

District use of facilities has priority over non-District uses. Once a Water User is authorized to pump or discharge water into the canal system, Canal Operator has the authority to direct Water User to curtail or modify pumping at any time to accommodate District use of the canal system based on actual or potential operational or other problems.

Water User is required to coordinate with the Canal Operator to provide the same advance notice required as if placing a District water order. Water User will identify the quantity and location(s) of the water to be pumped into the canal system and the location(s) of the diversion point. Water User will share in any canal losses and the Canal Operator will inform Water User regarding the quantity of water that Water User should divert.

The District will charge Water User a fee for every day or portion thereof that the Water User is pumping into (wheeling through) District operated facilities. The Board may change this from time to time.

XII. DISCONTINUANCE OR REFUSAL OF SERVICE.

A. NONPAYMENT OF BILLS.

A Water User's water may be discontinued for nonpayment of a bill for water service if the bill becomes delinquent. A Water User's service, however, will not be discontinued until the amount of any credit deposit has been fully absorbed. If an agricultural applicant in any year is delinquent in the payment of a bill for water service during a prior year, his application will be denied and service will be refused,

except that the District may provide service on the condition that payment for water during such year is made in advance of delivery.

B. SERVICE DETRIMENTAL TO OTHER WATER USERS.

The District may refuse to furnish water, or reduce water service or discontinue service to any premises, where the use of water thereon is detrimental or injurious to the water service furnished to other Water Users.

C. FRAUD AND ABUSE.

The District will have the right to refuse or to discontinue water service to any premises if necessary to protect itself against fraud or abuse.

D. NONCOMPLIANCE.

The District may discontinue water service to a Water User for noncompliance with any of these rules and regulations, if the Water User fails to comply therewith within five days after receiving written notice of intention to discontinue service.

XIII. SHORTAGE OF SUPPLY AND INTERRUPTION OF DELIVERY.

A. SHORTAGE AND INTERRUPTION.

The District will exercise reasonable diligence to furnish a continuous and adequate supply of water to its Water Users and to avoid any shortage or interruption of delivery thereof. It **cannot**, however, guarantee a full supply or complete freedom from interruption. When, for any reasons, the District is unable to deliver the full supply of water required by the Water User, such supply as can be delivered will be prorated until such time as delivery of a full supply can be restored.

B. TEMPORARY SUSPENSION FOR REPAIRS.

The District reserves the right to suspend service temporarily to make necessary repairs or improvements to its water system. In doing so, the District will notify the Water Users affected as soon as circumstances permit, and will prosecute the work with due diligence and with the least possible inconvenience to Water Users.

C. APPORTIONMENT OF SUPPLY DURING THE TIME OF SHORTAGE.

In any year the District will apportion its available water supply among its Water Users as follows:

- (1)The District will attempt to supply nonagricultural water service without reduction. Water not needed to supply nonagricultural water service will be apportioned as set forth below.
- (2)The requirements for agricultural service on lands for which application was made not later than February 15 (or the first Monday following February 15, if February 15 falls on a weekend), and the acreage deposit was received no later than March 15 (or the first Monday following March 15, if March 15 falls on a weekend) will have an equal priority to the water available for agricultural water use. The Board reserves the right to require payment for all water ordered during a time of water shortage, whether used or not.

XIV. WATER WASTE.

A. *AGRICULTURAL WATER.*

Any Water User who, in the determination of the District, is wasting water or floods any portion of Water User's land to an unreasonable depth in order to properly irrigate other portions, or whose land has been improperly checked for the economical use of water, or allows an unnecessary amount of water to escape from any tailgate, will be refused service until such conditions are remedied. The District may refuse service when in its determination the proposed use, or method of use, will require such excessive quantities of water as will constitute waste.

B. *NONAGRICULTURAL WATER.*

The District will endeavor to furnish sufficient water for nonagricultural uses. No Water User will waste water. Any violation of this rule may cause water to be reduced or shut off until the District receives satisfactory assurances that the conditions causing such waste have been remedied.

XV. WATER QUALITY.

All District water delivered to or made available for diversion by Water Users is from open reservoirs, natural channels, ditches, canals, conduits and flumes. The District does not represent or guarantee that any District water is potable or of a quality suitable for human consumption or for any other purpose. Any Water User who uses said water or makes it available to others for human consumption will take all necessary precautions to make the water potable and will assume all risks and liabilities in connection therewith.

XVI. DAMAGE TO DISTRICT'S PROPERTIES.

A. *LIABILITY OF OWNER OR WATER USER.*

The owner or Water User through whose lands any part of the water system passes will be liable for any damage to the system or loss of District water caused by (a) stock crossing or pasturing on the banks of a canal, (b) operating machinery of any kind across or along the banks of a canal or above a pipeline, (c) burning vegetation, (d) dumping drainage water, waste water, vegetable matter, garbage, chemical pollutants or other water materials into any other part of the water system, (e) turning a head of water, which was being used by the Water User, back into the District's canal without permission of the District or its canal tender, or (f) any other cause within the owner's or Water User's control or for which the owner or Water User would, as owner or occupier of the lands, be legally responsible.

B. *WRITTEN PERMISSION FOR OBSTRUCTIONS OR DISCHARGES.*

No fences, bridges, ditches, buildings, domestic water pipes, stock watering pipes, sewer pipes or other obstructions of any kind will be placed upon, over, across or along any part of the water system, nor will there be any discharge of water or any other matter into any part of the water system, without first obtaining written permission of the District, which will state the time, the conditions or other regulations governing the same.

C. *DISTRICT ROADS.*

No ditch, bank, or District road will be sprinkled or flooded with water in connection with irrigation of adjacent lands.

XVII. NOTICES.

A. *NOTICES TO WATER USERS.*

Notices from the District to a Water User normally will be given in writing either delivered to the Water User or mailed to the Water User's last known address. Where conditions warrant, and in emergencies, the District may give verbal notices by telephone or in person.

B. *NOTICES FROM WATER USERS.*

Except as otherwise provided in Section VII.A., notices from a Water User to the District will be given by the Water User or an authorized representative in writing and mailed postage prepaid or hand delivered to the District office, 34274 State Highway 16, Woodland, California 95695, telephone (530) 662-0265.

XVIII. ENFORCEMENT OF RULES AND REGULATIONS.

The General Manager will be responsible for the enforcement of the rules and regulations. Failure of a Water User to comply with any of the rules and regulations will be sufficient cause for the termination of water service, and water service will not again be furnished to such Water User until full compliance has been made with all the requirements as herein set forth; provided, however, that the Water User will in no way be relieved of any responsibility for payment of any charges or obligations by reason of such termination of water service. In no event will any liability accrue against the District or any of its officers, agents or employees, for damage, direct or indirect, arising from such termination of water service.

XIX. ADMINISTRATION OF RULES AND REGULATIONS: NOTICE HEARING AND APPEAL.

At least ten days before termination of water service as provided in Section XVIII is to be effected, a Water User will be provided written notice of such termination and advised of the opportunity and procedure to discuss the reason for termination of service with the General Manager, or other employee designated by the General Manager who will be empowered to review disputed bills, rectify errors, and settle controversies pertaining to termination of service.

In the event that the Water User disagrees with the decision of the General Manager or the General Manager's designee in administering the rules and regulations, Water User will then have the right to appeal to the Board. Such appeal must be made within five days after written notice of the General Manager's or the designee's decision. Appeals must be submitted in writing and will specifically set forth the decision being appealed and the reasons for the appeal. Appeals will be considered at the next regular meeting of the Board, but the Board may, in its discretion, consider an appeal at an earlier meeting.

Termination of water service will be stayed until the time for filing an appeal with the Board has expired. In the event that such an appeal is filed with the Board, termination of water service will be stayed until the Board has ruled on the appeal.

XX. CHANGES IN RULES AND REGULATIONS.

The rules and regulations will become effective immediately and may be added to, amended or repealed at any time by the Board.

XXI. PENALTY FOR UNAUTHORIZED TAKING OF WATER.

Section 592 of the California Water Code provides as follows:

"Every person who will, without authority of the owner or managing agent, and with the intent to defraud, take water from any canal, ditch, flume, reservoir, or natural waterway used for the purpose of holding or conveying water for manufacturing, agriculture, mining, irrigation, groundwater recharge, generation of power, or domestic uses, IS GUILTY OF A MISDEMEANOR. The penalty for such act will be a fine of \$1,000 per day and 10 times the District's most current rates and charges for the estimated amount of water taken."

"Every person who will without like authority raise, lower, or otherwise disturb any gate or other apparatus thereof, used for the control of measurement of water or who will 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.**"

XXII. LEGAL ENFORCEMENT.

In the event litigation results concerning the enforcement of any portion of these rules and regulations or the payment of any charges to the District, the prevailing party will be entitled to recover from the losing party any attorney's fees and other legal costs as part of its costs.

XXIII. RIGHTS IN DISTRICT WATER.

No Water User receiving District water service acquires a proprietary right thereto by reason of use. No Water User acquires a right to use it for a purpose or on premises other than specified in the application and as approved by the District. The District expressly asserts and reserves the right to recapture, reuse and resell all District water after it has been originally delivered or diverted and used.

Under California water law, the District has control of water under its water rights, including return flows, transported in District facilities and natural watercourses, such as streams, within the boundaries of the District. No diversions of water under control of the District from District facilities or natural watercourses will be permitted unless the District has approved the manner of diversion and such diversion complies with the provisions of these rules and regulations. (For example, see *Stevens v. Oakdale Irrigation District* (1939) 13 Cal.2d343, and Water Code Sections 7043 and 7044.)

Adopted and passed by the Board of Directors of the Yolo County Flood Control and Water Conservation District on the 3th day of May 2016.

RATE SCHEDULE – to be inserted