

RULES AND REGULATIONS

INTRODUCTION

The Anderson-Cottonwood Irrigation District is a government agency acting under and by virtue of Division 11 of the California Water Code. It is governed by a Board of Directors that is elected by the voters of the District. The District operates for the sole benefit of the lands and the people situated within the District boundaries. The benefits people within the District derive from the District will be measured by the extent to which the people within the District and the District's employees and Board of Directors cooperate to make the District a success.

These rules and regulations are adopted pursuant to California Water Code Section 22257 to effect an orderly and equitable distribution of water within the District, and a procedure for operation, maintenance, repair and replacement of District facilities.

The District office is located at 2810 Silver Street, Anderson, California, 96007. The regular meetings of the Board of Directors are on the second Thursday of each month, beginning at 6 p.m.

The records of the District are open to the public for inspection during office hours, subject to certain confidentiality limits. Landowners and water users may avail themselves of this source of information.

RULE 1. COMPLIANCE WITH RULES

Compliance with each and all of the following rules shall be a condition precedent to the delivery of water to any irrigator. Such condition shall be acknowledged as part of the Application and Agreement for service as indicated by the customer's signature thereon. In case a specific penalty is not provided herein for violation of any rule, then and in that event, if any irrigator fails to comply with any of the Rules or any part thereof, the water deliveries may be suspended from such irrigator at any time until the violation is remedied to the satisfaction of the District's General Manager.

RULE 2. MANAGEMENT

The operation and maintenance of the canals and works of the District shall be under the management of the District's General Manager. Only persons authorized by the General Manager may operate any part of the District's irrigation facilities.

The General Manager will employ such water operators and other personnel as may be authorized by the Board for the operation and maintenance of the system.

RULE 3. APPLICATION AND AGREEMENT FOR WATER SERVICE

Annually, on or before March 15th of each year, each irrigator shall file with the District office, a written application and agreement on forms supplied by the District, specifying the number of acres to be irrigated. All acreage to be irrigated shall be applied and paid for in advance at the beginning of the irrigation season. Failure to file an Application and Agreement and the appropriate water service charges by the specified due date may result in temporary or permanent denial of water deliveries. The District reserves the right to measure irrigated acreage for verification purposes.

RULE 4. CHARGES FOR WATER SERVICE

The rates and charges for irrigation water service will be fixed each year before the application due date, and the date for payment of the same shall be determined each year by order of the Board.

The rates and terms of payment for water for non-irrigation purposes shall be determined by the Board from time to time in instances where such use is permitted by Board order.

RULE 5. WATER SERVICE BILLINGS

Water users who choose to use the two-installment payment option may be mailed a reminder approximately 30 days prior to the due date.

RULE 6. UNPAID CHARGES AND REFUSAL OF SERVICE

All charges for water service remaining unpaid on December 31st of each year in which irrigation water was used will be subject to a lien being filed at the County Recorder's office against the land upon which the water was used.

As provided for by Sections 25806 and 25807 of the Water Code of the State of California, unpaid water charges and penalties may be included on the County property tax bill by the County Auditor in the following tax year.

The District reserves the right to refuse or to discontinue service to any customer who is in default in the payment of water charges, and to any land upon which water charges are delinquent, and until such delinquent charges and penalties have been paid in full.

If the District finds it necessary to temporarily or permanently terminate irrigation service to any property for violation of any of the rules set forth herein, there will be no credit given for water not taken as a result of that termination.

RULE 7. CONTROL OF WORKS

No gate, takeout, siphon, or other structure or device shall be installed or placed in any facilities of the District except with the written consent of the General Manager and then only in the manner directed by him. No persons shall interfere with any facilities of the District without permission of the General Manager or his authorized representative.

RULE 8. POINT OF DELIVERY

Water will be delivered to landowners at a convenient point on the existing District facilities, the exact point to be determined by the General Manager. The District is not obligated to construct any extensions to its existing conduits. A landowner desiring new service must pay for the construction of an adequate take-out box in the District's existing facility. The landowner will be responsible for construction of facilities to transport water from the District facilities to his land.

RULE 9. ROTATION AND APPORTIONMENT

Water will be furnished in rotation to each irrigator. Water operators will endeavor to give advance notice, personally or through others, to irrigators if the approximate time their rotation will start. Any irrigator not taking water when his turn arrives may forfeit his right during that rotation. In the event of shortages, the District will endeavor to equitably apportion the available water supply.

RULE 10. UNAUTHORIZED TAKING OF WATER

Persons interfering with the regulation or delivery of water in the facilities of the District are subject to prosecution. If any person takes water without permission of the General Manager or water operators, shall not only be subject to criminal prosecution, but may also forfeit the right to water on the next rotation. Flagrant or repeated unauthorized taking of water may result in the termination of service to the irrigator for the remainder of that year. In the event of either temporary or permanent termination of service, no refunds of water service charges will be granted.

RULE 11. RECAPTURE OF WATER

All water introduced into the District by the District facilities remains District water and is subject to redirection and reuse by the District for the benefit of its customers. All such water, whether drainage or seepage water, intercepted and put to beneficial use will be charged for at the rates established by the District.

RULE 12. WATER USE

Water must be used continuously by the irrigator throughout the period of delivery. If water is wasted, or inefficiently or improperly used the General Manager may refuse further delivery of water until the cause of waste or inefficient or improper use is removed. The General Manager may also levy appropriate monetary penalties for waste or inefficient or improper use.

The District will endeavor to deliver a sufficient flow of water for a period of time that is adequate to efficiently irrigate land within the District.

RULE 13. PRIVATE IRRIGATION FACILITIES

Before water is delivered to a private or non-District irrigation facility, it shall be in proper condition to receive and convey water efficiently. All such facilities must be kept free from weeds and other obstructions to flow. Failure to comply with this rule will be sufficient cause for refusal to deliver water or to suspend deliveries to such facilities.

Water occurring on land due to improper maintenance of private irrigation facilities will be charged to the owner of that land. Written notice will be sent to the landowner receiving the water advising of the need to correct the maintenance problem. If no response or action is taken by the landowner to correct the improperly maintained facility on his land, a charge and penalties may be levied against the land by the District.

RULE 14. ON-FARM IRRIGATION AND DRAINAGE FACILITIES

Irrigators will be required at all times to keep their ditches and facilities for conveying and distributing water on their property in good condition so that water can be used without undue loss or waste of time, and without damage to other lands. Lands must be leveled and prepared so that water can be distributed without waste and landowners shall construct adequate drainage facilities so that adjacent land will not be damaged. The General Manager may refuse to deliver water to an irrigator whose ditches and structures are in such condition or whose land is prepared so that water cannot be distributed efficiently.

RULE 15. ACCESS TO LAND

The agents of the District will have free access at all times to the property being supplied with water from the District's system for the purpose of examining the lands irrigated, the flow of water thereon, the District's irrigation facilities, and any private canals, ditches or drainage facilities.

RULE 16. OBSTRUCTIONS OF DISTRICT RIGHTS OF WAY

No building or structure shall be constructed, and no trees, vines, or bushes shall be planted upon District rights of way unless specifically permitted by the General Manager. Cross fences on District rights of way shall be constructed in the manner directed by the General Manager with gates to permit passage along canal banks by water operators and District equipment and to permit maintenance work to be done, and in a manner that will not interfere with the flow of water.

Any obstructions on District rights of way interfering with District operation and maintenance activities may be removed by the District without notice and the cost of removal may be charged to the landowner.

RULE 17. DAMAGE TO DISTRICT FACILITIES

The cost of repair for any damage to District facilities caused by any person or by livestock may be charged to the responsible party including the owner of the livestock or the owner of the land.

RULE 18. NUISANCES

No tree or vine pruning, brush, weeds, grass, rubbish, swill, garbage, manure, or refuse, or dead animal matter from any barnyard, stable, dairy, or hog pen, or other material or substance that will become offensive to the senses or injurious to health or injuriously affect the quality of water, or 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 facility of the District or be placed or left so as to roll, slide, flow, or be washed, or blown into any such facility. Any violation of this rule will subject the offender to prosecution. All employees of the District are especially urged to cooperate in its enforcement.

Installation of septic tanks, water closets, or privies, in a location which would result in pollution of the water in a facility of the District is a misdemeanor.

Unauthorized or unapproved drainage of imported water, including storm water runoff, into District facilities is prohibited.

RULE 19. NON-LIABILITY FOR DAMAGES

Neither the District, its officers or employees, will be liable for any damage of any kind or nature resulting directly or indirectly from any facilities not owned by the District or the water flowing therein, or by reason of lack of capacity therein or for the negligent, wasteful, or other use or handling of water by users there of.

All water furnished by the District flows through many miles of open ditches and is therefore subject to pollution, shortages, fluctuation in flow, and interruption in service. Water operators are forbidden to make any agreements binding the District to serve an uninterrupted constant supply of water. All water furnished by the District will be on the basis of irrigation

deliveries and every user putting the water to other uses does so at his own risk and by doing so assumes all liability for, and agrees to hold the District and its officers and employees free and harmless from liability and damages that may occur as a result of the defective water quality, shortages, excess flow, fluctuation in flow, and interruptions in service.

Pumping of District water by users is done at the user's risk and the District, its officers and employees assumes no liability for damages to pumping equipment or other damages as a result of turbulent water, or shortage or excess of water or other causes.

Nothing contained in these rules shall be construed as an assumption of liability on the part of the District, its Directors, officers, or employees for any damages occasioned through the improper construction, maintenance or use of District facilities, or the waste of water, or by permitting the flow of water, or turning water in any facility, or to any land.

The District assumes no responsibility or liability for the rate of flow of water to landowners who install conduits, open ditches, or take-outs with less capacity than previously available to the land under irrigation. It is the responsibility of the water users and landowner to ensure proper size of the pipeline, conduit, open ditch, or take-out to continue water capacity as previously received by land under irrigation.