

Section 22257. Each district shall establish equitable rules for 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 ditch tender to repair the gate or outlet...

Section 22282.1 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.

Section 22283. A district may prescribe reasonable rules to carry out the provisions of this article.

Section 25806. (a) In case any charges for water and other services or either remain unpaid the amount of the unpaid charges may, in the discretion of the district:

(1) ...

(2) Be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of such charges and the name and address of the person liable therefore.

From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of that last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

APPENDIX A -- SELECTED CODE SECTIONS

Penal Code of the State of California

SECTION 592. 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, agriculture, mining, irrigation or generation of power, or domestic use, or who shall without like authority, raise, lower, or otherwise disturb any gate or other apparatus thereof, used for 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.

Water Code of the State of California

SECTION 7000. As used in this chapter "conduit" includes ditch, pipeline, and flume.

SECTION 7001. When two or more persons are associated by agreement in the use of a conduit, well or pumping plant, for the conveyance, obtaining or disposing of water, or are using such conduit, well or pumping plant, or any part thereof, for any lawful purpose, to the construction of which they or their grantors have contributed, each is liable, in the absence of any agreement to the contrary, to the others for the reasonable expenses of maintaining and repairing the same proportionately to the use actually made of such conduit, well or pumping plant, whether used in connection with irrigation or drainage.

SECTION 7002. If any person neglects, after demand in writing, to pay his proportion of the expenses under the next preceding section, he is liable therefor in an action for contribution, and in any judgment obtained against his interest from the time of demand shall be included.

SECTION 7003. The action authorized by this article may be brought by any or all of the parties who have contributed more than his or their just proportion of the expenses, and the plaintiff may recover, as costs, reasonable counsel fees to be fixed by the court.

SECTION 22256. A district may refuse to furnish water to any land to which it holds title by virtue of collector's deeds to the district or to any or all land on which the district has an outstanding unredeemed certificate of sale for the nonpayment of a district assessment.

RULE 24

Pumping and Pipelines

All water users who elect to pump water from the canals or conveying water by means of pipelines or closed conduits using their own equipment and facilities, shall nonetheless be governed in all respects by the rules and regulations applicable to consumers under gravity ditch service. Pumping by users of District transported or Government water is done at the user's risk, and the District, its officers and employees, assume no liability for damages to pumping equipment or to pipelines, or other damages as a result of turbid water, chemical quality, shortage or excess of water, or other causes.

RULE 25

Penalty for Non-Compliance

Refusal to comply with the requirements herein, or transgression of any of the foregoing rules and regulations, or any interference with the discharge of the duties of any employee of the District, shall be sufficient cause for shutting off the water, and water will not again be furnished until full compliance has been made with all requirements hereof. Nothing contained in these rules shall be construed as a limitation of the rights of the District. Any remedies and rights stated herein are in addition to any rights or remedies otherwise available to the District.

RULE 26

Changes in Rules and Regulations

The Board of Directors reserves the right to change these Rules and Regulations by majority action of the Board at any regular or special meeting, by adopting an appropriate resolution and publishing such resolution in the minutes of the District, a public record. Publications and disseminations of such changes by the printing of revised Rules and Regulations will be limited to economically feasible intervals as determined by the Board.

There shall be maintained at the office of the District, however, a master copy of these Rules and Regulations, including all changes made by the Board of Directors, which copy will be open to inspection at any time during normal office hours of the District.

District system for the purpose of examining any ditches, laterals or drains serving such lands and/or the flow of water therein, for the purpose of ascertaining the acreage of crops on lands irrigated or to be irrigated, or for any other District purpose.

RULE 21

Nuisances

No material or substance of any nature, and particularly those that are or may become offensive to the senses or injurious to health or which do or may injuriously affect the quality of water, obstruct the flow of water, or result in the scattering of seeds or noxious weeds, plants or grasses, shall be placed or dumped in any ditch or on any right-of-way of the District, or be placed or left so as to roll, slide, flow, or be washed or blown into any ditch or onto any right-of-way. Any violation of this rule will subject the offender to criminal prosecution and/or civil liability. All employees of the District shall promptly report any violation of this rule, and the users of the District are especially urged to cooperate in its enforcement.

RULE 22

Complaints of District Customers

Complaints of any kind against the District or any of its personnel should be made in writing to the manager promptly after acts complained of have occurred. Customers shall have the right to refer any complaints in writing or in person to the Board of Directors of the District, which meets at 8:30 a.m., on the second, and when necessary to complete the Board's business, fourth Tuesdays of each month, at the office of the District, 25390 W. Silveira Street, Tranquillity, California. Nothing in this rule abrogates any provision contained in California Government Code Section 810, et. seq., pertaining to claims and complaints against the District.

RULE 23

Stock Water

The District shall not be required to furnish water for the exclusive purpose of watering stock.

RULE 16

Unauthorized Taking of Water

Persons interfering with the regulation of water in the canals or ditches of the District are subject to criminal prosecution. If any person takes water without permission of the Watermaster, he shall not only be subject to criminal prosecution, but may also forfeit his right to water, in addition to any other penalties or liabilities which may accrue as a consequence of such conduct.

District penalties will include as a minimum all charges and remedies described for overuse (Rule 13).

RULE 17

Transportation of Well and/or Government Water

The Board of Directors reserves the right to adopt such policies and/or rules and regulations on the transportation of well and/or Government owned waters through District owned canals and ditches as may be to the best interest of the District and its users.

RULE 18

Ownership of Water

All water in District owned canals, drains or ditches, regardless of source, except water being transported therein by written permission of the District, is District water and is subject to diversion and use by the District.

RULE 19

Limitation on Drainage

No drainage waters shall be introduced into District-owned canals, drains or ditches, either directly or indirectly, without the specific written permission of the District.

RULE 20

Access to Land

The authorized agents or employees of the District shall have reasonable access at all times to all lands irrigated from the

RULE 14

Transfers of Water

Transfers of allocated water within the District during times of shortage will be permitted. However, advance notice of such transfers shall be given to the District in written form not later than August 15 of any irrigation season so as to allow the District to make proper arrangements for delivery and determine availability and impacts of such transfers. The District reserves the right to refuse such transfers if the re-scheduling and re-allocation adversely impacts the ability of the District to serve other users or comply with other contractual commitments or requirements.

Transfers of District water outside of the District as authorized or controlled by Federal or State law or on the District's own volition, will be permitted when all the requirements of the laws or subsequent regulations have been met or all needs internal to the District and its users have been satisfied and the water declared by the Board of Directors surplus to those needs. The Board of Directors has found and declares that the priority for utilizing transferrable water should first be District operators and landowners, then others. The cost of the water will be determined by the Board of Director's but in all cases will as a minimum recover all reasonable District costs. The Board reserves the right to review the appropriateness of any transfer request and may require certain information necessary to determine the appropriateness and to the degree possible, prevent transfers which will result in any undue consideration or benefits to the receiving party or third parties. Delinquent users and their principals are not eligible to exercise any outside transfers.

All transfer related charges and fees must be paid in full before the execution of any outside transfer.

RULE 15

Point of Delivery

All measurements and deliveries of water shall be made at the point where the consumer's lateral or ditch connects with the canal or ditch owned by the District, at which point the District shall install and operate a controlled outlet box or headgate as provided for in Rule 2. The time of delivery will start when the headgates to such laterals or ditches are opened and expire when said headgates are closed. Exceptions to this rule may be made by the District to fit operating conditions.

RULE 13

Basis of Allocation, Shortage of Water and Overuse

Each consumer shall be entitled to his proportionate share of the quantity of water available in accordance with the provisions of the Water Code of the State of California. Requests for delivery of water during shortages should be made at least five days prior to the date water is wanted. However, water will be delivered on requests made less than five days before the date water is wanted provided water is available and deliveries can be made without interference with other users and without undue waste of water or undue manipulations of weirs and gates. In the event that during any irrigation season there is an anticipated shortage of water, or an actual shortage of water occurs, the District will pro-rate the available supply among all consumers. In pro-rating the water the District may reduce the length of time of each run of water, and/or the amount of water delivered during each run of water, or the amount of water delivered during the period of shortage. The District will attempt to provide notice of any anticipated shortage, but assumes no responsibility for any inconvenience, damage, loss or injury arising from a failure to provide such advance notice.

In the event of overuse of allocated water during shortages, a penalty of three times the amount of water used in excess of the user's allocation will be deducted from the user's allocation for the next succeeding year. Alternate arrangements can be made to replace the water, however all such written transactions must be completed by August 15 of the instant irrigation season. In addition, users who consume water in excess of their allocation shall have a surcharge of 10% applied to the charges for amounts of water delivered which exceed the user's allocation, unless the District has received the advance notice of a transfer of water for an amount of water equal to or greater than the excess delivery.

Carryover of District water from one year to the next is prohibited.

The District reserves the right to suspend service during any period of time when it is necessary to take water out of the canals for public safety, emergencies, cleaning or other maintenance, repair or reconstruction work.

RULE 12

Delivery of Water

During the irrigation season, the hours of 7:00 a.m. to 9:00 p.m. shall be considered normal business hours for the Watermaster/Operations staff. Telephone calls during that time may be answered by a telephone recording device. Routine calls will be promptly acknowledged, and emergencies will be responded to as quickly as possible. All water orders will be recorded on a form provided by the District. These service orders must be signed by the water user, his representative or a District representative in the case of a phone order. All such signed service orders obligate the user to pay any charges associated with the order.

Water should be ordered at least 48 hours in advance, and the District will attempt to deliver water to the District's headgate as timely as possible. In order to provide timely service and to minimize waste of water, the Watermaster or Operations staff must be given an approximate shut-off date and time. A 10% surcharge on the water used during a delivery will be charged if the user fails to specify a shut-off date and time.

Water will be delivered as ordered within lateral areas as equitably as possible. Any consumer not able to use water at the time requested may receive water upon the completion of the deliveries in his lateral area, provided no undue loss of water is involved and there is no interference with deliveries to other irrigators. Heads or flow rates applied for may be altered by the District when necessary. Users should apply the water continuously day and night until irrigation is completed and without waste at any time.

Foreign water brought into the District by a user will be distributed by the District the same as District water. However, foreign water will be assessed its approximate share of losses as determined in an engineering report (Rule 10) and lift costs attributed to the District system as determined by the Manager and approved by the Board of Directors. Foreign water that is unused after completion of an irrigation season shall be lost unless the user makes arrangements for storage with agents acceptable to the District.

RULE 11

Unpaid Charges and Refusal of Service

All invoices for water, work orders, materials, and permanent maintenance agreements are due and payable by the 25th day of the month after receipt of the service. All past due bills shall be subject to a penalty of one and one half percent (1 1/2 %) per month, compounded monthly with a fifty cent (\$ 0.50) handling charge.

Any charges that are not paid in full prior to February 1 of the following year will be declared delinquent, and the person who is responsible for those charges may be required to pay all water, delinquent or other charges for the succeeding year in advance of service, or face termination of service. Any users who are consistently delinquent for water charges (for more than two consecutive years), at the sole discretion of the Board of Directors, will be charged in advance of services. The water charges will be paid on or about February 1 (before water service can begin) for subsequent irrigations and on June 1 for the balance of the anticipated irrigation amounts or allocation, whichever is appropriate. If for any reason an allocation is adjusted upward, users under the advance payment schedule shall make the necessary payments to cover the adjustment within ten days of the District announcement or forfeit the entitlement.

Because landowners are ultimately responsible to the District for all unpaid bills incurred by themselves or tenants, the Manager shall notify all landowners of all outstanding bills against their particular property as soon as practical after December 31st of each year. However, failure to so notify the landowner will not eliminate the ultimate legal responsibility of the landowner for such payment.

The District reserves the right to refuse or discontinue service to any user who is in default in the payment of any District assessment or charge of any nature, and also to any land on which any such payment is delinquent, in accordance with Sections 22256 and 22282.1 of the Water Code of the State of California. In addition, the amount of any delinquent charges may be recorded as a lien against the user's or land owner's property, in accordance with Section 25806 of the Water Code.

All claims for overcharges or errors must be made in person or in writing and filed with the District within thirty days from the date the bill is received.

RULE 9

Irrigation Season

The District's annual irrigation season shall commence with the filling of the canal system starting on or about February 1st of each year, and terminate on November 15th of each year. However, the District reserves the right at its sole discretion to deviate from these dates, both as to the canal system as a whole, or any portion thereof, based upon irrigation water requirements, climatic conditions, construction and maintenance requirements, or for any other reason.

During the period November 16th to January 31st of the following year, or such other non-irrigation period as may be determined by the District, irrigation service may be given, at the sole discretion of the District, by the use of available gravity entitlement surface water supply, or by the use of District wells, where physically and economically feasible, and where such service does not in any manner interfere with the District's contractual obligations, or with maintenance, construction or other activities of the District necessary to properly operate district canals and facilities.

RULE 10

Charges for Water, Materials and Services

Charges for water, materials and services including the transportation of foreign (non-District) water, will be fixed and the date or dates of payment of the same shall be determined by the Board of Directors. Such charges are in addition to any assessments that may be levied by the Board of Directors under the provisions of the Water Code.

The charges to the water user or users of water service (usually well water) during the non-irrigation season shall include all appropriate costs of the use of physical facilities required (such as power at lift pumps), and a flat charge per acre foot for all well water costs as may be determined and established by the Board of Directors.

The charges for all waters, regardless of source, will reflect a pro-rata share of system conveyance losses which will be reviewed periodically in an independent evaluation by an engineer or equivalent professional.

RULE 6

Access to District Property and Rights-of-Way

Use of District property and right-of-way is by permission only. The use of canal banks or other real properties is limited to activities related to agricultural operations and other uses deemed appropriate by the Manager under Board direction. Any user or any other individual entering upon District property does so at his own risk.

RULE 7

Irrigation of Excessively High Ground

The District will not raise water to an excessive height in canals or ditches in order to give service to lands or ditches of unreasonable elevation, as determined by the District.

RULE 8

Application for Water

At the beginning of each irrigation season, each user shall submit to the Manager a properly completed written application for irrigation water in the specified year. The application form will be furnished by the District and will require the following: the number of acres to be irrigated and if deemed necessary by the District, proof of the rights to irrigate said land (deed, lease or other appropriate instrument), the kind of crops and the number of acres to be devoted to each crop, as nearly as can be determined, and such other information as the Manager may require to enable him to plan properly for distribution of water. If the applicant is part of a partnership or corporation, the other responsible officers must co-sign the application thereby signifying an understanding of their responsibilities and the requirements and rules of the District. The landowner, if different from the water user, shall receive a copy of the water application, informing him of his responsibility for payment of any unpaid charges incurred on his property.

Privately owned ditches or laterals must be kept in reasonable repair and reasonably free from weeds and other obstructions, and be of sufficient capacity at all times to carry an adequate amount of water to irrigate the lands under them.

In the event that water is ordered in excess of the capacity of a privately owned ditch, only amounts up to the capacity of the ditch as determined by the District will be delivered. If the ditch is in such unclean or otherwise unsuitable condition that a usable amount of water cannot be delivered safely, or waste of water would result, delivery will be refused until such conditions are remedied.

Landowners shall construct and maintain adequate drainage facilities so that adjacent or lower lying lands will not be damaged, and no irrigator shall be delivered a greater amount of water than he can economically and beneficially use without waste, and with due regard to the needs of other irrigators.

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 user in any privately owned ditch or lateral, or for the improper functioning of any gate, structure or other diversion works therein.

Agreements may be entered into by the District, leasees and the landowners owning a particular ditch or section thereof, for the construction, reconstruction, and/or maintenance thereof under appropriate sections of the Water Code.

The legal provisions of the Water Code governing maintenance of privately owned ditches, and the District's power with respect thereto, are set forth in Appendix A of these Rules and Regulations.

RULE 5

Liability for Damage

The District will not be liable for any damage caused by the negligence or carelessness of any user in the use of water or for failure on his part to maintain any ditch or structure therein for which he is responsible - either wholly or in part. A waiver of such liability will be incorporated in an annual application for water (Rule 8). Each operator or owner will sign such a waiver or be subject to forfeiture of any rights or privileges the District is legally entitled to grant.

RULE 3

Tampering and Damage to District Facilities

Manipulation of District weirs, headgates and other structures is forbidden, unless permission is given by the Watermaster or other authorized employee of the District. Cutting canal or ditch banks and/or placing dams or other obstructions in District-owned canals or ditches is prohibited.

Removal of dirt from, or other use, of the District-owned property such as, but not limited to, the utilization of the canal bank on which to turn farm equipment, the placing of toe ditches, drainage ditches, fences, trees or other crops, pumping plants, structures or other obstructions upon the District's rights-of-way are also prohibited, unless done with specific written permission and in accord with any conditions imposed by the District.

Water users or others, shall not permit their livestock to feed or trespass upon the rights-of-way of District-owned canals, drains or ditches except with specific permission of the District. In cases where it is necessary to cross the right-of-way, or to move livestock from one point to another along District rights-of-way, permission to use the rights-of-way for that purpose must be obtained from the Manager in advance. Any damage done to canal or ditch banks in using them for a roadway, whether moving livestock, farm equipment, or other vehicles, shall be the responsibility of those making use of the property. If it is found necessary for the District to repair such damage, those responsible shall pay all cost of such repairs.

RULE 4

Operation and Maintenance of Private Ditches or Laterals

The term "ditch" as used in this Rule, includes all gates, structures or other diversion works within a private ditch or lateral.

The operation and maintenance of privately owned ditches or laterals shall be the sole responsibility of the individuals who use the private ditch or lateral. "Use" of such ditch or lateral means irrigating from it, draining into it, or allowing the grazing or watering of stock therein, or taking or permitting any action of any nature which affects the condition of the ditch or causes any impairment of flow of water therein.

RULE 1

Management

The operations and maintenance of the irrigation system of the District shall be under the exclusive control of the Manager, acting under policies set by the Board of Directors.

The manager shall employ such personnel as may be required and authorized by the Board of Directors for the operation, maintenance and improvement of the system.

RULE 2

Control of Work

All diversion works, canals, ditches, headgates, and other structures belonging to the District will be operated and maintained by the District and their control and operations will be under the exclusive control of the authorized agents of the District. Upon application, the District shall construct, or cause to be constructed, water service outlets for the purpose of delivering water from a District conduit. The service outlet (customarily a "headgate" or "gate") shall be constructed in such a manner as to conform to standards established by the District, and once constructed, shall become the sole property of the District. All costs for materials and/or labor, including that of an adequate measuring device, shall be paid for by the District and reflected in the costs of water to all users, therefore, frequent alterations shall be discouraged and subject to the approval of the Board of Directors. Maintenance of such works shall be at the expense of the District. In such cases when the user or landowner is responsible for extraordinary needed maintenance and/or replacement (such as when a landowner requests a replacement when the existing facility is adequate or accidental damage or abuse by field operators is determined by the District to be beyond the boundary of normal wear and tear), the costs shall be born by the user or landowner. Such extraordinary work will require a written application by the operator or landowner and construction will be integrated into the maintenance program schedule at the discretion of the Manager. The location and number of "gates" for the distribution of water from the District's canals and the manner of delivery from such facilities, so as to secure safe and efficient operation, shall be ultimately determined by the Manager, subject to the approval of the Board of Directors.

RULES AND REGULATIONS

of

TRANQUILLITY IRRIGATION DISTRICT

Governing the Distribution and Use of Irrigation Water

Introduction

Tranquillity Irrigation District, hereafter called District, is a State agency governed by a Board of Directors elected by the people. It operates under the Water Code of the State of California. The District is a "General Act District". that is, it operates under the Water Code sections that apply to Irrigation Districts and has no special powers granted to it under any special act of the State Legislature. The Water Code Sections that empower the District are contained in Division 11, Sections 20500 to 29999.

The District irrigation water supplies come from various sources but principally include; exchange and contract surface water supplied through the Mendota Pool by the United States Bureau of Reclamation, Kings River flood water when it is available and ground water underlying the District extracted by wells.

The District makes no profit and is operated for the sole benefit of the lands and people within its boundaries. The benefits the people can derive from the District will be measured by the extent to which they cooperate to make it a success. The following rules encompass many of the circumstances and conditions that can assist the District and its customers in finding common ground for continued cooperation and success.

TRANQUILLITY IRRIGATION DISTRICT

Celebrating Our 75th Year
1918-1993

WM. PUCHEU
J.D. FAIRLESS
J.F. SALVADOR
Directors

SARGEANT GREEN
Manager

JEANNIE FAIRLESS
Secretary-Treasurer

NICK FLOCCHINI
Watermaster

***Rules
and
Regulations
of
Tranquillity
Irrigation
District***