

**NEVADA IRRIGATION DISTRICT  
WATER SERVICE REGULATIONS  
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[SCHEDULES](#)

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## **SECTION 1**

### **INTRODUCTION**

#### **1.01 PURPOSE AND HISTORY OF DISTRICT**

The Nevada Irrigation District was formed August 15, 1921, by a vote of the people to collect, store and deliver irrigation water to farmers and ranchers. The District now encompasses approximately 287,000 acres and provides both agricultural and treated water to connections that will soon reach 25,000 due to projected growth increases.

eff. 6/11/03

#### **1.02 WATER SUPPLY AND FACILITIES**

The District's water supply originates in the upper reaches of the middle and south Yuba River as well as from the Bear River and Deer Creek waterflows. The District owns 10 storage reservoirs containing a capacity of 280,380 acre-feet. Treated water facilities include 8 treatment plants, 39 storage tanks and 325 miles of pipeline. The District also owns and operates five hydroelectric power plants. Power from the District Plants is sold to Pacific Gas and Electric Company. The plants provide on an average year about 350 million kilowatt hours of energy, an amount estimated to serve the equivalent of 85,000 homes. Two other plants, producing about 4 million kilowatts hours annually, are operated by the District under terms of private financing contracts, with the District sharing in revenue. Recreation facilities, operated by concessionaires and the United States Forest Service, are also provided at four of the District's reservoirs.

eff. 6/11/03

**1.03 ORGANIZATION OF THE DISTRICT**

Under the provisions of the Irrigation District Law, California Water Code Sections 20500 et seq, the affairs of the District are administered by a Board of Directors consisting of five members who are elected for a term of four years. Each Board member is elected by qualified voters within a certain division of the District. The District employs a General Manager, who reports directly to the Board, and a staff of about 170 employees to perform the daily operations of the District.

eff. 6/11/03

**1.04 MEETINGS OF BOARD**

The Board holds regular meetings on the second and fourth Wednesdays of each month, at the District’s main office, located at 1036 W. Main St., Grass Valley, California. The public is welcome and encouraged to attend these meetings.

**1.05 PURPOSE OF REGULATIONS**

These Regulations are published pursuant to Section 22257 of the Irrigation District Law and provide for the equitable distribution and use of water within the District.

**1.06 MODIFICATIONS TO REGULATIONS**

These Regulations may be modified, amended or supplemented at any time by Board action.

eff. 6/11/03

**SECTION 2**

**DEFINITIONS**

**2.01                   ACRE FOOT (Ac Ft)**

Term used in water measurement. By California statute, one acre foot equals 43,560 cubic feet or 325,851 gallons.

eff. 6/11/03

**2.02                   AGENT**

Any person hired or under contract with or acting on behalf of the District.

eff. 6/11/03

**2.03                   APPLICANT**

Any person applying for District service.

eff. 6/11/03

**2.04                   AWWA**

American Water Works Association

eff. 6/11/03

**2.05 BOARD**

The elected Board of Directors of Nevada Irrigation District.

eff. 6/11/03

**2.06 CHARGES**

Includes tolls, rates, fees and any charges for service rendered by District.

eff. 6/11/03

**2.07 CONDUIT**

Includes canals, laterals, ditches, flumes, pipes and appurtenances.

eff. 6/11/03

**2.08 CUSTOMER**

Any person supplied or entitled to be supplied with water service by the District in accordance with established regulations, rates and charges.

eff. 6/11/03

**2.09 DISTRICT**

Nevada Irrigation District, organized and operating under the State of California, Division 11 of the California Water Code.

eff. 6/11/03

**2.10 DISTRICT APPROVAL**

Approved by the Board, or a delegated employee, such as the General Manager.

eff. 6/11/03

**2.11 DISTRICT FACILITY**

Any facility which is owned by the District.

eff. 6/11/03

**2.12 EMPLOYEE**

Employed by the District on a regular basis to conduct the day-to-day business of the District.

eff. 6/11/03

**2.13 FACILITIES**

Any device or structure used for the storage, transmission, distribution, treatment, measurement of water, or for hydroelectric power production.

eff. 6/11/03





**2.18 OPERATE**

Includes operation, maintenance, repair and replacement activities.

eff. 6/11/03

**2.19 OUTSIDE DISTRICT**

Property lying outside District boundaries, or excluded from District, and not subject to assessment.

eff. 6/11/03

**2.20 PARCEL**

Shall mean each separate lot or unit of land denominated by the county assessor as possessing and holding a separate parcel number, under the mapping and numbering systems of such assessor.

eff. 6/11/03

**2.21 PERSON**

Any person(s), firm, association, organization, partnership, business trust, corporation, company, or other entity.

eff. 6/11/03

**2.22 PREMISES**

Integrated land area including improvements operated under the same ownership and management.

eff. 6/11/03

**2.23 PRIVATE FACILITY**

Any facility not owned by the District.

eff. 6/11/03

**2.24 RAW WATER**

Water which has not been processed and is not safe for human consumption.

eff. 6/11/03

**2.25 REGULATIONS**

Refers to “Regulations Relating to Water Service” and includes all rules and regulations providing for the equitable distribution and use of water.

eff. 6/11/03

**2.26 BOARD SECRETARY**

Appointed by the Board to act as secretary to the Board.

eff. 6/11/03

**2.27**                      **TREATED WATER**

Water which has been processed to make it safe for human consumption.

eff. 6/11/03

**2.28**                      **WATER CODE**

Refers to that portion of the California Codes dealing with appropriation and control of water, and the formation and powers of an irrigation district.

eff. 6/11/03

**2.29**                      **WATER MAIN**

District treated water pipeline used for water distribution.

eff. 6/11/03

**2.30**                      **WATER SERVICE**

Includes the availability of water to a premises through District facilities and any water supplied through such facilities.

eff. 6/11/03

**2.31**

**WATER USER**

Any person actually supplied with water service by the District.

eff. 6/11/03

**2.32**

**WITHIN DISTRICT**

Property lying within the District boundaries.

eff. 6/11/03

## **SECTION 3**

### **GENERAL CONDITIONS OF WATER SERVICE**

#### **3.01 CUSTOMER COMPLIANCE**

Each customer, by applying for or receiving water service from the District, agrees to be bound by and to comply with all Regulations of the District, as adopted from time to time by the Board.

#### **3.02 CONTROL OF DISTRICT FACILITIES**

All District facilities are under the exclusive control of the Board and its designated employees; and no other person shall interfere with, regulate or control any such facilities, or the water flowing therein, without authorization of the Board.

#### **3.03 ALL WATER BELONGS TO DISTRICT**

The District expressly reserves the right to recapture, reuse and resell all waters within the boundaries of the District. No water user acquires a proprietary right by reason of use.

#### **3.04 PLACE AND USE OF WATER**

Except with the prior written authorization of the District, no customer shall use, or permit the use of any water furnished by the District on any premises, or for any purpose other than that specified in the application for service, nor shall any customer resell any water furnished by the District.

### 3.05

## WATER CONSERVATION

The District has a duty to protect and preserve its water resources for future generations. Water is a limited commodity and should be utilized in a responsible manner. In order to preserve water and protect District water rights, conservation and efficient water use must be practiced.

The following is a list of water usage that the District may consider a waste and therefore unreasonable use.

#### Treated Water:

Washing down paved surfaces unless for safety or sanitation, in which case a bucket, a hose with a shut-off nozzle, or a low-volume/high-pressure water broom must be used:

- Watering or irrigating landscapes or vegetation of any kind that creates excessive water flow or runoff onto pavement, gutters or ditches;
- Washing of vehicle with a hose unless equipped with a water shut-off nozzle (does not apply to commercial car washes);
- Cleaning of gutters by flooding with water;
- Landscape watering during the heat of the day (between 10am and 6pm);
- Use of fountains and water features that do not re-circulate water;
- Failure to repair leaks, breaks or malfunctions in a timely manner once found or after receiving a notice from the District;
- Outdoor watering during periods of rain;
- Any infraction of mandatory measures in place during implementation of District Drought Contingency Plan.

#### Irrigation Water:

- Failure to repair leaks, breaks or malfunctions in a timely manner once found, or after receiving notice from the District;
- Water not confined to the customer's property and being allowed to run off and cause damage to adjoining properties or to the roadside ditch or gutter;

- Any infraction of mandatory measures in place during implementation of Drought Contingency Plan.

Water users in violation of any of the practices, or one who willfully, carelessly, or due to defective or inadequate private facilities, may be subject to fines, reduction, or termination of service.

eff. 7/22/2015

### **3.06 TITLE TO WATER DELIVERED**

Title to water furnished by the District, the risk of loss thereof and full responsibility for the carriage, handling, storage, disposal and use thereof shall pass from the District to the water user at the service point from the District facility.

### **3.07 OUTSIDE DISTRICT WATER USE**

No use of District water will take place outside the District, except when it is deemed surplus to the needs of the District and the Board has declared the water surplus and approved an agreement for its sale. No outside District water user acquires a proprietary right by reason of past use. Applicants must reapply for service every three years on metered accounts and once a year for non-metered accounts. Outside District user(s) located within the interior boundaries of the District shall not be permitted to upsize their service without expressed approval by the Board.

eff. 6/22/88

### **3.08 NON-LIABILITY OF DISTRICT**

The District will exercise reasonable care and diligence to deliver a continuous supply of water to its customers. However, the District is not, and will not, be liable for any loss, damage, or inconvenience to any water user by reason of shortage, insufficiency, suspension, or discontinuance of water service, or the increase or decrease of water pressure. Each water user

agrees to hold the District and its employees and agents free and harmless from liability and damages caused by such loss, damage, or inconvenience.

**3.09 ENGINEERING SERVICES**

All water users and applicants requiring special engineering, inspection and administration, relating to providing water service, as well as for relocation or modifications to District facilities, will compensate the District for such special services.

eff. 1/1/94

**3.10 UPDATING SPECIFIC CHARGES**

All specific charges provided for in these Regulations will be reviewed and updated, if found necessary, on a periodic basis. All reviews will be conducted on an actual cost of service basis to provide for the most equitable charges possible.

**3.11 ADDITIONAL CONDITIONS CONTAINED IN APPLICATIONS**

Applications for water service may contain additional conditions and requirements relating to service. By signing the application, the customer acknowledges compliance with those additional conditions, as well as these Regulations.

**3.12 ENFORCEMENT OF REGULATIONS**

The General Manager shall enforce the provisions of the Regulations and will provide explanations and information as may be necessary and proper in connection with the Regulations. The General Manager may also make minor modifications to all forms contained in Appendix B of these Regulations.

eff. 6/11/03



**SECTION 4**

**TREATED WATER SERVICE**

**4.01 SUPPLEMENTAL DEFINITIONS**

**4.01.01 Fully Treated Water**

Water receiving treatment that will meet all applicable state health standards for a treated water system.

eff. 6/11/03

**4.01.02 Tank or Temporary Construction Water**

Water utilized from a non-permanent service point normally drafted from a fire hydrant, for temporary purposes within District service area boundaries. Water use in this category is limited to construction water (including dust control and soil compaction), and domestic purposes in an emergency situation as determined by the District.

eff. 8/12/87; rev. 6/11/03, rev. 8/25/21

**4.01.03 Commercial Use**

All uses of water except those categories included as non-commercial use.

eff. 6/11/03

**4.01.04 Non-commercial Use**

All uses of water by individual residences, as well as by public agencies, schools, churches, and documented non-profit entities.

eff. 6/11/03

**4.01.05 Commercial/Production Agriculture Use**

All uses of water for the production of crops, plants, or farm animals for sale or trade.

eff. 07/12/17

**4.01.06 Conveyance Agreement**

An agreement entered into by the District and a developer, as discussed further in Section 10.03.03, which provides for the installation and conveyance of certain facilities to be owned and operated by the District related to the treatment, transportation, distribution and/or storage of water and further specifies the capacity charge payable upon connection to such facilities.

eff. 6/11/03

**4.01.07 Water Development Agreement**

A written agreement between the District and developer relating to the installation of certain treated water system improvements or to special capacity charges. This term was utilized in referring to Board Resolution 74-55.

eff. 6/11/03

**4.01.08 Standby Charge**

A charge levied against a parcel which is not receiving treated water service from the District to compensate for the costs of maintaining and operating existing District facilities capable of serving the parcel.

eff. 6/11/03

**4.01.09 Standby Factor**

A retroactive standby charge from the date the pipeline was installed, or accepted by the District, to the date the parcel was divided.

eff. 6/11/03

**4.01.10 Minimum Size Water Service**

Considered to be a 5/8-inch metered treated water service.

eff. 6/11/03

**4.02 STANDBY CHARGES**

**4.02.01 General**

There shall be a charge, as shown in Schedule 4-A, to each parcel located in the District, which parcel is adjacent to, and has direct access to, a District treated water main which can provide a minimum size service. A parcel which is located so that a connection may be made to a District water main without necessity of obtaining any additional “non-District” easements or rights of access from any party will be considered as having direct access. The necessity of obtaining an encroachment permit or equivalent permission from the state or county division of government designated as controlling a roadway or easement, shall not prevent the levy of a standby charge. A parcel will be considered adjacent to a District water main when a principal part of the parcel’s frontage has access to the water main as further discussed in Section 10.01.01(c) of these Regulations.

A court decree or proscription of the Department of Real Estate, Corporation Commission or other state or county body or official against using land for residential or commercial purposes shall not excuse such land from being subject to a standby charge as a parcel.

Upon the completion of a new treated water main, or acceptance of any treated water main by the District, the District will provide a written notice to owners of parcels having direct access to the new treated water main. Such notice will inform the parcel owner(s) of:

- (a) the opportunity to connect to the new treated water main for water service, and related cost for connection; and

- (b) the option to put off connection to the new treated water main, whereas, the parcel owner(s) will be subject to standby charges; and
- (c) the option to defer standby charges if the parcel has another source of water, in accordance with Section 4.02.04; and

If the parcel is connected to the new treated water main within six months following the notice, the parcel will not be subject to standby charges; alternatively, if the parcel has not been connected within six month, the parcel will be subject to standby charges.

If the parcel owner(s) postpone connection to the new treated water main more than six months following the notice, the District will issue a statement for payment of standby charges, in accordance with Section 6.01.03, and every six months thereafter until the parcel is connected to the main, unless a Standby Deferment Agreement is approved by the District.

rev. 03/04/12

#### **4.02.02           Uncollected Standby**

Prior to acceptance of an application for water service, any uncollected standby, whether or not billed, shall be collected. Standby charges are collectable from the date the parcel became adjacent to, and had direct access to, a District water main and as determined by past agreements and inception dates of the standby charge.

The standby charges paid by the owners of a parcel shall remain with and run with the parcel and may not be transferred or assigned except that the successor owner of the same parcel shall receive credit for all standby charges paid by predecessor of the same parcel.

#### **4.02.03           Parcel Divisions**

If a parcel shall be divided into two or more parcels adequately fronting a District water main, for the purpose of this provision, each division of the larger parcel shall be entitled to credit for its ratio of the total standby charges previously paid by the larger parcel. The ratio shall be the number one over the number representing the total number of parcels existing after the division. The

standby charge shall be calculated as if the parcels formed by the division shall have existed on the date the pipeline was installed or accepted by the District.

If there is an existing metered service prior to the division of a parcel, there is no credit given to the new parcels created that have no water service.

The standby factor may be deferred until the water service is requested.

**4.02.04 Properties Having Another Source of Water**

A parcel which is subject to a standby charge, but which has a well or raw water service prior to installation of the District water main, may not be subject to the standby charge upon District approval. Should water service be requested at a later date, back standby charges and late charges will be collected from the date the parcel became subject to a standby charge.

eff. 9/15/95

**4.02.05 Variances Granted by the Board**

When a system extension variance is granted by the Board, as discussed in Section 10.08, a standby charge from the date the District main was installed or accepted by the District shall be paid prior the District's acceptance of the application for water service for that parcel.

**4.03 WATER SERVICE REQUEST**

**4.03.01 Route Slip**

As a first step in receiving water service, an applicant must fill out Form 4-A, Request for New Treated Water Service, Information Route Sheet, or Form 4-B, Request for Transfer of Treated Water Service, Information Route Sheet.

#### **4.03.02 Application**

If water service is available to the parcel, as determined by the District, the owner will be required to sign a formal application Form 4-C, except as noted in Section 4.03.03, and pay the appropriate connection fee and any other fees and/or deposits that are payable under these Regulations. Applicants for tank or temporary construction water need to fill out Form 4-D and do not go through the route sheet procedures.

#### **4.03.03 Exception to Signed Application**

In order to continue water service to properties that are owned by Federal National Mortgage Association (FNMA), an authorized representative may sign the application for water service in lieu of FNMA. \$150.00 must be paid on the account to be applied against the water service charges and the account must be kept current.

eff. 2/22/95; rev. 6/11/03

### **4.04 CONNECTION FEES**

#### **4.04.01 General**

The connection fee is made up of two components; the meter installation charge and the capacity charge. As discussed further in Section 4.04.03, the actual capacity charge for a particular water service may vary based on prior agreements covering the service.

#### **4.04.02 Meter Installation Charge**

This charge is shown in Schedule 4-A and compensates the District for the cost of installing a meter and related piping and appurtenances at a District specified location. Customers requesting an alternate location of a meter assembly other than that specified, if approved, may be charged additional costs as provided in Section 4.06.02.

rev. 01/26/05

#### **4.04.03 Capacity Charge**

The capacity charge represents the customer's share of capital costs associated with the District's treated water system. Cost components are included for the treatment plant, storage tank and transmission pipelines and are based on the anticipated capacity requirements of a water service. These charges are non-refundable if service is terminated at a later date.

Capacity charges are shown in Schedule 4-A; however, in the case of water services covered by conveyance agreements or water development agreements, special capacity charges may be indicated. All water development agreements based on Board Resolution 74-55 provide for no capacity charge for a minimum size water service since the original developer had paid these charges, or installed the necessary water system improvements as part of the development. (The term "water development agreement" is no longer utilized in writing agreements.)

### **4.05 WATER PRESSURE**

#### **4.05.01 Variations of Water Pressure**

Due to the foothill terrain predominating District treated water service areas, large variations of pressure can occur along a short stretch of any water main. Under normal conditions, the District attempts to maintain a minimum pressure of 20 pounds per square inch (psi) at its water main. It is the customer's responsibility to provide adequate size service lines on the customer side of the meter assembly, as well as any pumping facilities needed to compensate for water pressure losses between the meter assembly to the point of water use.

#### **4.05.02 Low Pressure**

If the District determines that a new service point would provide a normal pressure of less than 20 psi at the District's water main, the customer will be informed of the low pressure situation at the time of application. The customer will be required to acknowledge in writing that a notification was received prior to District approval of the application.

#### **4.05.03 High Pressure**

If the District determines that a new service point may provide pressure in excess of 80 psi at the District's water main, the customer will be notified of the high pressure at the time of application and that the installation of a pressure-reducing valve, along with a pressure relief valve, may be advisable. The customer will be responsible for installation and maintenance of the valves.

The District will provide the installation of a pressure-reducing valve at no cost to the existing customer where actions by the District cause an increase in the normal sustained operating pressure in the water main to exceed 80 psi. Upon installation, the pressure-reducing valve becomes the property and responsibility of the customer.

#### **4.05.04 Excessive Pressure Variations Caused by Customer's Equipment**

A customer shall not install any pump, quick closing valve, or other equipment or devices which cause excessive pressure drops or surges in the District's water system. Violation of this regulation will be cause for immediate termination of service. The customer will be liable for all damages to District facilities resulting from the installation of any such equipment.

#### **4.05.05 Water Heaters**

Water heater installations should be made in conformity with the applicable plumbing code. In addition, customers with back flow protection devices or pressure reducing valves installed as part of their water service should consult with a professional plumber for advice on thermal expansion safeguards.

The District will not be responsible for the safety of domestic or commercial water heaters, boilers or tanks on the premises of any customer.

eff. 6/11/03

### **4.06 METER INSTALLATIONS**

#### **4.06.01 General**

In order to equitably distribute, conserve and limit capacity in the District's water system, all treated water services will be metered in a manner meeting District approval. The District will



own and maintain the meter assembly to and including the customer's service valve located on the customer's side of the meter.

#### **4.06.02 Installation**

Installation of a 5/8" or 3/4" meter for parcels with an existing service lateral will be subject to the Drop In rate as established in Schedule 4-A. Locations without an existing service lateral will be charged at the Installation Requiring Tap to Main rate as established in Schedule 4-A. Applicants shall submit a completed Form 4A(1) Request for New Treated Water Service.

Installation of a meter over 3/4", or any fire meter, will require the applicant submit a completed Form 4A(2) Request for New Treated Water Service and Fire Meter, and pay the Water Availability Fee as determined in Schedule 6-A. The District will provide the applicant the pressure, and if applicable, the existing service lateral size. The applicant shall confirm if the existing service lateral is adequate to meet their requirements.

Rev. 06/27/18

#### **4.06.03 Parcel Requirements**

Each parcel of land being served treated water must have at least one meter connection. A meter connection may not be used to serve two or more parcels. An exception to the above is the use of one meter connection to serve a green belt area common to several parcels which contain commercial type development. In this case, the owners of the parcels being served must either form an association or assign a trustee who is responsible for the upkeep of the common area and responsible for paying water use charges. Each of the parcels involved in the green belt area must have its own meter connection for water uses other than service to the green belt area.

In certain instances the District, at its sole discretion, may permit a single parcel to have more than one meter connection. Examples include a shopping center with varied tenant water requirements or two residences located on one parcel. The District may require parallel meter assemblies with downstream valved interties for certain customers who are sensitive to water outages caused by periodic maintenance or testing of the meter assembly.

#### **4.06.04            Extent of Service Through Meter**

The District provides metered service by using two different concepts, individual meters and master meters.

Individual meters are used for residential, commercial, commercial/production agriculture, industrial parcels and lots as well as townhomes, residential condominiums and mobile home subdivision lots. In general, individual meters are placed along the street frontage of each parcel at lot corners. In the case of individually metered condominiums and townhomes, the meters are placed in the general vicinity of each cluster of units in a manner acceptable to the District and the onsite waterlines leading to the meter complexes are conveyed to the District for ownership. Separate meters are required for green belt and common use areas in these types of developments.

Master meters are used for apartment buildings, mobile home parks, motels, hotels, campgrounds, hospitals, skilled nursing facilities and board and care facilities. Master meters are generally placed along the project's frontage near the District's water main in a manner meeting District approval. In certain instances, the District may require conveyance and ownership of water mains located inside the project in order to properly serve areas lying beyond the project or to provide for future looping of the District's water distribution system. In these cases, master meters may be placed along the interior of the project in the general vicinity of the main building clusters in a manner meeting District approval.

Condominiums developed for office, professional, commercial, or industrial uses may be metered individually or by a master meter at the discretion of the owner. If a master meter is selected, an association or trustee must be assigned the responsibility for paying all water use charges.

Parcels involved with commercial/production agriculture use must have its own dedicated meter connection for irrigation use separate from the domestic use meter. Each meter is subject to all applicable connection and capacity fees. The irrigation and domestic meter shall be subject to backflow requirements as set forth in Section 9 of these regulations.

rev. 08/09/17

The metering concepts discussed above shall also apply to the conversions of existing buildings. As an example, conversions of a building to residential condominiums will require a meter for each unit.

From time to time, new state and county statutes may be adopted allowing for new types of developments. The metering concept to be used, either master meter or individual meters, in cases of types of developments not specifically discussed in these Regulations, will be determined by the District on a case-by-case basis.

eff. 6/11/03

#### **4.06.05        Sizing**

The customer will make the basic determination as to the size of meter required; however, the District reserves the right to approve the size of service allowed.

Services to individual homes are normally limited to 5/8-inch or ¾-inch size.

#### **4.06.06        Customer Responsibilities**

The customer is responsible for the acquisition and maintenance of any required easements or permits; the installation, maintenance and operation of the private service pipeline and appurtenances thereof located on the customer's side of the service valve. See additional responsibilities as outlined in Section 4.14 of these Regulations.

The customer must ensure that no landscaping, encroachments or any other form of property improvement shall be so placed as to cause a hindrance to the access between the road or street and the meter service box. Hindrance of District access to the meter may cause water service to be cut off. The customer's plumbing shall be connected to the meter box in a manner that will not hinder the maintenance or reading of the meter.

#### **4.06.07 Frequency of Meter Readings**

In general, meters shall be read on a monthly basis. As it is not always practical to read meters at equal intervals, the period between reading dates may vary and still be considered one month for billing purposes.

Special readings will be made on commencement and termination of service and as required by special circumstances.

rev. 04/25/06, 09/12/07, 02/27/19

#### **4.06.08 Non-registering and Unreadable Meters**

If a meter fails to register or cannot be read due to circumstances beyond District's control, such as snow cover, consumption shall be estimated based on prior usage or in the event there is not sufficient prior history, from any water usage information available.

Where a meter cannot be read without undue difficulty because of an obstruction, the customer will be notified and requested to correct the condition. If the condition is not corrected by a given date, the District will remove the obstruction at the customer's expense.

#### **4.06.09 Testing Meters**

The District will test the accuracy of any of its meters upon the request of a customer, who will deposit the cost of such test as shown in Schedule 4-B.

The customer may, if he desires, witness the test. If a meter is found to be working improperly, it will be repaired or replaced by the District. If it is determined that the meter is registering more than five percent over the actual quantities passing through it, District will return the deposit for the test and adjust the billing. The period covered by the billing adjustment shall not exceed the preceding six months. If the meter registers within the limit of error specified above, the test deposit will be retained by the District.

## **4.07 CHANGE OF EXISTING SERVICE**

### **4.07.01 Upsizing**

When a customer requests an existing metered service to be upsized and no modification work will be required outside of the meter box, the customer cost for said service shall be the difference between the smaller and larger meter installation and capacity charges, as shown in Schedule 4-A, plus an additional charge to cover labor costs as shown in Schedule 4-B.

When work outside the meter box is required, such as a new service line or tap, the customer cost will be the full amount of the larger size meter installation charge and the difference between the meter size's capacity charges, as shown in Schedule 4-A.

eff. 6/11/03

### **4.07.02 Downsizing**

A charge, as shown in Schedule 4-B, will be made to cover labor cost. In these cases, no modifications would be made outside of the meter box. No refund of meter installation or capacity charges will be given.

### **4.07.03 Relocating**

Any relocation of District meters and/or service laterals will require approval by the District. Customers requesting the relocation of an existing meter shall pay all costs associated with the relocation based on the District's estimated cost, except that the customer shall not be charged less than the stated fee for the following standard relocations:

(a) Customer requested relocation of a meter assembly involving a meter size of 3/4-inch or less, a relocation distance of no more than 15 feet horizontally and/or 2 feet vertically, and not requiring a new tap to the water main nor other extra ordinary effort will be accomplished for the fee as shown in Schedule 4B (Relocating).

(b) Customer requested relocation of a meter assembly involving a meter size of 3/4-inch or less, requiring a new tap on the water main, the installation of no more than 15 feet of new

service lateral between the water main and the new location of the meter, and not requiring any other extra ordinary effort will be accomplished for the fee as indicated on Schedule 4A for installation charges, which pertains to the size of each meter involved in the relocation.

eff. 12/12/90; rev. 6/11/03; rev. 1/26/05

#### **4.08 WATER RATES**

All water rates are determined on a cost of service basis and are normally adjusted once a year. Water Rate Schedules 4-E through 4-L have been developed based on such factors as use of water, type of customer, treatment level and location of user.

eff. 7/11/90; rev. 3/26/04

#### **4.09 OFF RATE**

All customers who have their services shut off are subject to the off-rate charges shown in Schedule 4-I.

eff. 7/11/90; rev. 1/26/05

#### **4.10 LEAK ADJUSTMENT**

An adjustment for treated water loss may be granted by the District per parcel, per owner, if:

1. The usage during the period is at least 2.5 times the usage for a comparable period of normal use and;
2. Adjusting the bill would result in a reduction of \$200 or more and;
3. Not more than one leak adjustment event, based on this section, shall be allowed to the same owner within a five-year period.

Adjustments can be granted for up to two consecutive billing periods per leak adjustment event. Request for adjustment must be made in writing by the property owner. Form 4-E is used to calculate the adjustment.

The Operations Manager shall have the authority to make adjustments up to \$2,000.

The General Manager shall have the authority to make adjustments between \$2,000 and \$5,000.

The Board of Directors shall have the authority to make adjustments of greater than \$5,000.

eff. 10/10/84, rev. 05/13/15, rev. 04/11/18

## **4.11 WATER AVAILABILITY LETTERS**

### **4.11.01 General**

Upon receiving a written request, the District will issue a letter giving the current status of water availability to a project or parcel of land. This letter will state, in general terms and without making a commitment to serve the project, whether the project is within the District's boundaries, or within the various treated water system plan boundaries, and if capacity is currently available and under what conditions. The District will attempt to identify any potential problems that may be associated with making water available to the project (i.e. such as possible high or low pressure).

eff. 6/11/03

### **4.11.02 Administrative Processing Fee**

An administrative processing fee of \$50.00 shall be charged for water availability letters that require review by staff. This fee shall not apply for letters prepared for parcels with existing water or standby accounts. This fee may be waived if it is determined to be in the best interest of the District that the letter be issued.

eff. 12/12/90

## **4.12 WILL SERVE LETTERS**

### **4.12.01 General**

A written request for a commitment of specific capacity to a project or parcel of land may be made to the District. A Will Serve Letter, however, will not be issued to any project requiring a county or city use permit, general plan or zoning change, or tentative map until the appropriate agency has conditionally approved the project. If issued, these letters may have specific time limits and will identify any conditions relating to providing water service as well as those items covered in a water availability letter as discussed in Section 4.11.

### **4.12.02 Extension Not Required**

The owner of property not requiring an extension of the treated water system and otherwise qualifying for service by paying a standby charge may receive a Will Serve Letter covering a minimum size water service. No time limit will be stated in the letter unless a larger than minimum size service is requested. A commitment for an upsized service or additional services may be made by the District for a period of six months from the letter issuance date. This commitment terminates at the end of this period if the water service application process is not completed and all applicable fees and charges paid.

### **4.12.03 Extension Required**

The owner of property requiring an extension of the treated water system and qualifying for water service pursuant to these Regulations, may receive a Will Serve Letter from the District. In order to maintain the capacity commitment, preliminary improvement plans meeting the requirements of the District and payment of the plan check and inspection fee deposit must be received by the District within six months of the date of issuance of the letter. Within one year of letter issuance, a conveyance agreement must be entered into.

## **4.13 OUTSIDE DISTRICT TREATED WATER SERVICE**

The District shall provide treated water to existing outside District customers on a surplus basis only. This service will be for a maximum of three (3) years, at which time a renewal of the water



application will be required. District will not accept new treated water service connections if the lands to be served lie outside the District Boundaries.

The District will not allow an off-rate charge as discussed in Section 4.09 of these Regulations. If service is requested to be turned off, the meter will be removed and the right for service terminated until such time as the lands are annexed into the District and the then current connection fees or other changes are paid.

eff. 7/9/86

#### **4.14 PRIVATE PIPELINES**

##### **4.14.01 General**

In earlier years, prior to adoption of these Regulations, the District allowed treated water service through a private pipeline that served two or more customers. Meter assemblies were subsequently installed by the District on these private pipelines to provide accountability of water use to each individual customer. In these instances, the property owners receiving water service off the private pipeline are responsible for the acquisition and maintenance of any required easements or permits, as well as the maintenance and operation of the pipeline and appurtenances thereof. The meter assembly, as discussed in Section 4.06.01 of these Regulations, will remain the property of the District.

In certain instances, the District may participate in the replacement of private pipelines with District-owned water mains. See Section 10.09 of these Regulations.

##### **4.14.02 Leakage**

If the District determines that a private pipeline has leakage, the property owners receiving water via the private facility will be notified that repairs must be made within a time period, as determined by the District, or water service will be discontinued. In addition to the above, District reserves the right to prorate and bill for the estimated leakage to each of the property owners served off the private pipeline. The District may also, at its option, install a master meter at the head of a

private pipeline that serves two (2) or more properties and prorate the cost of the unaccounted lost water to each property owner.

**SECTION 5**

**RAW WATER SERVICE**

**5.01 SUPPLEMENTAL DEFINITIONS**

**5.01.01 Raw Water**

Untreated water to be utilized for purposes other than human consumption.

**5.01.02 Seasonal Irrigation Service**

Water delivered from approximately April 15 and ending approximately October 14, unless otherwise determined by the Board. Dates may vary to meet individual crop needs or maintenance of District facilities.

eff. 6/11/03

**5.01.03 Winter Water Service**

Water delivered approximately October 15 and ending approximately April 14, unless otherwise determined by the Board.

eff. 9/25/91

**5.01.04 Annual Raw Water Service**

Deliveries made year round at rates of flow that may differ between the irrigation and the winter seasons. No new accounts are accepted for this category of service.

eff. 5/24/89

**5.01.05 Intermittent Flow Service**

Water delivered which cannot be supplemented by an auxiliary supply from the District, and in District's opinion cannot be considered a firm supply.

**5.01.06 Fall/Stock Water**

A service available during the period from October 15 to December 1, both dates inclusive. This service will only be provided when and where District has available water and is secondary to seasonal or demand water.

eff. 12/12/90

**5.01.07 Demand Water Service**

Water requested for a predetermined period. This service will only be provided when and where District has available water in excess of requirements for seasonal water.

**5.01.08 Tank or Temporary Construction Water**

Water utilized from a non-permanent service point for temporary purposes within the District's service area boundary. Water use shall be limited to construction activities such as dust control and soil compaction. This class of water is not to be used for domestic purposes or irrigation.

eff. 8/12/87, rev. 8/25/21

**5.01.09 Miner's Inch (M.I.)**

Term used in water measurement. By California statute, one miner's inch equals 1.5 cubic feet per minute, or 11.22 gallons per minute.

**5.01.10 Rotation**

A method of delivering water where two or more customers of close proximity receive water on a predetermined schedule. The amount of the delivery must balance to the constant flow of the purchase.

**5.01.11 Surplus Water**

Water which is surplus to the needs of lands within the District boundaries.

**5.01.12 Closed Raw Water Integrated Conduit System**

Any District or privately owned closed conduit facility, i.e., pipeline, which is utilized to convey raw water and has more than one service connection being used for annual deliveries.

**5.01.13 Service Outlet**

A service connection intended to divert, deliver and measure water to a customer.

**5.01.14 Mutual Water Company, Special District, or Entity**

Any entity legally organized for the purposes of distribution and purchase of water to specifically identified parcels of land.

eff. 6/11/03

**5.01.15 Primary Account**

Account in authority for a service outlet, designated by the parcel owner that paid for the initial installation of the service outlet.

**5.01.16 Private Conduit Account**

Accounts that are served through a primary account service outlet when excess capacity is available and permission has been granted by the Primary Account Holder.

**5.01.17 Primary Account Holder**

The person that paid for the initial installation of the service outlet. The Primary Account is subject to transfer in accordance with Section 5.04.01.

eff. 01/22/14

## 5.02

## WATER SERVICE REQUEST

### 5.02.01 Route Slip

As a first step in receiving a new water service, an applicant must fill out Form 5-A, Raw Water Service, Information Route Sheet. Applicants for an intermittent flow service do not need to fill out this form.

### 5.02.02 Application

If a water service is available to the parcel, as determined by the District, the applicant will be required to sign a formal application as discussed hereafter and pay the appropriate installation charges, plus any other fees and/or deposits that are payable under these regulations.

- (a) Seasonal Irrigation Service. New Owner must sign Form 5-B and have it on file at the District's office on or before April 1 in order to ensure a supply of water for the current irrigation season. Applications for service are effective until there is a change in ownership.

eff. 03/11/98

- (b) Winter Water Service. Applicant must sign Form 5-B.

(c) Annual Raw Water Service. Transfer applications for existing annual raw water service will be made on Form 5-C. No new applications will be accepted. Annual accounts turned off at the customer's request, or for non-payment, will be transferred to a seasonal account.

eff. 5/24/89

(d) Intermittent Flow Service. Applicant must sign Form 5-D. Water sales will be established in acre-feet by District through pump ratings, sprinkler flow, actual diversions, acreage irrigated or any combination of these methods as may be deemed appropriate to determine the amount of water to be used.

(e) Fall Water Service. Application shall be made on Form 5-B, available at District office.

eff. 12/12/90

(f) Demand Water Service. Application for service shall be made on Form 5-B and should be made at least five days before service is required.

(g) Tank or Temporary Construction Water. Application shall be made on Form 4-D.

(h) Surplus Water. Application for use of water outside the District boundaries shall be by agreement on Form 5-E and must be on file at the District's office on or before April 1 of each year in order to be considered for a supply of water for the current irrigation season. All applications for surplus water are subject to Board approval.

(i) Rotation. Applications must be received by April 1, in order that schedules for rotation delivery can be developed prior to commencement of irrigation season. If an equitable rotation schedule cannot be reasonably developed due to changes in water purchases, or property owners not returning applications on a timely basis as indicated above, District, at its discretion, may order that the water be delivered on a continuous flow basis. Applications for rotation delivery received after April 1 will be delivered water on a continuous basis for the season.

### **5.02.03 Cancellation**

Upon request of the customer, cancellation of the current seasonal irrigation service may be made during any time of the season, either in whole or in part. The quantity of such seasonal irrigation water delivered shall be charged on a pro-rated basis up to the date of cancellation and a service call fee, as shown on Schedule 7-A, shall be charged.

eff. 7/12/89; rev. 6/11/03

**5.02.04 Early Application Discount**

Applications for seasonal irrigation service received on or before April 1, together with full payment, shall have a 5% discount on their charges. This discount shall not apply to those types of entities referred to in Section 5.08.

eff. 3/10/93

**5.02.05 Change in Seasonal Irrigation Service**

During the irrigation season, charges for requested increases or decreases may be prorated with the addition of a service call charge as shown on Schedule 7-A.

eff. 12/11/94

**5.03 WATER USE EXCLUSIONS**

**5.03.01 Integrated Raw Water Conduit**

Applications for water service will not be accepted from a closed raw water integrated conduit system where said service is proposed to be used for annual deliveries.

**5.03.02 Fish Cultivation**

The District will not sell water to cultivate and/or sustain fish life.

**5.03.03 Water Use for Residential Purposes**

The Federal Safe Drinking Water Act definition of a Public Water System (PWS) includes the District's raw water delivery system. Guidelines implementing the definition of a PWS prohibit the District from providing raw water for human consumption. Therefore, use of raw water for drinking and cooking is excluded for all customers, unless processed by an approved home treatment facility as provided in this section.



(a) Applications For New Water Service

The District will not accept new applications for raw water service where the proposed water use is for residential purposes, regardless of the applicant's intent to use bottled water, hauled treated water, or provide a home treatment facility. No applications will be accepted for annual raw water service.

(b) Water For Drinking or Cooking

Existing District raw water customers not using a well or spring for all drinking and cooking needs must be connected to a Public Water System, use bottled water or hauled treated water, or use water processed by an approved home treatment facility.

(1) Bottled or Hauled Treated Water

Bottled or hauled treated water used for drinking or cooking must be delivered to the parcel(s) by a commercial distributor who has agreed, in writing, to District conditions.

(2) Home Treatment Facility

A home treatment facility used to produce water for drinking or cooking must be approved by the Department of Health Services. The facility must be operated, maintained, and monitored by the District or its agent, under contract with the owner.

(c) Cost and Expense

All costs for providing water for drinking and cooking, including District costs, will be at the owner's expense.

eff. 03/22/00

**5.04 SERVICE OUTLETS**

**5.04.01 General**

The District owns and maintains the water service outlet assembly up to and including the service valve located on the discharge side of the service outlet. All facilities beyond this point are the responsibility of the customer. All service outlets will contain a means of measuring the amount and/or flow rate of water delivered to a customer(s). The means of measuring flow and amount of water, and the units of measurement for billing purposes, shall be subject to change by the Board of Directors based on the customs and practices of the industry.

Each service outlet will be assigned to a single Primary Account and to a parcel designated by the account holder that paid for the initial installation (the “Primary Account Holder”). Service outlets will not be assigned to more than one Primary Account, but may be used for a shared service to a Private Conduit in accordance with Section 5.06.05. In cases where the Primary Account Holder owns multiple parcels or subdivides a parcel, he/she must notify the District in writing as to which parcel the service outlet should be assigned.

In the event that the ownership and/or designated parcel of a Primary Account is not evident based on historical records of the District, the District will assign the Primary Account based on the natural progression of ownership and/or the seniority of the account. A service outlet’s Primary Account may be transferred upon the written request of the Primary Account Holder. The Primary Account Holder requesting transfer shall notify, in writing, the District and all Private Conduit Accounts served by the service outlet of the proposed transfer. Both the existing and the proposed Primary Account Holders shall sign a notarized transfer agreement to document said transfer.

rev. 01/22/14

**5.04.02      Location**

The District shall have the sole discretion and authority on the final selection of the location for raw water service outlets. This site selection prerogative shall pertain to services from raw water pipelines, open canal facilities and, where applicable, certain natural randoms or streams. The outlet location shall be determined prior to District accepting an application and collecting the installation fee. The following shall be used in location of service outlets:

(a) The District shall endeavor to accommodate the customer in selecting the location. However, the District must give consideration in the selection of the point of service to the integrity of the hydraulics in the conveyance system. Any location which will create undue expense for operation and maintenance of the system or will create unacceptable distortion to the hydraulics of the facility or stream will not be permitted by the District.

(b) Any service outlet location for a raw water service which will require additional appurtenances such as a special measuring structure, check structure or screening device in order to ensure water delivery for the service point, shall be constructed by the District at the sole cost of the applicant, in accordance with District standards.

(c) Where approved, the amount of the purchase from natural randoms or streams, supplied by the District, shall be sales of no less than one (1) miner's inch of water. The District, through pump ratings, sprinkler flows, actual diversions, or any combination of the above methods, will determine the amount of purchase.

Changes in purchase amount of irrigation water will be allowed only after field review by the District Staff, and a determination made that a change is in order. Inspections of the services from natural randoms or streams will be made by the District to insure that the amount of water purchased is in compliance with the seasonal application.

eff. 7/9/86

(d) There shall be no new services located on the following types of facilities since they shall be utilized for storage and transmission purposes only: inverted or standard siphons, except where approved centralized service manifolds have been established, drop pipes or chute flumes, elevated flumes or pipes, penstocks, or reservoirs.

eff. 6/22/88

(e) In some instances, due to the canal size and the irrigation water demands, the service box outlet will only be installed during the non-irrigation season.

#### **5.04.03 Installation Charges**

These charges for a standard installation are shown in Schedule 5-B and are due at the time formal application is made. The cost of additional appurtenances, if required, will be added to the standard installation charges.

#### **5.04.04 Multiple Service Outlets**

More than one point of service may be permitted by the District for delivery of the customer's entitled water, provided the customer will take the water in a manner acceptable to the District. An additional outlet, or outlets, will be installed by the District at customer's expense, including installation as shown in Schedule 5-B and annual charges as shown in Schedule 5-C. If the customer fails to comply with conditions prescribed by the District, the use of an additional box, or boxes and/or water service may be discontinued.

#### **5.04.05 Removal**

A service outlet will be removed at the expense of the District after notification by the property owner on Form 5-F, provided by the District. Once an outlet(s) has been removed, re-establishing water service shall be in accordance with these Regulations, including the appropriate installation charges.

On outside District accounts, the service outlet will be removed if water is not purchased every other year. If an application for service is not received by April 1 of the second year, the property owner shall be notified in writing that, if water is not purchased within 30 days of the date of notification, the outlet shall be removed and the account deleted.

eff. 1/1/89

**5.04.06 Account Charges**

Until such time as an outlet is removed, an annual charge as shown in Schedule 5-C will be collected with or without the purchase of water. This charge does not guarantee or imply that raw water will be available at a future date for an inactive account.

eff. 1/1/89

**5.04.07 Relocation**

Relocation of an existing raw water service outlet will be accomplished as outlined under Sections 5.04.01 and 5.04.02 and will be done for the new service outlet installation charge as shown in Schedule 5-B.

eff. 5/27/87

**5.05 WATER RATES**

All water rates are determined on a cost of service basis and are normally adjusted once a year. Water Rate Schedules 5-C through 5-R have been developed based on such factors as location, billing period and reliability of water flow.

eff. 6/11/03

**5.06 PRIVATE FACILITIES**

**5.06.01 Use Of**

Upon approval of the District, private facilities may be used to transport and distribute raw water provided that the facilities are in good repair, will not cause excessive water losses, and are adequate in capacity to serve additional water. The District will construct and maintain, at the head of private facilities, such controls as diversion structures, gates and/or measuring devices as necessary to control water flow, purchased by owners of the private facilities. The District will

not provide service through a private facility without first receiving approval from the owners of the private facility on Form 5-G provided by the District.

See Section 2 of these Regulations for further clarification on the use of private facilities.

eff. 6/11/03

#### **5.06.02            Operation and Maintenance**

District responsibilities for operation and maintenance ends at the beginning of the private facilities.

#### **5.06.03            Excessive Leakage**

If the District determines that a private facility has excessive leakage, the facility owner(s) will be notified that repairs must be made within a time period, as determined by District, or water service will be discontinued.

#### **5.06.04            Non-payment of Accounts**

Customers receiving raw water from a private facility serving two or more customers, shall have the amount of water reduced at the head of the private facility for non-payment of their accounts.

The District will not in any way be responsible for insuring that water is received by the paying customers on the private facility.

eff. 10/11/89; rev. 6/11/03

#### **5.06.05            Private Conduits**

Shared service to a private conduit through a Primary Account service outlet is available with the approval of the Primary Account Holder and provided excess capacity is available at the service outlet. The Primary Account holder must provide written permission through the use of form 5-G. Utilization of the service outlet to serve a private conduit account is subject to discontinuance at any time by direction of the Primary Account Holder, provided a minimum of 30 days notification

prior to the start of irrigation season. Private Conduits Accounts may not be discontinued during the irrigation season.

eff. 01/22/14

## **5.07 HYDROELECTRIC DEVELOPMENT**

### **5.07.01 Natural Streams**

Pursuant to Water Code Section 22280, the District will collect from a hydroelectric power producer with a rated plant capacity of 100 kilowatts or more, desiring to utilize District water flowing in a natural stream or waterway, a charge for the use of said water. The charge will be determined by multiplying ten percent of the standard weighted average price, as published by Pacific Gas and Electric Company pursuant to California Public Utilities Commission Decision Number 91109, by the energy produced by District water. If the charge, as determined above on an annual basis, is less than the standard weighted average price multiplied by 5,000 kwhs, the latter will be collected as a minimum charge for that particular twelve-month period.

Each water sale for power generation purposes will be covered by an agreement, signed by the power producer and approved by the Board. Articles of the agreement will cover insurance requirements, method of measuring District water and power produced, payments to District, hold harmless considerations, agreement termination, protection of District water, continued water use qualifications and other items deemed necessary by the District.

eff. 6/11/03

## **5.08 MUTUAL WATER COMPANIES AND SPECIAL DISTRICTS**

The District will sell agricultural water to mutual water companies or special districts at its service point in accordance with these Regulations and provided the following conditions are met:

(a) Prior to approval by the Board, the developer must comply with Section 11.01.03 of these regulations which provide for the orderly development and extension of the District's raw water system.

(b) Mutual water companies or special districts that applied for service prior to July 2017 shall as applicable, have the following documents filed with the District: The Articles of Incorporation for a mutual water company, the resolution of formation for a special district, and the rules and regulations, or bylaws of the mutual water company or special district. The current list of property owners with map showing boundaries and water system and the name and telephone number of a contact person who is to be responsible for the distribution of water within these boundaries.

(c) Mutual water companies or special districts applying for service after July 2017 will be required to maintain its status, as applicable, as a mutual water company or special district and obtain and maintain registration with the appropriate State agency and LAFCO to be eligible for District service.

(d) Board approval of the entity, mutual water company or special district prior to the sale of water.

(e) Prior to March 15 of each year, submission of a written request for water containing the following information: Amount of water desired, county parcel numbers of the land on which crops are to be raised, type of crop, and acres irrigated.

Water sold under this policy is to be used only for agricultural use. It shall be the responsibility of the mutual water company, special district, or other entity to obtain any necessary licenses or permits from the County, State, or other such agencies as may be required to place the water to any other use. If the primary use of district water sold under this policy is for any purpose other than the irrigation of crops, this policy will not prevail.



(f) A 15% administrative fee will be charged to mutual water companies or special districts that applied for service prior to July 2017.

This fee will cover the cost of special handling of these accounts by the District to ensure that the mutual water company, special district, or other entity is in compliance with these Regulations. If a mutual water company, special district, or other entity elects to continue its registration with the State of California, then this administrative fee will not apply.

(g) All mutual water companies, special districts, or other entities who purchase water from the District for agricultural purposes only will be required to pay for their water in full prior to April 1 each year.

eff. 12/12/90, rev. 08/9/2017

## **5.09 PRORATION OF CAPACITY**

When deemed necessary, due to lack of available capacity in District facilities, the Board may order that the available capacity be prorated. Proration shall be on an acreage basis, with the water sale rounded to the closest sale increment as shown in Schedule 5-G.

Due to the lead time required to prepare the tabulation for proration, and unless otherwise provided, a minimum of 90 days lead time shall be allowed prior to instigating a proration schedule. Any proration schedule that is adopted shall remain in effect for a minimum of 180 days, unless ordered otherwise by the Board. Any property owners choosing not to purchase and use any or all of their prorated share shall advise District. The unused shares shall be prorated and distributed among those property owners requesting additional water.

## **5.10 WATER AVAILABILITY LETTERS**

### **5.10.01 General**

Upon receiving a written request, the District will issue a letter giving the current status of water availability to a project or parcel of land. This letter will state whether the project is within the

District's boundaries, the project's entitlement to a prorated share of water, nearest raw water conduit, and will attempt to identify any potential problems that may be associated with making water available to the project. These letters will generally be effective for a one-year period from the date of issuance.

**5.10.02 Administrative Processing Fee**

An administrative processing fee of \$50.00 shall be charged for water availability letters that require review by staff. This fee shall not apply for letters prepared for parcels with existing water or standby accounts. This fee may be waived if it is determined to be in the best interest of the District that the letter be issued.

eff. 12/12/90

**5.11 RAW WATER OUTAGE ADJUSTMENT**

When major rehabilitation or emergency work is required on a District raw water facility and a customer is affected by a continuous water outage for more than two (2) consecutive weeks, excluding weekends, that customer may request and receive an account adjustment.

The adjustment will be calculated by multiplying the number of outage days beyond the initial two (2) week period by the average daily water charge for the customer's size of service.

eff. 3/26/86

**5.12 DROUGHT CONTINGENCY PLAN**

Under drought conditions, the District adopted a Drought Contingency Plan on December 9, 1992. In order to provide for demand reduction goals for water supplies, deliveries will be based upon a schedule from April 1<sup>st</sup> Forecast in acre feet.

The Drought Contingency Plan will be followed according to its plan for maintaining a goal of 70,000 acre feet of water from water season to water season for carry over storage and for the health and safety of the District's domestic and agricultural water users.

The plan is described in the District Board and Management Policy Manual.

eff. 6/11/03

6SECTION 6

SECTION 6

RENDERING AND PAYMENT OF BILLS

6.01 TERMS OF PAYMENT

By these Rules and Regulations, the District intends to comply with the requirements imposed by Public Utility Code §16481.1 and Health and Safety Code § 116916. The procedures outlined in those statutes, as may be amended from time to time, take precedence over these Rules and Regulations.

6.01.01 Treated Water and Annual Raw Water

(a) Policy on Payment of Bills and Service Discontinuation. Sections 6.01.01, 6.03, 6.07 and 6.09 of this policy shall constitute the District's policy on discontinuation of water service in accordance with California law. These sections of the policy and the delinquency notice shall be available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least ten percent (10%) of the people residing in the District's service area. The policy shall be posted on the District's website. The District shall annually report the previous year's number of discontinuations of residential service for inability to pay on its internet website and report this information, if required, to the State Water Resources Control Board.

(b) Payment of Bills. All water charges are due and payable on issuance of the statement and are delinquent ten (10) days thereafter. If not paid:

**Twenty-five (25) days from issuance** - A delinquency penalty charge at the rate of 1 ½ percent, will be applied to each account's unpaid balance and monthly thereafter until paid.

**Forty-five (45) days from issuance** - A delinquency notice will be mailed. Delinquency notices will be mailed to the occupant and to the landowner. The delinquency notice issued in accordance with this section shall include the following: 1) the customer's name and address, 2) the amount(s) delinquent, 3) the date by which payment or arrangement for payment is required in order to avoid discontinuation of service, 4) a description of

the process to apply for an extension of time to pay the delinquent charges, 5) a description of the procedure to petition for bill review and appeal, and 6) a description of the procedure by which the customer may request a deferred, reduced or alternative payment schedule, including an amortization of the delinquent service charges.

**Sixty (60) days from issuance** - A final turn-off notice shall be hand delivered to the service address and posted in a prominent and conspicuous location. A service charge as shown in Schedule 6-A shall be added to the account and included in the delinquent balance.

**Seventy (70) days from issuance** - Water service may be discontinued if the delinquent account balance has not been paid prior to the scheduled turn-off date. A charge, as shown in Schedule 7-A shall be made for turn-on. Once a service has been discontinued, the entire account balance must be paid prior to service being restored.

Customers can contact District customer service staff by calling 530-273-6185, to discuss options for averting discontinuation of service for nonpayment, including possible deferral and amortization.

Written request delivered to District customer service staff is the sole procedure by which residential customers may request a reduction in service charges. Reduction of service charges will be granted not more than once annually.

Customers may make advance payments to maintain water service during their absence. The billing will reflect the current credit balance until expended. Monies placed on deposit will not bear interest.

(c) Request for deferral or amortization for eligible customers. Written request, with supporting documentation, delivered to District customer service staff is the sole procedure by which residential customers may request deferred or alternative payment schedules, including amortization of service charges. Eligible customers are those that make written request and provide (1) certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of a resident of the customer's service address; and (2) the customer demonstrates that they are financially unable to pay for water

service. A customer will be deemed financially unable to pay for service within the normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer provides proof that the household's annual income is less than 200 percent of the federal poverty level. Customers satisfying all of the foregoing criteria will be permitted to defer payment of delinquent charges by entering into an amortization agreement to allow the customer to pay the delinquent charges amortized over a three (3) month period, in addition to current charges that accrue for service each month. The amortization period in the agreement may be longer than three (3) months when District staff deems necessary, but shall not exceed twelve (12) months. If the customer fails to pay under the agreement for at least sixty (60) days, service may be discontinued with at least five (5) business days' notice posted at a prominent and conspicuous location at the property. Requests for deferral and amortization of bills are available to residential customers only and should be made prior to discontinuation of service by contacting the District customer service staff.

Upon the restoration of service, reconnection fees for customers that are deemed unable to pay in the normal billing cycle shall not exceed \$50 for reconnection ("turn-on") during normal operating hours, and shall not exceed \$150 for reconnection during nonoperational hours ("after hours). Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(d) Termination of Water Service to Residential Occupants Served through a Master Meter. The District serves water to residential occupants through a master meter and individual meters in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed as the customer of record. Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by the District as the customer of record and the account is in arrears, every good faith effort will be made to inform the residential occupants by means of a written notice by posting copies of the notice in each common area and at each point of access to the structure or mobile home park or similar such area.

eff. 6/93; rev. 6/11/03, rev. 8/10/05, rev. 09/12/07; rev. 02/27/19; rev 01/22/2020

**6.01.02 Seasonal Irrigation Service**

(a) Inside District Applicants. One-third of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with the application.

eff. 03/11/98

One-third of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 22, service may be turned off.

One-third of the total charges due August 15, and if not paid by September 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by September 22, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on.

(b) Outside District Applicants. One-half of the total charges are due by April 1 or prior to receiving water. If there is a new owner, payment is due with application.

One-half of the total charges due June 15, and if not paid by July 15, a notice of termination of service shall be mailed and a ten percent late payment penalty shall be added. If payment is not received by July 15, service may be turned off.

A charge, as shown on Schedule 7-A, shall be made for turn-on

rev 01/22/2020

(c) Delinquencies. Applicants who are delinquent in the payment of water charges shall pay charges prior to District's acceptance of application for subsequent seasonal irrigation service or make satisfactory agreement with District for payment of same. An additional ten percent late payment penalty shall be added to all seasonal irrigation water accounts remaining unpaid on February 15.

eff. 6/11/03

### **6.01.03 Standby**

All standby charges are due and payable on issuance of the statement. Standby charges are delinquent four months after issuance and may be transferred to the County Tax Rolls for collection.

eff. 6/11/03

### **6.02 MULTIPLE ACCOUNTS**

Combining of two or more seasonal irrigation services for reduced rate purposes will be permitted when any of the following conditions are met:

(a) Applicant owns a single parcel of property and requires more than one seasonal irrigation service from different District facilities in order to serve this one parcel.

(b) Applicant owns more than one parcel or property which is served from the same canal system and operated as a single farming unit; and seasonal irrigation service is purchased for each parcel under separate applications. Property must be owned and listed on the county assessor's roll under the applicant's name.

eff. 5/27/87

### **6.03 BILLING TO THE AGENT/RENTER**

Water service accounts will only be established in the name of the property owner. Direct billing to the agent/renter can be made upon receipt of a written authorization from the property owner that the agent/renter has been designated as the agent of the property owner. Once direct billing has been authorized, the renter/agent shall not be required to pay any amount that may be due on the delinquent account for a period prior to tenancy. In order for the amount due on delinquent accounts to be waived for the renter/agent, the renter/agent must provide proof that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Nevertheless, the landowner is ultimately responsible for all payment delinquencies. If the owner desires a duplicate of the water statement which is sent to the agent/renter, a handling charge as shown in Schedule 6-A, will be applied.

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**6.04****NON-PAYMENT OF ACCOUNTS**

Charges for water and other services, including penalties and supplemental charges, which are delinquent at the time specified for the delivery of outstanding charges to the county tax collector, may be added to and become a part of the annual assessment levied to the land upon which the service was rendered.

The District may refuse service to any land if outstanding charges for services already rendered such land are delinquent. (Section 22282.1 of the California Water Code)

The District may, under the provisions of Section 25806 of the California Water Code, record a lien on any or all lands owned or subsequently acquired by the person liable for such charges.

**6.05****SECURITY DEPOSITS**

The District may charge a security deposit, as shown in Schedule 6-A, for all outside District customers and for all inside District commercial accounts.

Deposits from commercial accounts shall be held for a period of one year. At the end of that period, the deposit may be applied to the account or refunded provided the account has been paid on a timely basis. Should a turn-off order be issued due to non-payment, a deposit equal to twice the highest bimonthly bill shall be required before the service can be turned on. Deposits from outside District customers, providing the account has been paid on a timely basis, are held for a period of one year. At the end of that period, the deposit may be applied to the water account and the balance, if any, shall be refunded.

eff. 8/12/87; rev. 6/11/03, rev. 09/12/07, rev. 02/24/16

**6.06****RETURNED CHECKS**

Checks returned by the bank unpaid shall be returned to the account. A return check fee, as shown in Schedule 6-A, shall be added to the water account and any other bank charges that may be assessed due to the returned item.

In the case where a delinquent bill is paid by check after the final turn-off notice has been delivered, and the check is returned unpaid by the bank, service may be immediately discontinued without further notice, provided that notice has been given in accordance with 6.01.01(b) of these Rules and Regulations. Prior to restoration of service, the account's entire balance and any bank charge for a returned check must be paid in cash or by credit card before service will be continued.

eff. 2/13/85; rev 01/22/20

## **6.07 DISCONTINUANCE OF SERVICE**

### **6.07.01 Non-payment of Bills**

Water service may be discontinued if a bill for services rendered has not been paid within the time prescribed by the District. Water service may only be discontinued for nonpayment of bills provided that notice has been given in accordance with Section 6.01.01(b) of these Rules and Regulations. Eligible customers facing discontinuation for nonpayment who are unable to pay during the normal billing cycle will be offered an opportunity to amortize their delinquent bill as provided in Section 6.01.01(c).

### **6.07.02 Noncompliance with the District's Regulations**

If a customer fails to comply with any of these Regulations, the District will notify the customer of such failure. If the customer fails to comply within a reasonable time, the District may discontinue service.

rev 01/22/2020

### **6.07.03 Customer Service Discontinuance Request**

If the customer gives the District a written request to disconnect the service, the District will notify the customer of the legal and financial impact of such request.

## **6.08 OUTSIDE DISTRICT CUSTOMER CHARGES**

Any installation charges, or monthly charges listed as schedules in these Regulations, will be increased by twenty-five percent for outside District customers.

rev. 04/25/06, rev. 09/12/07

**6.09****CONTESTING OR APPEALING WATER CHARGES**

If a customer believes their bill, a charge thereon, or a determination of delinquency is incorrect, the customer should immediately contact District customer service staff by phone or in person. If the customer still believes the bill is incorrect after contacting District staff by phone or in person, they may promptly appeal a bill in writing to the District office no later than fifteen (15) business days of issuance of a disputed courtesy notice. Customer appeal rights will lapse and be summarily rejected if not received by the District, in writing, within fifteen (15) business days of the issuance of the courtesy notice. Timely written appeals must state the reason(s) why the customer believes the bill is incorrect and may be mailed, emailed or delivered in person. The District may request additional information from the appealing customer and/or may refer the dispute to the Water and Hydroelectric (WHO) Committee to conduct a hearing, if such process will help in rendering a decision on the customer's appeal. The District shall render a decision on written appeals in a timely manner, and the decision will be considered final with respect to all charges then existing on the disputed bill. Service shall not be discontinued while a written appeal is pending providing the customer has paid any portion of the bill that is not under dispute/review (i.e. the monthly fixed charge).

Written appeal to the District is the sole procedure by which a customer may request reduced water charges. A reduction in water charges will be granted only upon a finding that there was an error in computation of the customer's water charges.

rev. 01/22/2020

**6.10****TIME AND MATERIAL CHARGES**

The term time and material charges, as used in these Regulations, shall indicate a determination of costs based on the actual amount of labor, equipment and materials utilized, including applicable overhead factors. A deposit will be required based on the estimated costs and a final billing will be provided to the applicant or customer after completion. If final costs are in excess of the deposit, additional payment will be due within 30 days of receipt of final billing. If final costs are less than the deposit, the difference will be refunded.

## **6.11 UNSPECIFIED CHARGES**

When these Regulations require that improvements or modifications be made by District at customer's sole cost and expense, the District may estimate these costs and make final charges based on the estimate, or it may utilize an actual time and material basis, as provided in Section 6.09, at the sole discretion of the District.

## **6.12 TERM PAYMENTS**

The General Manager and the Finance Manager, together, are authorized to sign term payment agreements with individual property owners under the following guidelines:

(a) Up to a 120-month period and a maximum amount of up to \$20,000.00 can be authorized for District fees and charges related to a new residential treated water service including but not limited to, capacity charges, meter and backflow prevention device installation charges, and buy-in fees to improvement districts. The rate to be charged on all term payment agreements is defined in Water Rules & Regulations 10.20.05 as a Surcharge Modifier. Late term payments will pay charges equal to the rate shown for the late payment penalty in Section 6.01.01 of these Regulations.

(b) Up to a 12-month repayment period can be authorized for customers to pay delinquent water account charges. A late payment penalty shall be charged at the rate shown in Section 6.01.01.

(c) The District has the right to terminate water service and remove the water meter upon failure to pay.

eff. 7/13/94; rev. 6/11/03; rev. 4/14/04; 3/25/2009; 6/8/2016, 5/23/2018

## SECTION 7

### CUSTOMER SERVICES

#### 7.01 ROUTINE TURN ON AND TURN OFF

All customer requests for turn on and turn off shall be made in writing, or on Form 7-A available at the District office, signed by the property owner. Prior notice of 72 hours may be required in making routine turn on and turn off. A special service call fee, as shown in Schedule 7-A, is charged for making the turn on.

eff. 6/11/03

#### 7.02 TURN ON FOR NONPAYMENT

A special service call fee, as shown in Schedule 7-A, shall be charged to the customer for turn on. Turn on of water service after being shut off for nonpayment may be made provided the account is paid in full, including the special service call fee, or if a satisfactory arrangement has been made prior to the turn on. The service may be turned on the same day if it can be done during District's normal operating hours; otherwise, the service will be turned on the following business day.

eff. 6/11/03; rev 02/27/19

#### 7.03 EMERGENCY TURN ON

If water service is required in advance of the timing outlined for routine or nonpayment turn ons, a turn on may be arranged if the customer pays a special service call fee in advance. This fee shall be charged to the customer, as shown in Schedule 7-A.

eff. 6/11/03

**7.04 SPECIAL METER READINGS**

A customer requesting a special meter reading shall be charged the fee shown in Schedule 7-A.

**7.05 SERVICE CALL**

During normal operating hours, a customer requesting a service call concerning the pressure or quantity of water being received may be charged the fee shown in Schedule 7-A, if it is determined that District facilities are operating satisfactorily and the problem lies within the customer's facilities.

After normal operating hours, the fee, as shown in Schedule 7-A, shall be charged to the customer.

eff. 03/11/98

## **SECTION 8**

### **FIRE SERVICES**

#### **8.01 GENERAL**

Three types of fire services are available; public fire hydrants and private fire services served by treated water systems and public fire services served by raw water systems. These fire services shall be used only for the purpose of extinguishing fires and for testing fire suppression systems.

#### **8.02 DISTRICT LIABILITY**

The District does not guarantee or represent that a specific or certain minimum water pressure or volume of water will be available through a fire service. Fire services will be subject to the variations of water pressure and flow and to the temporary shutdowns required in the operation and maintenance of the system or any interruptions of operations in the system. The District shall be held in no way responsible for and the applicant and/or local fire fighting entity must agree to hold the District free and harmless from injury or damage caused by the lack of water or pressure available to a fire service.

#### **8.03 LOCATION**

##### **8.03.01 General**

All fire services will be located at a site meeting the approval of the District. In determining if a location is suitable for the installation of a fire service, the District will take into consideration operation and maintenance requirements and other factors deemed important, at any proposed site.

eff. 6/11/03

### **8.03.02 Treated Water System**

(a) New Service. Faulty equipment or procedures which may be utilized by entities operating fire services on high pressure water mains can lead to physical injury of personnel, property damage, and can cause water main failures.

No new public fire hydrants will be allowed on District water mains where static pressures are 150 psi or greater. Prior to allowing public fire hydrants on water mains where static pressures are between 100 and 149 psi, the District will review each request on an individual basis. Approval or disapproval of each request, which will be made at the sole discretion of the District, will be based on consideration of such factors as size, type, and condition of water main, actual pressure, location of pressure-reducing stations, lower pressure water mains and other hydrants.

New private fire services, located on water mains where static pressures are 100 psi or greater, will not be allowed unless the applicant signs an agreement acknowledging the risks involved in a high pressure service, and holding the District free and harmless from liability and damages relating to the service. In addition, if the pressure is 150 psi or greater, the applicant will not be allowed to install any private hydrants or hose outlet stations on the fire service.

Fire pumper connections installed with proper check valves will be allowed.

eff. 10/24/90

(b) Existing Services. Existing public fire hydrants located on water mains where static pressures are 100 psi or greater may be eliminated when in the sole judgment of the District an adequate substitute water source, normally a lower pressure water main is available. The local fire fighting entity, in which jurisdiction of any public fire hydrant being considered for elimination is located, will be consulted prior to final determination; and a written 30-day notice will be provided prior to the actual removal or relocation of the fire service. All removal and re-plumbing costs will be absorbed by the District when such removal is the sole decision of the District.

eff. 5/23/90; rev. 6/11/03



### **8.03.03 Raw Water System**

Due to potential of water loss and operation problems encountered with fire services off of the raw water system, the District will only allow such services under limited situations. If other alternatives, as determined by the District, are available to the fire fighting entity, no such service will be allowed.

No fire services will be allowed off of siphons or pipelines classified as transmission, as opposed to distribution lines. Locations subject to hydraulic conditions that restrict water flow will not be available for installation of a fire service.

eff. 3/13/85

## **8.04 PUBLIC FIRE HYDRANTS ON TREATED WATER SYSTEMS**

### **8.04.01 General**

An application, Form 8-A, must be signed by applicant and the local fire fighting entity in which jurisdiction the hydrant is located and approved by District prior to the installation, relocation or removal of a hydrant on a District water main.

The charge for the hydrant installation, relocation or removal, as set forth in these Regulations, shall be paid by the applicant and/or local fire fighting entity at the time the application is submitted to the District.

Fire hydrants installed under these Regulations shall belong to the District. The District may bear the expense of performing hydrant maintenance resulting from normal wear and tear when such conditions are reported to the District. The District may levy a charge for fire hydrant maintenance.

### **8.04.02 Installations**

The charge shown in Schedule 8-A will be collected for all installations and provides for installation of a 2 ½" x 2 ½" x 4 ½" nozzle dry barrel hydrant conforming to AWWA Specification C502.

#### **8.04.03 Hydrant Removal**

The charge to remove a hydrant and discontinue the service will be as shown in Schedule 8-A.

There will be no charge to remove a hydrant or stand pipe classified as less than 5 ¼-inch barrel diameter when the removal is done in conjunction with the installation, at the same location, of a new hydrant.

eff. 6/11/03

#### **8.04.04 Installation of a Hydrant Near Existing Hydrant**

If a fire hydrant is to be installed at or near a location where there is existing hydrant coverage, as a requirement precedent to installing the new hydrant, the District reserves the right of discontinuing the existing hydrant and to levy the appropriate charge as shown in Schedule 8-A.

#### **8.04.05 Relocation of Hydrant**

The charge for the relocation of a hydrant will be the total of the charge for the hydrant elimination, Schedule 8-A, plus the charge for the installation of a new hydrant. No credit will be given for salvaged material unless the hydrant conforms to AWWA Specification C502 and can be reused, with only minor reconditioning, in which case a credit will be given as shown in Schedule 8-A.

Where the relocation or installation of a fire hydrant does not require a new connection to the main, the charge will be based on the District's actual cost.

## **8.05**

## **PRIVATE FIRE SERVICE ON TREATED WATER SYSTEM**

### **8.05.01 General**

An Application, Form 8-B, must be signed by applicant and the local fire fighting entity in which jurisdiction the service is located, and approved the District prior to installation of the private fire service. The Applicant will make the basic determination as to the size of the service; however, the District reserves the right to limit the size of the service allowed. A fee to compensate the District for estimating the cost of the service will be collected at the time the application is submitted to the District. See Schedule 8-B.

After installation, the private fire service, up to and through to the outside edge of the vault, shall belong to the District.

eff. 1/1/94; rev. 12/08/04

### **8.05.02 Installation**

Private fire services may be installed using two administrative processes, 1) Applicant installed using a Conveyance Agreement or 2) Applicant installed using an Applicant Constructed Private Fire Service Letter Agreement.

Private fire services may be installed as a facility incidental to a water line extension being installed by a Developer under the provisions of a Section 10.03 Conveyance Agreement. The Applicant may also make arrangements to construct a private fire service to be connected to an existing water main by using the Section 10.03 Conveyance Agreement process in cases where the estimated installation costs exceed \$15,000.

Fire services that are not incidental to a proposed water line extension project may be installed by the Applicant using a private contractor under the provisions of an Applicant Constructed Private Fire Service Letter Agreement, example of which is shown in Form 8-D. This method governs plans, specifications, construction, inspection, and other requirements for the Applicant and his

contractor. These letter agreements and conveyance of the completed fire service are subject to approval by the General Manager.

eff. 12/12/90; rev. 12/08/04; rev 12/08/2021

### **8.05.03 Service to More Than One Parcel**

As long as all the parcels involved are properly fronted by a water main, as required under Section 10.01.02 of these Regulations, and upon the written application of all landowners, up to four contiguous parcels may be served by one private fire service.

Property owner(s) of each parcel being served by a Private fire service must have a valid application on file with the District indicating their responsibility for paying all charges and penalties, along with their responsibility for maintaining the system beyond the private fire service.

In certain instances the District, at its sole discretion, may permit or require a single parcel to have more than one private fire service connection. Examples include a shopping center/business center with varied tenant water requirements or two commercial buildings located on one parcel.

rev. 12/08/04, rev. 03/10/10

### **8.05.04 Charges for Water Service**

No charge will be made for water used for extinguishing fires, but any water lost through leakage or for testing purposes or used in violation of these Regulations shall be paid for by the applicant at double the normal water consumption charges. If unauthorized water use or leakage continues for more than two billing periods after notification of the water use, the service may be discontinued.

A periodic charge, as shown in Schedules 8-C and 8-D, will be made to compensate the District for maintenance and the eventual replacement of the private fire service.

Pursuant to Section 6.04 of these Regulations, delinquent charges may be placed as a lien against the parcel, or all parcels benefiting from the service in the case of service to more than one parcel.

User(s) of the service understand that the fire service may be discontinued for nonpayment of charges and accept all risk of such discontinuance for nonpayment.

eff. 1/22/86

## **8.06 PUBLIC FIRE SERVICE ON RAW WATER SYSTEMS**

### **8.06.01 General**

An application, Form 8-C, must be signed by the local fire fighting entity in whose jurisdiction the fire service is located and approved by District prior to installation of the service.

These types of fire services are subject to extreme variations in flow. Temporary, seasonal and extended shutdown periods may be required in normal operation of the system. Water delivered to the service may contain debris which could affect the quantity of water available to the fire service because of plugging or clogging.

### **8.06.02 District Installation**

The District will install the outlet and shutoff valve immediately adjacent to the District facility at the applicant's cost.

### **8.06.03 Applicant Installation**

The applicant will be responsible for construction of all facilities downstream from the shutoff valve, including pipeline, storage sump and hydrant.

### **8.06.04 Maintenance Responsibilities**

District may bear the expense of performing maintenance resulting from normal wear and tear on its facilities when such conditions are reported to the District. The District may levy a charge for maintenance. Facilities downstream from the shutoff valve will be the responsibility of the applicant to maintain.

**8.06.05            Discontinuing Service**

The service shall be used only for extinguishing fires and no connections of any kind whatsoever, other than to hydrants and hose reels, shall be made or permitted to be made to the pipe(s) supplied by said service.

Discovery of any unauthorized service or any water leakage from the applicant's facilities will result in discontinuation of said fire service until corrective action is taken.

**8.06.06            Charges for Water Service**

No charge will be made for water used for extinguishing fires or for periodic flushing of the service to remove accumulated debris.

## SECTION 9

### CROSS CONNECTION CONTROL & BACKFLOW PREVENTION

#### 9.01 GENERAL

The purpose and objectives of the District's Cross Connection & Backflow Prevention Regulation is to:

##### Purpose

- Protect the public water system at the service connection against any actual or potential cross-connection between the public water system and any source or system containing any substance that is not, or cannot be, approved as safe, wholesome and potable for human consumption;

##### Objectives

- Outline District and Customer responsibilities for protection of the public water system;
- Outline criteria determining when backflow protection is required;
- Specify requirements for backflow prevention assemblies to protect the water system;
- Comply with federal, state, and local laws and policies and allow the District to meet applicable regulatory requirements and standards.

These Regulations supplement and do not supersede local plumbing regulations, codes, ordinances, or other State regulations relating to water supply.

#### 9.02 DEFINITIONS

##### 9.02.01 Air Gap Separation

A physical vertical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. The air gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, and in no case less than one inch.

**9.02.02                    Approved Backflow Prevention Assembly (ABPA)**

Any assembly that is currently included on the District’s Approved Backflow Prevention Device list and that has passed laboratory and field evaluation tests performed by a recognized testing organization, which has demonstrated their competency to perform such tests to the California State Water Resources Control Board Division of Drinking Water.

**9.02.03                    AWWA Standard**

An official standard developed and approved by the American Water Work Association (AWWA).

**9.02.04                    Backflow**

A flow condition, caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source.

**9.02.05                    Customer**

The owner or operator of a private water system served from the public water system.

**9.02.06                    Contaminant**

A degradation of the quality of potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

**9.02.07                    Cross Connection**

Any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not, or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered cross-connections.

**9.02.08                    Cross Connection Control Technician**

A District employee with current AWWA certification or District-approved organization with equivalent certification requirements.



**9.08.09 Deactivated Well**

Any well in which all pumping components including but not limited to pump, piping, and power supply shall be removed from the well casing. Additionally, the top of the well or well casing shall be provided with a cover that is secured by a lock or by other means to prevent its removal without the use of equipment or tools.

**9.02.10 Double Check Valve Assembly (DCV)**

An assembly composed of two single, independently acting check valves, two tightly closing shutoff valves located at each end of the assembly, and four test cocks for testing of the check valves.

**9.02.11 Health Agency**

The California Department of Health Services or the local health officer with respect to a small water system

**9.02.12 Manual of Cross Connection Control**

The most current edition of the Manual of Cross-Connection Control as published by the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research.

**9.02.13 Premise**

Any and all areas on a customer's premises, which are served or have the potential to be served by the public water system.

**9.02.14 Point of Service Connection**

The point of connection of a user's piping to the water supplier's facilities.

**9.02.15 Pollution**

An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

**9.02.16 Reclaimed Water**

Wastewater that as a result of treatment is suitable for uses other than potable use.

**9.02.17 Reduced Pressure Principle Backflow Device (RP)**

A backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

**9.02.18 Reduced Pressure Principle Detector Assembly (RPDA)**

Reduced Pressure Principle Detector Assembly (RPDA) shall mean a specifically designed assembly composed of a line-sized approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly. The RPDA is primarily used on fire sprinkler systems.

**9.02.19 Unapproved Auxiliary Water Supply**

Any water supply on or available to the premises other than the approved water supply. An Unapproved Auxiliary Water Supply includes, but is not limited to, a well, spring, pond, storage tank, or any other water source that is piped or captured in any fashion that would facilitate its use as an Unapproved Auxiliary Water Supply on the premises. An Unapproved Auxiliary Water Supply does not include a decorative or natural water feature that serves solely for aesthetic and/or recreational purposes and lacks piping and/or equipment that would facilitate its use as an Unapproved Auxiliary Water Supply on the premises.

**9.03 DISTRICT RESPONSIBILITY**

Regulations of the State of California Code of Regulations (CCR), Title 17 – Public Health state that the water supplier has primary responsibility for protecting the public water system from contamination and/or pollution occurring through back flow by preventing water from unapproved sources or any other substances from entering the distribution system. As a water supplier, the District shall protect the public water supply from contamination and/or pollution by implementing a Cross Connection Control Program.

The District fulfills its responsibility by requiring point of service connection protection at all existing service connections that have been surveyed and found to have existing actual

and/or potential hazards to the public water system. The District does not recognize internal cross connection protection programs and/or internal backflow protection assemblies in lieu of point of service connection protection as described herein. All new non-residential connections will be required to install District-approved backflow protection at the service connection.

The District shall conduct Cross Connection Control Surveys of existing unprotected premises and premises suspected to have existing inadequate backflow protection. If an actual or potential hazard is determined to exist, a backflow prevention assembly shall be installed by the District in accordance with these regulations. Existing premises not required to install backflow prevention assemblies as a result of a District Survey shall be subject to subsequent regular District Surveys for the purpose of confirming continued compliance pursuant to this program.

The District will install and maintain the required backflow prevention device for residential connections. Installation for non-residential connections will be coordinated with District staff. Maintenance of non-residential connections will be the responsibility of the District. Only devices selected by the District and approved by the University of Southern California's Foundation for Cross Connection Control and Hydraulic Research, or approved by the California State Water Resources Control Board Division of Drinking Water will be utilized.

The District shall inspect each backflow prevention device at least once a year. Only personnel certified for testing these devices by the California-Nevada Section of the American Water Works Association, the University of Southern California, or California State Water Resources Control Board Division of Drinking Water will perform the required tests. Repairs of an ABPA comprised of internal part replacement and flushing shall be performed by the District. The District will attempt to repair an assembly that does not pass annual testing. If the District is unable to repair the assembly, then a new ABPA device will be installed at the District's expense.

Costs incurred by the District for installation of a new backflow prevention device, as well as maintaining, replacing and testing these devices will be reimbursed by the water user to

the District. These costs are shown in Schedules 9-A, 9-B, and 9-C. Test results and maintenance records shall be maintained by the District.

**9.04 WATER USER’S RESPONSIBILITY**

The water user may be required to fill out a questionnaire regarding the degree of risk of backflow at the time water service is first requested and at other times deemed necessary by the District.

The customer shall provide the District and its agents with unimpeded access to backflow prevention assemblies for routine testing and repairs. Customer shall not, without District’s prior written authorization, install any enclosure that impedes access to the assembly.

It is the further responsibility of the water user to inform the District of any change on its premises that might increase the risk of backflow into the District’s treated water system.

**9.05 MINIMUM CROSS CONNECTION PROTECTION REQUIREMENTS**

The type of protection that shall be provided to prevent backflow into the District water supply system shall be a minimum of a Reduced Pressure Principal Backflow Prevention Assembly (RP) for all non-residential connections and Reduced Pressure Principle Detector Assembly (RPDA) for all non-residential fire suppression system connections, upgrades, and new installations. Service to premises that pose an actual or potential health hazard (contaminant) shall be protected with an air gap separation unless the District determines that based upon the level of hazard a RP is sufficient to protect the public water system. The customer may install a higher level of protection than specified by the District following prior written District approval.

**9.06 MINIMUM BACKFLOW PROTECTION LEVELS**

Minimum protection levels shall be determined by the District. The following list of circumstances shall require a minimum of a RP for backflow prevention and is not exclusive:

- All new non-residential connections;
- Premises determined by the District to have unusually complex plumbing configurations that cannot be adequately evaluated;
- Premises with limited access or that deny access to the District for internal

inspections;

- Existing non-residential connections where the Districts water facilities and connections are modified, upgraded or improved;
- Each service connection that supplies water to Premises on which any substance is or may be handled in such a manner as to permit entry into the public water system, including water originating from the public water system which is or may be subjected to deterioration in sanitary quality;
- Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be injected;
- Premises with internal pressure boosting systems;
- All sewage/wastewater treatment facilities and sewage lift stations.

The following list of circumstances shall require a minimum of a DCV for backflow prevention and is not exclusive:

- Residential premises with any Auxiliary Water Supply, whether or not it is interconnected with the public water system, except those premises with a Deactivated Well;
- Parcels having more than one service connection;
- Residential Premises where a cross connection exists, or the potential for one that could result in the pollution or contamination of the public water system.

Nothing in this Program shall be construed as affecting the customer's responsibility for meeting the local fire districts fire system flow requirements. Nothing in a local fire districts fire flow system requirements shall be construed as affecting customer's responsibility for meeting the requirements of this Program.

#### **9.07 NEW NON-RESIDENTIAL SERVICE CONNECTIONS**

A minimum of a RP shall be installed at all new nonresidential service connections.

#### **9.08 EXISTING NON-RESIDENTIAL SERVICE CONNECTIONS**

Existing unprotected non-residential connections are subject to District evaluation and onsite cross-connection control surveys. The District must be provided unimpeded access to perform

internal inspections for the purpose of determining cross connection hazards. If District access is impeded for any reason, then the District will install a minimum of a RP at the customer's expense to protect the public water system.

**9.09 NEW NON-RESIDENTIAL FIRE SUPPRESSION SYSTEM CONNECTIONS**

All new non-residential fire suppression system connections shall be protected with a District approved RPDA installed according to District specifications.

**9.10 EXISTING NON-RESIDENTIAL FIRE SUPPRESSION SYSTEM CONNECTIONS**

Non-residential fire suppression systems currently protected with a minimum of a single detector check valve will be allowed to continue in service until such system is modified, updated, improved, or hazard classification is determined to require an RPDA. If existing protection is determined inadequate or is modified, improved, or updated as identified under this Program, the customer shall install a RPDA at the point of connection to District water system according to District specifications.

**9.11 TEMPORARY METER CONNECTION**

Temporary meter connections to District hydrants, blow-offs, or other District infrastructure shall be protected with a minimum of a RP. The location of the installed temporary meter connection shall be determined by the District in its sole discretion following review of request.

**9.12 TEMPORARY CONSTRUCTION CONNECTIONS**

Temporary construction connections to District water mains used for the purpose of testing and flushing non-District water lines shall be protected with a minimum of a RP. The RP shall be installed in accordance with the District's current Construction Standards and shall be inspected and certified by a District Cross Connection Control Specialist prior to use and annually thereafter until completion of project. Failure to contact District in a timely manner for annual certification may result in termination of connection to District's water main. A District Cross Connection Control Specialist, upon relocation, must retest each RP.

### **9.13 UNAPPROVED AUXILIARY WATER SUPPLY**

Any parcel served by District water service that is determined to have an Auxiliary Water Supply, whether or not it is interconnected with the public water system, shall install a minimum of a RP.

### **9.14 PRIVATE WELLS**

A private water well is classified as an Auxiliary Water Supply whether or not it is interconnected with the public water system unless it is a deactivated well. The customer may continue to use this Auxiliary Water Supply as long as a DCV has been installed at the point of service connection to District specifications. Parcels having inactive (locked off) District water service connections along with onsite Auxiliary Water Supplies shall be evaluated by a District Cross Connection Control Specialist prior to District water service reactivation. Continued use of any unprotected District water service shall require well deactivation as defined by this Program or destruction in accordance with current County requirements. In circumstances where customer does not currently utilize the well, but may seek to do so in the future, customer may elect to deactivate well as defined by this Program. To be considered a Deactivated Well by the District, customer shall remove all pumping components including but not limited to pump, piping, and power supply (if equipped) from the well casing. Additionally, the top of the well or well casing shall be provided with a cover that is secured by a lock or by other means to prevent its removal without the use of equipment or tools. Customer shall notify District prior to reactivation of well and shall be responsible for installing appropriate backflow protection as required by this Program prior to such reactivation. A Deactivated Well shall

also be subject to periodic evaluation by District staff to verify no reactivation has occurred. Nothing in this Program shall be construed to affect Customer's responsibility to comply with any other applicable regulations related operation and/or destruction of the well, including but not limited to those requirements of the County and the State of California.

New customers requesting District water service who also have a private water well on the parcel will be required to install a minimum of DCV prior to initiation of water service or deactivate the well as defined by this program. In circumstances where the private water well

is serving an existing structure for domestic purposes and the Customer has notified the District that he/she intends to destroy or deactivate the well upon receipt of District water service, a District Cross Connection Control Specialist must be present to observe physical disconnection of the well from its source prior to unlocking the installed District water service. Upon unlocking and initiation of water service, the Customer will be responsible for completing deactivation or destroying the well in accordance with current County requirements no later than sixty days following initiation of District water service.

**9.15 RESIDENTIAL SERVICE CONNECTIONS**

Any residential parcel determined to have a cross-connection hazard as defined in this Program shall be required to install an ABPA

**9.16 DISCONTINUANCE OF SERVICE**

The District may discontinue service of water to any premises and may physically disconnect the customer's piping from the District's water system if a backflow prevention device required by these Regulations is not installed, or if it is found that a backflow prevention device has been removed or bypassed, or for any other violation of these Regulations.

**9.17 REDUCTION IN DEGREE OF PROTECTION**

Where a change in the degree of hazard allows a customer to downgrade from a reduced pressure principle device to a double check valve assembly, the District, upon determining that the premises requires less protection, will reduce the bimonthly charge to that associated with the double check valve assembly. No refund or partial refund of original installation charges will be made. If at a later date a reduced pressure principle device must be reinstated, the customer will be charged retroactively the difference between the lower and higher monthly charges, as shown in Schedules 9-B and 9-C, plus an interest factor to be determined by the District.

Where a change in these Regulations or the degree of hazard allows a customer to eliminate the backflow prevention device, the District, upon determining that the premises no longer requires the device and with approval of the customer, will remove the device at District



cost and stop charging the bimonthly charge. No original installation charge refund will be made. If future circumstances require the reinstallation of a device, the full installation cost, as shown in Schedule 9-A, will be collected from the customer.

**9.18 INCREASE IN DEGREE OF PROTECTION**

Where a change in the degree of hazard requires upgrading from a double check valve assembly to a reduced pressure principle device, the customer will be charged the difference between the installation charges of the two devices, as shown in Schedule 9-A and will be subject to the higher bimonthly charges associated with the reduced pressure principle device.

eff. 6/11/03, rev. 04/25/06, rev. 09/12/07, rev. 8/12/2020

## SECTION 10

### TREATED WATER SYSTEM EXTENSIONS

#### 10.01 GENERAL

The District's objective is to ensure that the water system will be able to provide adequate water service to all present and future customers in an orderly manner.

eff. 8/11/99

##### 10.01.01 Supplemental Definitions

(a) Extension. Any water system improvements required by the District to serve present and future customers in an orderly manner.

These improvements may include, but are not limited to, treatment plant facilities, domestic water storage, distribution and transmission water mains, pump stations, pressure reducing stations, private fire services, and other necessary appurtenances. Extensions may also include related raw water facilities needed to transport water to the treated water system.

eff. 8/11/99

(b) Developer. Any person desiring water service from the District which water service requires a system extension. A developer is considered a person, group or entity that is improving a parcel of land. District sponsored water line projects are not considered developer projects.

eff. 8/11/99; rev. 11/14/07

(c) Principal Property Frontage. Parcel frontage or combination of frontages on an adequate water main that best promotes the orderly development of the water system. Frontage along a primary access road will be a consideration in determining principal property frontage. The narrow frontage of a flag pole lot will not qualify as principal property frontage when not consistent with the orderly development of the water system.

eff. 8/11/99

(d) Adequate Water Main. A District water main with adequate capacity and pressure, and which is connected to a system with adequate source capacity.

eff. 8/11/99

#### **10.01.02      Extension Requirements**

(a) When a Treated Water System Extension is Required. The parcel must have an adequate water main along at least fifty percent (50%) of the principal property frontage, but not less than 50 feet. The District may require additional length or additional water mains at locations that best promote the orderly development of the water system. District's determination will be made on review of a submitted map.

eff. 8/11/99

(b) When a Treated Water System Extension is not Allowed. When an extension is not consistent with orderly development of the water system, an extension may not be allowed.

eff. 8/11/99

#### **10.01.03      Water Availability**

Developer must first make a written request for a letter of Water Availability. The request should include Assessor's Parcel Number(s), type of development, intended use of water, and fire flow requirements.

#### **10.01.04      Service Feasibility Study**

It may be necessary for the District to prepare a study in order to determine if service can be provided. If required, the study will be prepared at the sole cost of the developer on a time and material basis and will include, but not be limited to, computer analysis of the system and proposed improvements.

#### **10.01.05      Developer Option**

The developer may elect to take on the responsibilities of constructing the extension under provisions contained in Section 10.03 or, under certain qualifications, elect to have the District construct the extension as discussed in Section 10.04.

## **10.02 EXTENSION SPECIFICATIONS**

### **10.02.01 Minimum Pipe Diameter**

All new water main installations will consist of a minimum pipe size of eight inch inside diameter where it is anticipated that the long sides of loops of which the extension is a part, will exceed 600 feet or where the extension will remain unlooped. In cases where loops will be formed smaller than 600 feet, a six inch inside diameter pipe will be the minimum pipe size considered. Cul-de-sac pipelines, not exceeding 600 feet in length, may be less than the minimum size if extensions are not anticipated and adequate fire flow can be obtained from the main line. Pipe sizes within new subdivisions, where strong grid systems are created, will be determined by hydraulic analysis, taking into consideration consumptive demands and required fire flows.

Further upsizing of the minimum pipe sizes may be required to meet requirements of the developer or to meet future needs of the District.

eff. 3/27/85

### **10.02.02 Development Standards**

The Board has adopted “Development Standards, Treated Water System.” The standards include Developer Requirements, and Standard Specifications and Details. These requirements and standards are to be used by developers, as well as their consulting engineers and contractors for proper planning, designing and construction of treated water system extensions. The standards will also govern work undertaken by District crews; however, the General Manager may approve, in writing, any necessary deviations to these standards to accommodate in-house construction activities.

Proposed changes and additions to the Standard Specifications will be submitted to, and coordinated by, the District’s Engineering Department.

Sections of the Standard Specifications adopted by the Board will require updating from time to time. Such changes must be approved by the General Manager and, at the General Manager’s discretion, may require approval of the Board.

New sections being added to the Standard Specifications must be adopted by the Board.

Standard Details will be prepared, when appropriate, to help emphasize the requirements found in the Standard Specifications. The Engineering Department will, from time to time, revise the details to reflect approved revisions to the Standard Specifications. If required, Standard Details will be prepared for new sections added to the Standard Specifications.

“Development Standards, Treated Water System” are available on the District’s website and at the District Main Office. Copies of the specifications and details for bidding purposes and use by a developer’s contractor must be provided by the developer.

Full size Standard Details, in the form of reproducible Mylars, will be made available at the appropriate fee.

No changes shall be made to the Standard Specifications and Details without prior written District approval.

eff. 3/9/94; rev. 6/11/03; rev. 1/26/11

## **10.03 DEVELOPER CONSTRUCTED**

### **10.03.01 Letter of Agreement**

A letter of agreement between the District and the developer will be signed prior to review of the developer’s plans. The letter of agreement will outline the procedure to be followed in allowing the developer to construct the extension. The developer must have the plans and specifications prepared by a licensed civil engineer. The plans and specifications must meet the District’s approval. The developer will also provide a licensed civil engineer to act as the project engineer during the construction phase.

### **10.03.02 Environmental Requirements**

The developer is responsible for preparing environmental documents per the California Environmental Quality Act (CEQA). Environmental documents completed in accordance with CEQA must be delivered to the District Engineering Department prior to approval of the improvement plans. The environmental documents shall describe all offsite work. For offsite work, the District shall either be the lead agency, or indicated in the environmental documents as the responsible agency.

eff. 1/26/11

**10.03.03 Plan Check and Inspection Fee**

The developer will be obligated to pay all plan check and inspection costs, as determined on an actual time and material basis. The developer shall submit an initial plan check and inspection deposit of five (5) percent of the estimated construction cost of facilities to be dedicated to the District, but not less than \$2,000.

rev. 1/26/11

**10.03.04 Conveyance Agreement**

Within 90 days of written approval of the plans and specifications for the proposed mainline extension, the developer must enter into a Conveyance Agreement (agreement) with the District. The agreement will ensure that construction of the extension will be in accordance with the District-approved plans and specifications and ensure the conveyance of the extension to the District after its completion. Standard provisions covering a labor and material bond, maintenance bond, insurance, time limits and other requirements are shown in Form 10-A. Special provisions may also be added to the agreement as found necessary by the District.

At the discretion of the General Manager, an additional six months to begin work beyond that provided in the agreement, and an additional six months to complete work beyond that provided in the agreement, may be allowed.

Any additional time extensions, if granted, must be approved by the Board.

eff. 1/10/90; rev. 6/11/03; rev. 1/26/11

**10.03.05 Performance Guarantee**

The District may require the developer to furnish, prior to the start of construction, a performance bond or irrevocable letter of credit naming the District as obligee. Such performance guarantee must meet the District's approval as to form and surety utilized. This performance guarantee will be required if the District, at its sole discretion, requires assurance of the developer's performance. The guarantee amount will be as estimated by the District.

eff. 6/24/87

**10.03.06 Easements**

Developer shall provide to the District acceptable easements for the project prior to approval of plans. Easements will follow the District's standard easement format with appropriate legal descriptions. The District will record the easements for the project.

eff: 1/26/11

**10.03.07 Construction**

The extension must be constructed by a contractor holding a valid Class A (General Engineering Contractor) or C34 (Pipeline Contractor) California Contractor's license issued by the State Department of Consumer Affairs, Contractors State License Board. The District Engineer, or his/her representative, will inspect the work for compliance with the approved plans, specifications, and District standards. The developer will assume the cost of engineering and inspection services.

**10.03.08 Approved Plans Expiration**

Plans are valid for the time frames indicated in the Conveyance Agreement. Extensions will require re-review and approval by the Chief Engineer.

eff. 1/26/11

**10.03.09 District Acceptance**

The facility shall not be directly connected to District facilities until acceptance by the District. The Developer shall use a jumper assembly to separate the facility from the District until accepted. Exemption from the requirement for jumper facility requires approval of the Chief Engineer. Short main line extensions will generally be exempt at the discretion of the Chief Engineer. Upon completion of construction and compliance with all the terms and conditions of the conveyance agreement, and payment of all District plan check and inspection costs, the General Manager, on behalf of the District will accept conveyance and title of the extension. The District will then own, operate, maintain, repair and replace the improvements, except as specified during the maintenance warranty period. Upon acceptance of conveyance of the extension, the developer may apply for water service.

eff. 1/10/90; rev. 6/11/03; rev. 7/28/04; rev. 1/26/11

**10.04**                            **DISTRICT CONSTRUCTED** – *Section eliminated 12/8/2021*  
eff. 12/12/90; rev. 1/26/11; eliminated 12/08/2021

**10.05**                            **DISTRICT FINANCIAL PARTICIPATION**

The developer may request, prior to consummation of a conveyance agreement, that the District participate financially for any portion of extension upsizing required by the District for future needs as opposed to developer's needs. All District participation is subject to availability of District funds. Participation including costs for engineering, land, easements and other ancillaries will not exceed the cost of a similar facility as listed in the latest District Capacity Charge Study subject to adjustments for inflation. Adjustments for inflation will be in accordance with District approved adjustments to capacity charges. In the case of water main installations, a pipe size less than the minimum pipe size, as discussed in Section 10.02.01, will not be considered adequate for the developer's needs.

Final determination of District participation will be made by the Board after review of the financial priorities of the District and included in the conveyance agreement.

rev. 1/26/11

**10.06**                            **REIMBURSEMENT FEE**

The District will collect a reimbursement fee, where applicable, before granting a water service, including a private fire service, to a parcel that lies along and may be served directly from any pipeline extension installed under the provisions of these Regulations. The reimbursement fee for any parcel shall be determined by dividing the eligible costs of the improvement by the number of parcels to be served by the extension. The reimbursement fee for an extension shall be in effect for a period of 20 years from the date of execution of the Reimbursement Agreement between the Developer and the District. All monies collected will be returned to the Developer.

No reimbursement fees will be collected unless the Developer has signed a Reimbursement Agreement prior to District acceptance of the extension in the case of a Developer-constructed extension.

The District will, at its sole discretion, determine the parcels that may be served from the extension and therefore subject to a reimbursement fee. Parcels already receiving District treated water at the time a Reimbursement Agreement is signed will be excluded in determining the parcel reimbursement fee.



In case of a parcel split, the existing service will be assigned, at the sole discretion of the District, to one of the newly created parcels. The remaining new parcel(s) which may be served from the extension will be subject to the reimbursement.

The parcel reimbursement fee shall not be applied more than once to any parcel, of the cost of the extension. The cost of the extension shall be considered to be the Developer's out-of-pocket expenses directly and solely related to the installation of the extension, as determined by the District. The Developer's on-site improvements will be excluded from the cost of the extension.

eff. 04/11/2001; rev 6/11/03; rev 11/9/05; rev 03/28/18

#### **10.06.01 Reimbursement for District Installed Pipelines**

The District will collect a reimbursement charge, where applicable, before connecting a water service, including a private fire service, to a parcel which lies along and may be served directly from any pipeline installed by the District. The reimbursement charge for each parcel will be determined by specific methods established by District policy. The cost subject to the charge will be based on all costs to install the pipeline, including labor, equipment, materials, and incidentals for the design, installation, and inspection, legal costs, easements, environmental documentation, permits, and restoration. The reimbursement charge will be calculated to represent the proportionate costs of installing a distribution pipeline (8-inch diameter distribution pipeline, or larger if required for fire flow and other needs of the immediate area) for those parcels served and/or anticipated to be served directly by the pipeline, regardless of the actual pipe size installed by the District.

eff. 9/1/13

#### **10.07 PAYMENT OF CAPACITY CHARGES**

In the case of developer-constructed extensions, District shall collect said connection fees at the time application for water service is made. It shall be incumbent upon the water service applicant to pay the then current connection fees and all other then applicable fees and charges.

rev. 11/14/07; rev 1/12/22

## **10.08 REQUEST FOR VARIANCE**

### **10.08.01 Request Procedure**

The applicant shall submit a completed Form 10-B Variance Request and pay an Administrative-Processing fee. The processing fee is non-refundable regardless of approval or denial of any part of the variance request.

The District is not a party to and accepts no liability or responsibility for rights in private property downstream of the District's meter. The applicant is solely responsible for the acquisition, retention (and compliance with all terms and conditions) of satisfactory rights, in favor of applicant from underlying landowners for applicant to install and maintain applicant's service line over private lands downstream of District's meter, and will defend and indemnify District from all claims, demands, and damages arising from applicants use and maintenance of the service line.

eff. 6/9/99; rev. 1/26/11; rev. 10/9/13; rev. 01/13/16

### **10.08.02 Review of Variance**

The Staff Variance Screening Committee, consisting of representatives from Management, Engineering Department, and Operations Department, as determined by the General Manager, will review requests for variances from District Regulations pertaining to treated water systems.

The Staff Variance Screening Committee may unanimously deny a variance. Applicant may appeal per Section 10.08.04.

The Staff Variance Screening Committee may unanimously recommend variance approval and conditions of approval to the General Manager. The General Manager may then approve the variance and conditions of approval.

If the Staff Variance Screening Committee and the General Manager are not in unanimous agreement, they will submit the Variance Request to the Engineering Committee. The Engineering Committee may unanimously deny the variance, and the applicant may appeal per Section 10.08.04. If the Engineering Committee does not unanimously deny the variance, it will make recommendations to the Board of Directors. The Board of Directors' decision, by majority vote, will be final.

eff. 6/9/99

**10.08.03      Expiration Date**

All approved variances will have an expiration date of not more than two years. All conditions of approval must be met before the expiration date. Thereafter, the District will consider the variance expired. After expiration, any request for variance will be considered a new request subject to the processing fee and all District regulations at the time of the new request.

eff. 6/9/99

**10.08.04      Appeal of Variance**

The applicant may appeal a denied variance. All appeals must be in writing and received by the District within 60 days from the date of written notice of the District’s decision. After 60 days, a request for appeal would be considered a new application requiring the applicant to submit a new Form 10-B and processing fee.

The first appeal would be made to the Engineering Committee, who may unanimously deny the appeal or forward the appeal to the Board of Directors with recommendations. If the Engineering Committee unanimously denies the appeal, the applicant may make a final appeal to the Board of Directors for a majority vote.

eff. 6/9/99

**10.09                      PRIVATE PIPELINE REPLACEMENT**

**10.09.01      General**

In earlier years, the District allowed treated water service through private pipelines that served two or more parcels not fronting a District water main. As indicated in these Regulations, current requirements allow water service to a parcel only if it is adequately fronted by a District water main. Many of these aging private pipelines have experienced leaks that waste valuable District water supplies. In order to minimize this problem, the following participation program is available.

**10.09.02      District Participation**

District participation will be considered on any private pipeline elimination project where District water main replacement is involved. The new water main must meet all requirements as contained in this section of these Regulations. The District will determine, at its sole discretion, if it is in the

District's best interest to participate in any private pipeline elimination project. Upon determining to participate, and after signing an agreement with the private pipeline owner, the District will schedule the design and construction, taking into consideration the priority of other District activities.

eff. 2/12/92

### **10.09.03 Private Pipeline Owner Contribution**

At the time an agreement is reached for District participation, the private pipeline owner(s) will pay, as the owner's full share of project costs, 25 percent of the amount determined by Schedule 10-A (Note that Schedule 10-A does not include costs associated with right of ways). The 25 percent contribution is in addition to any payments made for right-of-way purchases, and any related legal cost. These costs will be paid 100 percent by the private pipeline owner(s).

If applicable, reimbursement provisions may be included in the agreement pursuant to Section 10.06 of these Regulations. These provisions will allow the private pipeline owner(s) and the District to share the collected reimbursement fees based on the percentage of project cost paid by each party.

eff. 8/14/91; rev. 6/11/03; rev. 1/26/11

## **10.10 TREATED WATER SERVICE THROUGH NEW PUMP STATIONS, STORAGE TANKS, AND PRESSURE REDUCING STATIONS**

### **10.10.01 General**

The developer may request, prior to execution of a conveyance agreement, that the District participate financially for construction of pump stations, storage tanks, and pressure reducing stations where those facilities provide regional benefit (as determined solely by the District).

eff. 7/11/90; rev. 3/24/04, rev. 1/26/11

### **10.10.02 Applicability**

Treated water service to parcels in new pump zones would only be applicable for areas with no upstream treated or raw water facility restrictions. The District reserves the right to limit service

to the new pump zones if this expansion leads to upstream facility expansions, which are not cost effective or are not reasonably reimbursed through collection of the District's standard capacity charge.

eff. 7/11/90; rev. 3/24/04; rev. 1/26/11

### **10.10.03 Design Considerations**

In establishing a new pump zone, it will be the District's goal to minimize the size of pumps required to provide adequate service and to limit customer water outages. In most cases, a storage tank will be required to provide fire flow, peak hour demands as well as emergency storage. The physical size of the pump station, transmission main or storage tank may exceed the needs of the developer's property in order that additional parcels can be served. In order to adequately serve the new pump zone, the required storage tank site may be located outside of the developer's property. Installation cost of these facilities will be solely the responsibility of the developer subject to District participation and reimbursement per Sections 10.10.04 and 10.10.05. The developer is also responsible for all costs associated with the installation of the pipeline extension and any other appropriate fees and charges as set forth in these Regulations.

eff. 7/11/90; rev. 1/26/11

### **10.10.04 District Participation**

Refer to Section 10.05 for participation in pipelines. To be eligible for District participation, the facilities must be constructed with the review and approval of the District.

All District participation is subject to availability of District funds. Participation including costs for engineering, land, easements and other ancillaries will not exceed the cost of a similar facility as listed in the latest District Capacity Charge Study subject to adjustments for inflation. Adjustments for inflation will be in accordance with District approved adjustments to capacity charges.

eff. 1/26/11

#### **10.10.05 Reimbursement**

Where pump stations, storage tanks and pressure reducing stations do not provide regional benefit, and are funded by the developer, and where customers outside of developer's land are allowed to be served from developer funded facilities (service directly connected), the developer will be entitled to reimbursement from said customers.

The District will determine the cost of the pump station and then divide this amount by the number of customers that can be served by the pump station including developer's land. The amount of reimbursement will not exceed the actual cost of the pump station. If it is determined by the District that excess pumping capacity is available, each additional customer obtaining service will be charged the previously described cost per customer. Any funds collected from this charge will be transmitted to the developer. The reimbursement will be available for a 20-year period from the date of District acceptance of the completed facilities.

No reimbursement fees will be collected from future customers unless the developer has signed a reimbursement agreement prior to District acceptance of the facility.

All monies collected will be returned to the developer by registered mail to the last address on record at the District office. The developer shall be responsible for keeping the District record current. Monies so delivered that are returned to the District shall be retained for the benefit of the developer for a period of one year. No other attempts will be made to locate the developer. At the end of the one-year holding period, the District shall return the principal amount to the then current owner of the parcel from which the reimbursement had been collected. The developer shall have no further claim to the monies. The reimbursement accounting system shall continue to indicate that the parcel has paid the reimbursement.

Reimbursements for pipelines are provided for in Sections 10.05 and 10.06 of these Regulations.

eff. 7/11/90; rev. 6/11/03; rev. 4/14/04; rev. 11/9/05; rev. 1/26/11

## **10.11 TREATED WATER SERVICE TO NEW PUMP ZONES**

### **10.11.01 General**

Having taken into consideration economic factors and physical restrictions, the District has established water service boundaries for each of its treated water systems. These boundaries indicate the extent that these systems may be expanded to provide treated water.

Areas containing parcels that would require the establishment of new pump zones to provide adequate water service were not included within the existing service area boundaries. These parcels were not considered economical to serve under the District's present water rate structure due to the excessive cost of operating and maintaining pump stations. The requirements contained herein, allows water service to be made available to parcels requiring new pump zones without creating an economic hardship on the District.

eff. 7/11/90; rev. 3/24/04

### **10.11.02 Applicability**

Treated water service to parcels in new pump zones would only be applicable for areas with no upstream treated or raw water facility restrictions. The District reserves the right to limit service outside the established water service boundaries if this expansion leads to upstream facility expansions, which are not cost effective or are not reasonably reimbursed through collection of the District's standard capacity charge.

eff. 7/11/90; rev. 3/24/04

### **10.11.03 Design Considerations**

In establishing a new pump zone, it will be the District's goal to minimize the size of pumps required to provide adequate service and to limit customer water outages. In most cases, a storage tank will be required to provide fire flow, peak hour demands as well as emergency storage. The physical size of the pump station, transmission main or storage tank may exceed the needs of the developer's property in order that additional parcels can be served. In order to adequately serve

the new pump zone, the required storage tank site may be located outside of the developer's property. Installation cost of these facilities will be solely the responsibility of the developer. The developer is also responsible for all costs associated with the installation of the pipeline extension and any other appropriate fees and charges as set forth in these Regulations.

eff. 7/11/90

#### **10.11.04 Reimbursement**

If other customers who are not part of the developer's land are allowed to utilize excess storage or pumping capacity in the new pump zone, a reimbursement will be due the developer. The reimbursement will be available for a 20-year period from the date of District acceptance of the completed facilities.

Use of excess water storage from the new pump zone by other customers will be compensated for by the District paying the developer the current storage tank component of the capacity charges collected from these other customers.

The District will determine the cost of the pump station and then divide this amount by the number of customers that can be served by the pump station. If it is determined by the District that excess pumping capacity is available, each additional customer will be charged the previously calculated cost per customer. Any funds collected from this charge will be transmitted to the developer.

The costs used to determine reimbursement shall be adjusted periodically to reflect changes in construction cost. These adjustments shall be governed by Section 10.06 of these Regulations.

Reimbursements for off-site pipelines are provided for in Section 10.06 of these Regulations.

eff. 7/11/90; rev. 6/11/03; rev. 4/14/04; rev. 11/9/05



**10.12 TEMPORARY SERVICE LOCATION**

A Temporary Service Location (TSL) may be approved by the Variance Screening Committee (VSC) subject to certain requirements as described herein. The intent of the TSL is to provide a temporary water service to eligible parcels until a future water main is installed to serve the parcel(s) in accordance with Section 10. A TSL is a temporary service facility and is not considered a permanent service location.

**10.12.01 Eligibility**

A property owner is eligible for a TSL when the property: a) is located within the District Boundary; b) has an existing residential dwelling on the property (served by a water source - other than District treated water) or on a vacant property with the owner having applied for a building permit; c) is not currently fronted by a District treated water main; d) where water service to the property can be obtained from an existing water main; and e) where the orderly development of District facilities will logically require a mainline fronting the subject property in the future.

The subject property must front on a public road right-of-way, utility easement, public service easement, or public/private road which will abut the alignment for such right-of-way or easement as proposed by the District, or a city or county.

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Only one (1) TSL will be allowed for each eligible parcel of land.

**10.12.02 Application and Request for TSL**

The applicant shall complete and submit Form 10-C, Temporary Service Location Request and an administrative processing fee as shown in Schedule 10-B, an 8½" x 11" scaled drawing or map showing the proposed temporary meter location and temporary service line. The processing fee is non-refundable regardless of approval or denial of the TSL Application.

rev. 03/22/2017

### **10.12.03      Review of TSL Application**

The Variance Screening Committee (VSC) will review all TSL Applications to determine eligibility. The VSC may deny the TSL or recommend further action. If the VSC unanimously recommends the TSL, the application will be submitted to the General Manager for approval. The applicant will be notified of the District's decision, and if approved, the notification will include a list of requirements to be completed by the applicant prior to scheduling the installation of the meter for the TSL.

The VSC may unanimously deny a TSL. Applicant may appeal per Section 10.12.04.

If the VSC is not in unanimous agreement, it will present the TSL Request to the Engineering Committee for consideration. The Engineering Committee may approve or deny the TSL. If denied, the applicant may appeal per Section 10.12.04.

rev. 03/22/2017

### **10.12.04      Appeal of TSL Denial**

The applicant may appeal the VSC's denial of a TSL Application. All appeals must be in writing and received by the District within 60 days from the date of written notice of the District's denial. Upon receipt of the request for appeal, the matter will be scheduled for consideration by the District's Engineering Committee or Board of Directors, as appropriate. The Engineering Committee may uphold or overturn the denial. If the Engineering Committee does not overturn the denial, the applicant may appeal the Committee's decision to the Board of Directors by written request to the Business Services Technician. The appeal will be scheduled for consideration by the Board of Directors at a regularly scheduled meeting of the Board of Directors.

rev. 03/22/2017

#### **10.12.05 Requirements**

Upon receipt of notice that the TSL Application has been approved, the applicant must comply with the following requirements to obtain a TSL service:

- a. Pay any fees, or other monetary obligations, that are required for connecting to the existing District main for the temporary service (this may include obligations for existing reimbursement agreements, participation in an existing Improvement District or District Financed Water Line Extension (WLE) program, or participation in other financing districts that may pertain to the existing main);
- b. Pay two current meter installation charges (representing installation charges for connecting the TSL to the existing main and the connection charge for eventually relocating the connection to the future main at the permanent location - fronting the subject property). The installation fees will be one (1) "Drop-in" fee and one (1) "Requiring Tap" fee as shown in Schedule 4-A;
- c. Pay the current capacity charge for treated water (based on the size of meter requested);
- d. Pay the current Treated Water Main (TWM) Contribution as defined herein;
- e. Execute Water Service Agreement for Parcels not Fronting NID Waterline, if necessary;
- f. Provide adequate easements or Rights-of-Way for the future water main and related appurtenances, if applicable;
- g. In the case of vacant property, provide copy of building permit issued by appropriate agency (District will issue conditional Will Serve Letter as needed);
- h. Execute Form 10-D, Agreement for Temporary Water Service and Contribution for Future Treated Water Main Extension;

#### **10.12.06 Expiration of TSL Application**

For a vacant property, an approved TSL Application shall remain in effect for a period of one (1) year following the date of approval by the District. For all other properties, an approved TSL Application shall remain in effect for a period of two (2) years following the date of approval by the District. If all requirements for the TSL have not been met by the expiration date, the TSL approval shall expire and become void.

**10.12.07 Extension of Approved TSL**

A TSL Application approved for two (2) years may be extended by one (1) year. The applicant must submit a renewal application along with a processing fee as shown in Schedule 10-B which is non-refundable regardless of approval or denial of the TSL Renewal Application. The Renewal Application will be reviewed using the same process as the original application stated previously in this policy. Only one extension may be granted.

**10.12.08 Treated Water Main Frontage Contribution**

The Treated Water Main (TWM) Contribution represents the applicant's monetary contribution to the design and construction of a future pipeline that will eventually be installed by others fronting the applicant's parcel. This contribution will be retained by the District, and accounted for separately, to supplement funds needed by a future developer, waterline extender, or by any District sponsored financing efforts to install the future treated water main.

For each TSL Application, the TWM Contribution will be determined based on the projected size of a single family residential lot that can be subdivided from the subject property at the smallest size (or maximum density), as defined by the General Plan of the appropriate County or City, as follows:

$$\text{TWM Contribution} = \sqrt{\text{size of lot (in square feet)}} \times \text{estimated cost of TWDM}^* \div 2$$

\*TWDM = Treated Water Distribution Main

The TWDM multiplier as shown in Schedule 10-B will be determined by the Engineering Department and revised or amended periodically to reflect updated estimates for the cost to provide and install distribution pipelines.

For a General Plan designation that is not residential use, the TWM Contribution will be based on the actual current size of the subject property.

Examples:

- A. Gross Area of Subject Property = 6.05 Acres
- General Plan Land Use = Rural Residential
- General Plan Density = 5 Acres (Min)

Size of lot = 5.0 Acres x 43,560 SF/AC = 217,800 SF

TWDM = (See Schedule 10-B)

TWM Contribution =  $\sqrt{217,000}$  x TWDM ÷ 2 = \$\_\_\_\_\_

B. Gross Area of Subject Property = 20.0 Acres

General Plan Land Use = Rural Residential

General Plan Density = 1 Acre (Min)

Size of lot = 1.0 Acre x 43,560 SF/AC = 43,560 SF

TWDM = (See Schedule 10-B)

TWM Contribution =  $\sqrt{43,560}$  x TWDM ÷ 2 = \$\_\_\_\_\_

### **10.12.09 Future Subdivision of Property**

The future subdivision of property with a TSL shall be subject to the District's Treated Water System Extension Policy (District's Rules and Regulations - Section 10) ). Upon subdivision, the District will credit the TWM Contribution to one of the property owners of the subdivided parcels/lots, the particular lot to be chosen at the District's discretion, and it will be assumed that the property owner of that lot will have met its obligation to the cost of the frontage mainline. The property owners of the remaining parcels/lots resulting from the subdivision will be required to pay the appropriate reimbursement for the mainline extension, based on the policy in effect at the time, without consideration of the TWM Contribution.

### **10.12.10 Installation of Future Treated Water Main**

Upon the installation of the future treated water main abutting the subject property, the TSL applicant, or the successor, shall connect to a newly installed service lateral and meter, pursuant to the agreement referenced in 10.12.05(h).

Rev. 03/22/2017

### **10.12.11 Refund of other Monetary Obligations**

If, at the time of TSL approval, the District collected monetary obligations that were required in accordance with 10.12.05 (a), and to the extent that the collected funds have not been used for their stated purpose at the time the subject service is moved to its permanent location, the District shall

refund the remaining funds. The recipient of the refund shall be to the property owner(s) on title to the subject parcel at the time of disbursement.

## **10.20 DISTRICT FINANCED WATERLINE EXTENSIONS**

The goal of this Section is to permit expansions of residential water service to new customers by authorizing planning services and an advance of District funds to eligible neighborhood groups actively seeking the extension of treated water line(s) into their community. Assistance offered by this program includes informative group meetings, providing project design and construction services, providing advanced project funding, and providing a means for recovering project costs advanced by the District from the neighborhood over time. A project implemented through this Section shall be referred to as “District Financed Waterline Extension, or DFWLE.

### **10.20.01 DFWLE Eligibility**

Neighborhood groups representing existing single-family residential dwellings, including duplex units, and to a limited extent, unimproved lots are eligible for the DFWLE program. The DFWLE program will not be used to finance treated water facilities for commercial or industrial land uses, or for lands under development through a use permit or for subdivisions, including planned unit or similar developments.

The intent of the DFWLE policy is to provide treated water to existing developed neighborhoods. Unless otherwise authorized, the number of unimproved parcels eligible for inclusion with any recognized neighborhood group will be limited to 20% of total potentially served parcels. A parcel shall be considered improved if a building permit has been issued for a residence on that parcel.

An eligible DFWLE must contain a minimum of 6 parcels, of which at least 5 must be improved, and a target maximum of 40 parcels. The minimum participation level will be at least 50% of the total parcels that the District determines could potentially be served by the DFWLE, rounded to the nearest whole number. Participation will be implemented through the execution of a DFWLE Funding Agreement as described in Section 10.20.10.

rev. 09/18/2020

## **10.20.02**

### **DFWLE Program Eligibility List**

The District will maintain a list (Eligibility List) of neighborhoods requesting participation in the DFWLE program. To be placed on the Eligibility List, a neighborhood must submit its request in writing. The request must include 1) a contact person and telephone number, 2) parcel number of each participating parcel, 3) owner(s) name and address for each parcel, and 4) signatures from each owner.

Priority will be established based on the date of addition to the Eligibility List, and on active participation. As shown on the flowchart, the Board of Directors will determine the next neighborhood group eligible for funding under the DFWLE program and the will evaluate funding. At that time, the Board of Directors will consider encumbering DFWLE allocated funds and assignment of a rate of interest representing interest foregone by the District had the funds allocated for the DFWLE project been otherwise invested. Upon determination of the interest rate, the Board of Directors will assign a surcharge modifier to the DFWLE project. (The surcharge modifier is calculated as determined elsewhere in this Section.) Funds encumbered for an individual DFWLE and funds allocated for all DFWLE projects shall be subject to the discretion of the Board and to limitations imposed by the Board of Directors as part of its budgeting authority, and may be reduced or restricted as the Board deems necessary given the other financial demands on the District.

Once a project is deemed eligible as a DFWLE project, the District will incorporate the general program provisions, complete a Water Service Study, establish the maximum charge for recovering project costs, and solicit neighborhood commitment through an informative group meeting.

Rev. 2/24/21

## **10.20.03      General Program Provisions**

Participation in the DFWLE program is voluntary. DFWLE project costs will be allocated equally among all parcels with potential service from the water line extension. The Board of Directors will

determine the level of funding available for all DFWLE projects on the Eligibility List on at least a yearly basis.

The District will advance the funds necessary to meet the costs for eligible DFWLE project(s) approved by the Board of Directors, less the total amount of good-faith deposits received. The District will recover the funds advanced through the application of the Service Extension Charge (SEC).

District funds advanced to the DFWLE program for participating parcels which submit a good faith deposit will be recovered through the application of a Service Extension Charge (SEC). The maximum cost recovery time period will be 30 years. The SEC will be collected as part of the participating parcel's treated water bill. The SEC will include a surcharge modifier to compensate the District for the loss of interest earnings as a result of funding participating parcel's share of the DFWLE costs. DFWLE costs allocated to parcels without an executed funding agreement will be subject to the Districts Reimbursement Policy #3175.

Costs eligible for advance by District under the DFWLE program include preliminary design, compliance with CEQA, design, rights of ways, construction, construction management, and capacity and meter installation charges for a domestic meter. The maximum amount of financeable project facility costs, including capacity and meter installation charges, is 90% of the total cost per participating parcel.

The applicant shall complete and submit an Application, Form 10-E, requesting to participate in the District Financed Waterline Extension Program, and the District will charge an administrative processing fee as shown on the application. The processing fee is non-refundable regardless of completion of the waterline extension project.

#### **10.20.04      Service Extension Charge (SEC)**

A Service Extension Charge (SEC) will be used to recover over time District funds advanced for DFWLE project costs from participating parcels that have paid a good faith deposit. The SEC will



be added to, and become part of the water bill for each of the participating parcels. The maximum SEC required to support project costs allocated to each participating parcel (“Total Costs”) will be determined in the Water Service Study as defined in Section 10.20.06. The SEC will appear on the water bill and will be calculated following compilation of all project costs. The SEC will be calculated as 1) the total project costs, 2) divide by the number of potentially served parcels, 3) add the total capacity and meter installation charges, 4) subtract the total good-faith deposits received, 5) divide by the total number of anticipated billing periods within the cost recovery period, and 6) multiply by the surcharge modifier as determined elsewhere in this Section.

The SEC will be the same for all participating parcels within a particular DFWLE project and will not change once it first appears on the water bills.

#### **10.20.05 Surcharge Modifier**

A surcharge will be used to compensate the District for the loss of interest earnings as a result of lending on District projects. The modifier will be determined by the Finance Manager/Treasurer and based on the United States 5-Year Agency Bond Rates published by the District’s Investment Broker on April 1. The surcharge modifier will be calculated as 1) the Capital Recovery Factor 2) multiplied by the number of billing periods within the project cost recovery period.

eff. 01/24/18, 5/23/18

#### **10.20.06 Water Service Study**

The District will complete a Water Service Study for the next eligible DFWLE project as determined by the Board of Directors. Prior to beginning the study, the District will investigate the area surrounding the core neighborhood group to map the parcels which could potentially receive water service from the DFWLE. Should the District determine that expansion of the project to other parcels is necessary for the orderly expansion of the distribution system; the District will add the parcels to the DFWLE group.

The Water Service Study will include at least:

- a. Project location map and preliminary facility layouts

- b. Delineation of potential parcels served from DFWLE
- c. Project costs; including preliminary design, compliance with CEQA, design, rights-of-ways, facilities construction, construction management, and contingencies.
- d. District participation in facility costs if appropriate, pursuant to District policy (including the Capacity Charge Study).
- e. Capacity and Meter Installation charges for a minimum-size water meter.
- f. Maximum Total Charge
- g. Maximum Service Extension Charge (SEC) required to amortize the Maximum Total Charge.

The cost estimates and SEC quoted in the Water Service Study will be honored for a minimum of 12 months, giving time to complete formation of the group, and execution of a Funding Agreement with each participating parcel.

The District will perform the Water Service Study without charge to the neighborhood group.

Rev. 2/24/21

#### **10.20.07 Initial Group Meeting**

Upon completing the Water Service Study, the District will notify the group contact person and arrange for an initial group meeting. The District will present the findings of the study and answer questions.

#### **10.20.08 Good-Faith Deposit**

Should the neighborhood group demonstrate a willingness to proceed with the DFWLE project based on the maximum SEC quoted during the initial group meeting; the District will request an application and a good-faith deposit from each of the participating parcels. A good-faith deposit must be received from at least 50% of the benefitted parcels as calculated in accordance with Section 10.20.01 and will be applied against the total project cost so as to reduce the SEC for each participating parcel.

The deposit amount will be at least 10% of each participating parcel's share of the estimated project cost, including capacity and meter installation charges.

As established in the flowchart, after the District's request to all participating parcels to execute an application and make a good faith deposit, each participating parcel must sign and return a letter containing the terms and conditions of the deposit, and return the deposit with the letter. Should one or more prospective participating parcels fail to return the deposit amount and a countersigned deposit letter; the non-responsive parcel(s) will be removed from the neighborhood group list. If this process results in less than the minimum participation from the potentially served parcels as calculated in accordance with Section 10.20.01 within the allowed solicitation period, all deposits will be returned and the project will be removed from the eligibility list.

Once a good-faith deposit and executed letter have been collected from at least 50% of the potentially served parcels as calculated in accordance with Section 10.20.01, the District will request the owner(s) of each participating parcel to enter into a Funding Agreement. The District will also begin charging expenses against the project for inclusion in the Total Charge. Retroactive charges, representing costs incurred to that date by the District will not be applied to the Total Charge to be recovered under the Funding Agreement.

If, during development, but after receipt of the requisite number of good faith deposits, the project fails due in whole or in part to the actions or inactions of the participating parcels, the DFWLE will be discontinued and the amount of good-faith deposit that remains unused at the time will be split equally among participating parcels and returned. If the project fails due solely to the actions or inactions by the District, the total amount of good-faith deposits will be returned.

#### **10.20.09 Easements - Subordination of Agreement/Easements**

Concurrent with the submission of the good faith deposit, owners of participating parcels must agree that before the commencement of construction by District, and in no event later than the date of execution of a Funding Agreement, they will, when requested, convey to the District

easement(s), in the form prepared by the District, that the District determines are necessary for installation and maintenance of the waterline extension project. Owners must also agree to seek and obtain subordination from any mortgagor or holder of deed of trust or other lien holder of a security interest in the parcel, subordinating their security interest(s) to the District easement, the Funding Agreement, and the lien authorized under the Funding Agreement. For any necessary easements required for the waterline extension over property owned by other persons or entities, which are not participating parties but from whom an easement is required, the participating owner will seek to facilitate, in cooperation with other participating owners, the subordination of any mortgagors, trustors, or lien holders in favor of the District's easement. The Funding Agreement will specify that the District may refuse to execute the Funding Agreement, or if executed, cease the design and implementation of the pipeline extension financing project, with no further rights or obligations between the parties, in the event the District determines, at its sole discretion, that any failure to subordinate by a participating property owner's lender or the lender for a parcel owned by another person or entity renders the project not in the best interest of the District. The District is not required to initiate proceedings in eminent domain to acquire any easement or subordination required for the DFWLE. All required right of way documentation, including subordinations necessary for a pipeline extension project must be executed and effective prior to the start of construction.

In the event that a prospective participating owner cannot obtain subordination, they may submit a written request for waiver to the General Manager. The General Manager may modify or waive the requirement to obtain subordination including title insurance, in those circumstances where it is determined that the value of the District's interest is so small as to render such documentation economically unreasonable; the risk of foreclosure is so small that it is not considered a realistic risk; and/or the lender or senior lienholder provides the District with alternative assurance satisfactory to the General Manager, that the District's easement will not be disturbed by a senior lienholder. The General Manager's determination can be appealed by written request to the Board of Directors, who may by unanimous action grant the appeal or deny the appeal. The decision of the Board of Directors shall be made in its sole and unlimited discretion and will not be subject to appeal.

Rev. 2/24/21

### **10.20.10 Funding Agreement**

The owner(s) of each participating parcel must enter into a Funding Agreement, subject to approval by the Board of Directors, as found in Form 10-F attached to these regulations. Special provisions may be added to, or other revisions made to the Funding Agreement form as found necessary by the District under the circumstances of each transaction. A DFWLE Funding Agreement, fully executed by the interested landowner(s), must be delivered to the District and approved by the Board before it is effective. The Funding Agreement will be recorded against the participating parcel.

The Funding Agreement, once recorded, will authorize a lien by the District on the participating parcel for the purpose of collecting all delinquent water account charges, including the accumulated SEC.

Project design work will not begin until at least 50% of the potentially served parcels as calculated in accordance with Section 10.20.01 have executed a Funding Agreement, returned it to the District, and the agreement has been recorded with the County Clerk.

Fully executed DFWLE Funding Agreements and good faith deposits, as outlined in section 10.20.08, will be accepted up to 30 days from written notice of completion of a new treated water line as defined in Section 4.02.01. Funding Agreements received more than 30 days from the date of notice or without a good faith deposit shall be deemed invalid.

rev. 09/18/2020

### **10.20.11 Project Cost Compilation and SEC Adjustment**

Following completion of construction of the DFWLE facilities, project costs will be compiled and a final Total Charge will be calculated. The District will analyze the project costs and issue a project completion Cost Accounting Report. The report will recalculate, based on actual project costs, all program variables, including the SEC.

If the Cost Accounting Report indicates that the Total Charge requires an SEC greater than the maximum SEC appearing in the Funding Agreement, the SEC will remain unchanged and the District will pay the overrun. The District will not place further claim on participating parcels for the amount of the overrun.

If the Cost Accounting Report indicates that total project costs allow an SEC less than the maximum SEC appearing in the Funding Agreement, the District will adjust the SEC accordingly to the lower amount appearing in the report. The revised SEC and associated monthly payment will be included with the next water bill for each of the participating parcels.

#### **10.20.12 Failure to Pay Treated Water Bill**

Failure to pay a treated water bill as required in the Funding Agreement, including the SEC, will result in a delinquent account and, if not paid in accordance with District rules, a subsequent notice of turn-off, followed by turn-off. Upon issuance of a turn-off notice, whether or not the service is actually discontinued, all delinquent amounts will become due and payable. Treated water service will remain off and the SEC will continue to accrue, along with all other appropriate and customary charges, until the account has been paid in full. Unpaid balances shall constitute a lien against the participating parcel.

#### **10.20.13 Pre-Payment of Project Costs and Charges**

Upon completion of construction, compilation of project cost, and final SEC adjustment (if required), a participating parcel may pre-pay all or a portion of its Total Charge, including capacity and meter installation charges. Multiple pre-payments will be accepted without penalty from each participating parcel during the cost recovery period.

Upon receiving a pre-payment from a participating parcel, the time allocated for cost recovery will be reduced. The number of billing periods by which the cost recovery period will be reduced will be determined by 1) dividing the pre-payment amount by the SEC amount, 2) multiplying the results by the surcharge modifier declared by the Board of Directors, and rounding down to the nearest whole number. The fraction remaining, if present, will be 1) multiplied by the SEC, 2)

divided by the surcharge modifier, and 3) the resulting dollar amount will be credited to the participating parcel's treated water account.

Upon any sale, conveyance, assignment, or other transfer of the parcel, excluding transfer to a spouse, immediate family member, or to a living trust for estate planning purposes established by the current property owners, the Funding Agreement will terminate and any unpaid portion of the Total Charge will be immediately due and payable in full.

#### **10.20.14 Subdivision of a Participating Parcel**

Upon the subdivision of a participating parcel, the District will assign the existing treated water service account (including the SEC) to one of the newly created parcels or units. All other parcels or units created by the subdivision will be subject to the District Installed Waterline Reimbursement Policy when applying for a new service.

#### **10.20.15 Reimbursement**

The District will collect the proportionate share of the DFWLE cost as reimbursement from any parcel that did not execute a Funding Agreement as a condition of connection to the DFWLE pipeline. These parcels will be subject to the District Installed Waterline Reimbursement Policy #3175. The District will not collect reimbursement from non-participating parcels that have been granted a temporary service location (TSL). (Reference is made to the District's TSL policy.)

eff. 11/13/13, rev. 03/12/14, 01/24/18, 2/24/21

## SECTION 11

### RAW WATER SYSTEM EXTENSIONS

#### 11.01 GENERAL

##### 11.01.01 Supplemental Definitions

(a) Extension. Includes any raw water system extensions, enlargements or improvements necessary to transport, store and/or deliver raw water. These improvements may include, but are not limited to, canals, ditches, pipelines, measuring and regulatory structures, pump stations, regulatory reservoirs and other necessary appurtenances.

(b) Developer. Any person desiring raw water service from the District, which service cannot be provided without an extension.

##### 11.01.02 Purpose

The purpose of these Regulations are to provide for the orderly development and extension of the District's raw water system, to allow a means for developers to obtain some reimbursement for cost incurred in expanding the District's raw water system and to provide a method of compensating the District for added operation and maintenance costs.

##### 11.01.03 Extension Review

Prior to approval of an extension of District's raw water system which will serve, or is contemplated in the future to serve, four or more parcels, a District review will be completed. This review, financed by the developer, will determine if it is in the best interests of the District to own and maintain the extension, and whether it will also be necessary for the developer to expand a portion of the existing District's raw water system, in order to provide raw water to the parcels desiring service.



**11.02****PRIVATELY OWNED**

If after review it is determined that the extension is to remain in private ownership, the developer must make satisfactory arrangements with the District to assure that the extension is operated and maintained in an efficient manner.

The developer will also be required to submit to the District sufficiently developed plans on his proposed extension to determine if the extension will affect the operation or maintenance of the District's raw water system. If, in the opinion of the District, a conflict exists, the extension plans must be modified to District satisfaction. No water service will be allowed until a District field check confirms that the approved plans have been followed in constructing the extension.

It is the responsibility of the owner to operate and maintain the private extension at no cost to the District. Users who waste water, either willfully, carelessly, or due to defective or inadequate private extensions, may be refused services until the conditions are remedied. The District will not maintain private extensions, but may make emergency repairs at the expense of the owner. The District shall have access to the private extension in order to ensure compliance with these Regulations.

**11.03****DISTRICT OWNED**

If the review determines that it would be in the best interest of the District to own the extension, the developer will be notified of this decision and will be required to follow the remaining portion of these Regulations.

Except as otherwise noted in these Regulations, all costs related to expanding and extending the District's raw water system to serve water to the developer's property are to be at the sole cost of the developer.

### **11.03.01 Capacity**

All new extensions will have a minimum capacity of 5 cubic feet per second. The actual size of any new extension will be determined by the District based on design considerations and master planning determinations.

### **11.03.02 Other Design Considerations**

The extension will be designed in accordance with District specifications. These specifications will include requirements for earth compaction, side slope stability, maximum allowed velocities, canal freeboards, berm widths and permissive radius curves and other details necessary to minimize operation and maintenance problems. The District will be the sole judge in determining the need for piped and lined sections of the extension, as well as other related structures.

### **11.03.03 Letter of Agreement**

A letter of agreement between the District and the developer will be signed prior to review of the developer's plans. The letter of agreement will outline the procedure to be followed in allowing the developer to construct the extension. The developer must have the plans and specifications prepared by a licensed civil engineer. The plans and specifications must meet the District's approval. The developer will also provide a licensed civil engineer to act as the project engineer during the construction phase.

### **11.03.04 Plan Check and Inspection Fee**

Plan check and inspection fees and deposits are stipulated in Section 10.03.02.

### **11.03.05 Conveyance Agreement**

Upon written approval of the plans and specifications for the proposed extension, the developer must enter into an agreement with the District, which will ensure the District that construction of the extension will be in accordance with the District approved plans and specifications and to insure the conveyance of the extension to the District after its completion. Standard provisions covering a labor and material bond, maintenance bond, insurance and other requirements are shown in Form 10-A. Special provisions may also be added to the agreement, as found necessary by the District.

**11.03.06 Performance Guarantee**

The District may require the developer to furnish, prior to the start of construction, a performance guarantee as discussed in Section 10.03.04.

**11.03.07 Construction**

The extension must be constructed by a Class A California Contractor retained by the developer. The District Engineer, or his representative, will inspect the work for compliance with the approved plans, specifications and District standards.

The developer will assume the cost of engineering and inspection services.

**11.03.08 District Acceptance**

Upon completion of construction and compliance with all the terms and conditions of the conveyance agreement, and payment of all District plan check and inspection costs, the District will accept conveyance and title of the extension. The District will then own, operate, maintain, repair and replace the improvements, except as specified during the maintenance warranty period. Upon District acceptance of the extension, the developer may apply for water service.

**11.03.09 Operation and Maintenance Considerations**

If, at the time the extension review takes place, it is determined by the District that the District could not justify absorbing the additional operation and maintenance costs incurred because of the extension, arrangements to the District's satisfaction must be made so that customers from the extension would pay not only the standard water rates, but also an incremental charge based on actual operation and maintenance cost of the extension. These arrangements may include formation of an improvement district formed in compliance with Section 23600 of the California Water Code, or special district that the District may legally contract with, to enable the District to

be reimbursed for extension operation and maintenance costs. Final arrangements will be spelled out in the conveyance agreement.

eff. 6/11/03

#### **11.03.10 District Financial Participation**

The developer may request, prior to consummation of a conveyance agreement, that the District participate financially for any portion of extension upsizing required by the District for future needs as opposed to developer's needs. In the case of an extension, a capacity less than 5 cubic feet per second, as discussed in Section 11.03.01, will not be considered adequate for the developer's needs.

Final determination of District participation will be made by the Board after review of the financial priorities of the District and included in the conveyance agreement.

#### **11.03.11 Front Footage Reimbursement**

The District will collect a front footage charge, where applicable, before granting a water service to premises which lie along, and may be served directly from, any extension installed under the provisions of these Regulations. The front footage charge of an extension shall be in effect for a period of twenty years from the date of execution of the agreement between the applicant and the District.

The front footage charge shall not be applied more than once to any premises. Except for unusual conditions, premises already served at the date of installation of the extension will be excluded in determining the front footage charge, even though service may be made from the extension. The front footage charge will be determined by dividing the cost of the extension by the front footage of all premises which lie along and may be served directly from the extension. The cost of the extension shall be considered to be the Developer's out-of-pocket expenses directly and solely related to the installation of the extension, as determined by the District. The Developer's on-site improvements will be excluded from the cost of the extension.

rev. 8/22/06

## SECTION 12

### INTERFERENCE WITH DISTRICT FACILITIES

#### 12.01 UNLAWFUL ACTS

For the protection of public water supplies, many offenses are by State Law made misdemeanors for which the offender may be criminally prosecuted. Attention is called to the following section of the Penal Code, making it illegal to interfere with or take water from any District conduit, without permission of the District, or to dump rubbish, filth, or any substance into a District conduit.

Section 498 — Stealing water, taking water without authority, or making unauthorized connections.

Section 625 — Taking water after works have been closed or meter sealed.

Section 592 and 627 — Interference with pipelines or conduits.

Section 607 — Injuring tanks, flumes, reservoirs, etc.

Section 624 — Breaking, cutting or obstructing pipes, etc.

#### 12.02 ABATEMENT OF NUISANCE

No material affecting the quality of water shall be placed, dumped or be permitted to drain into a District conduit or reservoir. Obstructing the flow of water, scattering of noxious weeds, plants or grasses where it can roll, slide, flow, be washed or blown into a District conduit or reservoir is prohibited. All septic tanks, leach lines and structures must meet county conduit setback and



- Maintain historic watershed flows within the parent watershed
- Eliminate direct, and minimize indirect contributions by requiring land developers to route storm water away from the District's facilities
- Reduce direct and indirect contributions by providing the appropriate infrastructure to prevent storm water infiltration into District facilities.
- Advocate development authorities at cities and counties to establish guidelines to insure that development improvements located upslope and downslope of District facilities be located, designed and constructed to accommodate high storm water flows and to avoid discharge into District facilities or minimize impacts from storm water to District facilities.

Existing developments requesting improvements will have current drainage impacts on District facilities reviewed, and may require improvements to protect existing District facilities. When existing storm water issues are identified, the District will remove or cause modifications of storm water routing to eliminate those impacts.

eff. 1/28/2015

## SECTION 13

### ACCESS, RIGHT-OF-WAY AND PROPERTY MANAGEMENT

#### 13.01 SUPPLEMENTAL DEFINITIONS

##### 13.01.01 Private Road

Any road which does not fall under the jurisdiction of a public entity.

##### 13.01.02 Road Maintenance

Any work which entails the improvement of the drainage system and/or improvement in the traveling surface of the road.

##### 13.01.03 Prescriptive Easement

The rights adhering to the District due to open, continuous and notorious use of land for a period of longer than five years, prior to 1972.

eff. 6/11/03

##### 13.01.04 Spill Channels

Usually natural drains utilized by the District to spill waters from raw water facilities on a routine and/or emergency basis.

#### 13.02 ACCESS TO FACILITIES AND LAND

##### 13.02.01 District Access

By applying for or receiving water service from the District, each water user irrevocably licenses the District and its authorized employees and agents to ingress and egress over and across water user's lands by means of roads and lanes thereon, if available, otherwise by such route or routes as shall cause the least practicable damage and inconvenience to the water user. Such right of ingress and egress shall not extend to any portion of said lands which is isolated from District facilities by



any public road or highway now crossing or hereafter crossing said lands. If any portion of said lands is or shall be subdivided and dedicated roads or highways or such portion extends to District facilities, the right of ingress and egress on said portion shall be confined to such dedicated roads and highways. This right shall be for the purpose of inspection, examination, measurements, surveys or other necessary purposes of the District, with the right of installation, maintenance, repair, replacing, control and regulation of all meter, measuring devices, gates, turnouts, canals, pipelines or other structures necessary or proper for the transportation, distribution, storage or measurement of water. Means of access shall be by foot, vehicles and equipment operated or under the control of the District.

### **13.02.02 Private Facilities**

District employees and representatives of the federal, state and local authorities shall have the right of ingress and egress of the customer's premises at reasonable hours for any purpose reasonably related to the furnishing of water service and the exercise of any and all rights secured to it by law, or these Regulations, including inspection of the water user's piping and equipment as to compliance. The water user shall provide and maintain reasonable access to all such equipment.

### **13.02.03 Land Surveys**

Pursuant to Government Code Section 22229, District employees shall have the right to enter upon any land to make surveys and determine the location of any facility thereon and for surveys and investigation of soil conditions prior to the commencement of property acquisition.

## **13.03 PRESCRIPTIVE EASEMENTS**

The District has, through operation of its system and long continued use, acquired certain property rights in lands within the District. These rights normally pertain to the use of canals, ditches, water lines and roads, which usage has been developed over a substantial period of time.

## **13.04 SPILL CHANNELS**

The District has the right to utilize natural watercourses, ravines, and randoms, for the transmission of District controlled water, or for use for spillage or excess of storm water runoff. The use of such natural watercourses can take place at any time and without notice to the affected property owners.

No construction should take place within the bed or banks of a natural watercourse or random without determining the extent and frequency of District use of said watercourse, if any.

**13.05 PRIVATE ROADS**

**13.05.01 Routine Use**

The District shall not provide road maintenance on private roads except as required for District vehicles and equipment which may use the road on a routine basis for ingress and egress purposes. Road maintenance by District shall be limited to that required to keep it in a usable condition for District use only.

**13.05.02 Specific Damage**

When specific, identifiable damage is done to a private road by District's vehicles or equipment, the District shall restore the road to an equal condition as existed on the day prior to being damaged.

**13.05.03 District Contribution**

Any request for District participation to the cost of maintaining private roads must be made in writing and directed to the General Manager. The written request must contain information as to the road mileage involved, type of surface to be maintained, and the amount being requested from the District. Upon approval of the General Manager to contribute towards the road maintenance, the following formula will be used to compute the District's participation. The mileage shall be based on the preceding year's usage. The formula shall be reviewed every 5 years.

$$\text{Miles per trip} \times \text{trips per day} \times \text{number of days per year} =$$

$$\text{Mileage per year} \times 10 \text{ cents} = \text{District Contribution}$$

$$\text{Minimum} = \$50.00 \quad \text{Maximum} = \$300.00$$

eff. 6/25/97; rev. 6/11/03

**13.05.04 Right-of-Way Agreements**

Nothing in these Regulations shall supercede or contradict any responsibilities of the District regarding maintenance of private roads which have been set forth in valid right-of-way agreements.

**13.06 DISTRICT ROADS**

Any roadway within a District easement, even though the roadway may be used by others, shall be maintained only to a condition as required for the District's use. In the event that these roads may be upgraded by other parties for their use, the District will not be responsible for damages to this road surface by District vehicles or equipment. Restoration of the road surface shall be at the sole discretion of the District for the use of District equipment and vehicles.

**13.07 QUITCLAIMS**

Parcels of land can be encumbered with easements granted the District which contain no facilities. Application may be made to the District on Form 13-A to quitclaim an easement back to the landowner.

A non-refundable fee of \$250.00 is due at the time of application. The District will review the application, and if approved, will process a quitclaim deed. Prior to recording the deed at the appropriate county clerk's office, the applicant must pay the recording fee.

eff. 12/12/90; rev. 6/11/03, 10/27/10

**13.08 EASEMENTS ON DISTRICT LANDS**

Procedures for applying for easements on District lands is the same as outlined in Section 13.07. In addition to the non-refundable fee of \$250.00, a payment for the value of the easement, as determined by the District will be required.

eff. 12/12/90

**13.09 ABANDONMENT OF RAW WATER FACILITIES**

**13.09.01 General**

The following regulations are to be followed by the District when considering raw water facility abandonments.

Abandonments are normally considered for facilities where operation costs greatly exceed revenue due to use by a limited number of customers, relocation of new facilities, and for facilities in urbanizing areas. Facilities in the second category are associated with problems involving water quality degradation, seepage, maintenance and public safety if open canal sections exist.

eff. 6/11/03

### **13.09.02 Resolution of Intention to Abandon**

A proposed resolution will be prepared and made available for public review, along with related documents or studies pertaining to the abandonment. A public hearing will be held pursuant to District procedures to consider adoption of the resolution. A fourteen-day minimum notification period for the hearing will be required. All current District customers receiving water service from the affected facility will also be notified by direct mailing of the hearing date. The Board, at the hearing, shall consider all the evidence presented, along with any necessary environmental documentation. If the Board determines at the hearing that the facility should be abandoned, it will adopt the resolution.

eff. 6/11/03

### **13.09.03 Resolution of Facility Abandonment**

After all necessary modifications, replumbings and other related work necessary to allow abandonment of the facility is completed, the Board will consider adopting this resolution, which will declare the abandonment of the facility and all related unneeded easements. The resolution will be recorded with the appropriate County Clerk.

eff. 6/11/03

### **13.09.04 Current Customers**

The District, at no initial cost to the customer, will provide all current inside District customers on the facility to be abandoned, an alternate water supply in a manner as determined by the District. Future operation and maintenance costs associated with private facilities necessary for the new water supply plus water charges, if any, will be the financial responsibility of the customer. In

cases where a treated water supply is provided in place of the raw water supply, the customer may elect the option of being charged on the same raw water rate schedule in effect prior to the facility abandonment with no increase in water deliveries allowed. This option will terminate two years after the resolution of facility abandonment is adopted, and the customer will then be charged the appropriate treated water rate.

eff. 6/28/89; rev. 6/11/03

## **SECTION 14**

### **PHYSICAL ENCROACHMENTS TO DISTRICT FACILITIES**

#### **14.01 SUPPLEMENTAL DEFINITIONS**

##### **14.01.01 Encroachments**

Encroachments include, but are not limited to, buildings, bridges, culverts, fences, underground or overhead utilities, roadways, landscaping, docks, grading, and any other fixtures or appurtenances which may cross a District facility, reservoir, or right of way, which are in such proximity to District property or right of way as to interfere or potentially interfere with the District's performance of its responsibilities, including without limitation, the District's operation of its facilities, with necessary improvements or reconstruction of its facilities or which may cause unreasonable interference with District easement rights.

eff. 2/26/86; rev. 8/09/17; 7/22/20

##### **14.01.02 Authorization**

Written approval from the District, or an executed agreement with the District, authorizing the construction, installation, and existence of an encroachment, customarily in the form of an Encroachment Permit.

eff. 6/11/03; rev. 8/09/17; 7/22/20

##### **14.01.03 Encroachment Permit**

A permit issued by the District, authorizing the construction, installation, and existence of an encroachment, subject to the terms and provisions of the Encroachment Permit.

eff. 6/11/03; rev. 8/09/17; 7/22/20

**14.01.04 Permittee**

Any person issued an Encroachment Permit by the District, and any successors, assigns, heirs, and beneficiaries of that property benefitted by the authorized encroachment.

eff. 6/11/03; rev. 8/09/17; 7/22/20

**14.01.05 Unauthorized Encroachment**

An encroachment which is not authorized by a valid Encroachment Permit or written agreement.

eff. 6/11/03; rev. 8/09/17; 7/22/20

**14.02 ENCROACHMENT AUTHORIZATION**

**14.02.01 Application for Encroachment**

Prior to the construction or installation of a new encroachment, or replacement of an existing encroachment, the property owner(s) shall submit the Encroachment Application (Form 14-A) to the District for review and approval.

rev. 8/09/17; 7/22/20

**14.02.02 Review of Encroachment Application**

The District shall review the Encroachment Application for completeness. The District, in its sole discretion, may issue an Encroachment Permit subject to the terms and conditions which it deems necessary to protect its facility, easement, or right of way. The District may deny issuance of an Encroachment Permit if the encroachment would interfere or potentially interfere with the District's performance of its responsibilities and would restrict the District's abilities during an emergency situation.

eff. 6/11/03; rev 8/09/17; 7/22/20

### **14.02.03 Issuance of Encroachment Permit**

An Encroachment Permit (Form 14-B) shall provide for the construction, installation, or replacement of an encroachment, and existence of an encroachment, as the case may be, all in conformance with the terms and provisions of the authorization. The existence of an encroachment is subject to the conditions, terms, and provisions set forth in the Encroachment Permit, and the Regulations of the District. An approved Encroachment Permit shall be signed by each of the property owner(s) and the District's General Manager.

Upon full execution, the Encroachment Permit will be recorded with the office of the County Recorder for the County in which the encroachment is to be located. Upon recording of the Encroachment Permit, the District will issue a construction authorization letter detailing any additional District requirements for construction or installation of the encroachment addressed in the Encroachment Permit. Encroachments shall follow the District's standard details or an approved design submitted to the District by the property owner(s).

Encroachment Permits shall be considered “covenants that run with the land,” and the terms and conditions thereof, together with the District policies contained in this Section 14, shall be binding on all successors, assigns, heirs, and beneficiaries of the property benefitted by the authorized encroachment.

eff. 6/11/03; rev. 8/09/17; 7/22/20

### **14.02.04 Construction Work**

Construction or installation of any encroachment shall be performed only after the District's issuance of an Encroachment Permit and authorized by the District to begin construction per the construction authorization letter. The construction authorization letter shall provide for construction in accordance with District approved plans, standard details, and specifications. The Permittee shall assume and pay all costs and expenses of constructing, inspecting, and installing the encroachment, and shall remove all debris in the area or ground in which the encroachment exists, in a manner satisfactory to the District. If the Permittee fails to complete construction or installation of the encroachment to the District's specifications, requirements, and satisfaction within established time frames, the District may, at its discretion, either complete construction or



installation of the encroachment or stop the installation and cause the removal of the proposed encroachment. Should the District be required to complete construction, installation, or removal of the encroachment, the Permittee shall bear all costs and expenses for labor, materials, and equipment associated with such work.

eff. 6/11/03; rev. 8/09/17; 7/22/20

#### **14.02.05 Water Outage Necessary for Construction**

Prior to commencing construction and installation of an encroachment which shall lie within, or cross any District facility, reservoir, or right of way, which may cause a muddy water condition, fluctuation, or interference in any manner with the flow of District water, the Permittee shall submit a written request to the District with at least 14 calendar days advance notice of the need for an interruption in the flow of water, commonly referred to as a "water outage." The District may arrange with the Permittee to provide a water outage at such time convenient to the District so that the District may plan for and notify affected customers. If the District determines the outage may have a significant impact on its operations, the District may, at its discretion, delay an outage until after irrigation season. If in the District's opinion, the outage will cause a significant cost to the District, the Permittee will be required to pay such costs.

rev. 8/09/17; 7/22/20

#### **14.02.06 Maintenance of Encroachment**

Permittee shall be obligated to maintain, repair, operate, and replace the encroachment in accordance with the provisions of the Encroachment Permit, at all times, at said Permittee's sole cost and expense. All maintenance, operation, repairs, and replacement work performed upon the encroachment shall be conducted in a manner and to a condition satisfactory to the District. The District may require Permittee, at Permittee's sole expense, to perform maintenance, repair, reconstruction, or replacement of the encroachment necessary to ensure conformity with the Encroachment Permit.

eff.. 2/26/86; rev. 8/09/17; 7/22/20

#### **14.02.07 District Repair or Replacement of Encroachment**

The District shall notify a Permittee in writing of any deficiency in the operation, maintenance, or repair of an encroachment, describe the measures to be performed to cure the deficiency, and the timeline for repair. Should a Permittee fail or refuse to cure the deficiency within the specified time frame, the District may, at its option, either: 1) commence proceedings to revoke the Encroachment Permit; or 2) cure the deficiency using District labor and materials at the Permittee's sole cost and expense.

eff. 2/26/86; rev 7/22/20

#### **14.02.08 Revocation**

The District may revoke an Encroachment Permit after giving notice to the Permittee of the District's intent to revoke the Encroachment Permit and providing the Permittee with an opportunity to be heard concerning the proposed revocation. Should the Permittee fail to deliver to the District a written request for reconsideration within ten (10) calendar days from the date of the District's notice of intent to revoke, the Encroachment Permit shall be revoked by operation of this Rule and Regulation, and have no further force or effect.

Should the Permittee submit a timely, written request for reconsideration, the Engineering Manager will review the request for reconsideration. Should the Engineering Manager concur that the revocation is warranted, the Permittee can request that the matter be taken to the General Manager. If the General Manager upholds the revocation, the Permittee can petition their Director to have the matter considered before the full Board of Directors. The Permittee must make the petition to their Director within thirty (30) calendar days from the initial date of the District's notice of intent to revoke.

In conclusion of the request for reconsideration, the District may, in its discretion, either uphold revocation of the Encroachment Permit or impose terms and conditions for restoring the encroachment to an acceptable condition. The District shall issue its decision concerning the Encroachment Permit and provide notice of the decision to the property owner within ten (10) calendar days after the conclusion of the request for reconsideration. The District's decision shall be final and binding. A District decision to revoke an Encroachment Permit shall result in the

encroachment at issue being designated as an “Unauthorized Physical Encroachment” subject to immediate removal at the property owner's expense.

rev. 8/09/17; 7/22/20

## **14.03 UNAUTHORIZED ENCROACHMENTS**

### **14.03.01 Notification and Penalty for District Removal or Replacement**

The District shall exercise due diligence to determine the owner(s) of an unauthorized encroachment. Upon such determination, the District shall notify the owner(s) in writing, by registered mail, of the District requirements and to submit an application for the issuance of an Encroachment Permit. If, after 14 calendar days from the date the District issued written notification to the owner(s), the owner(s) have not submitted the proper application to the District, then the District may remove or replace the Unauthorized Encroachment at the owner's sole cost and expense. The District shall bill the owner(s) for all costs incurred to remove or replace any Unauthorized Encroachment, including staff time. This bill is to be paid within 30 calendar days of the invoice date. If the bill is not paid within the 30 calendar days or a payment plan has not been agreed upon with the District, the District will submit to the appropriate County to have a lien placed within property tax collections.

eff..2/26/86; rev. 8/09/17; 7/22/20

### **14.03.02 Immediate Threat to District Facilities, Reservoirs, or Right of Way**

If the District determines that any encroachment or the condition thereof, poses an immediate threat to a District facility, reservoir, or right of way, the District shall notify the Permittee of measures necessary to cure the immediate threat. If the Permittee refuses or is unable for any reason to undertake the measures prescribed by the District within the indicated timeline, the District may take all actions necessary to cure the immediate threat, at the sole cost and expense of the Permittee.

rev. 8/09/17; 7/22/20

## **14.04 RESERVOIRS**

### **14.04.01 Supplement to General Encroachment Regulations**

The provisions within Section 14.04 supplement the general provisions of Section 14 to provide specialized requirements with respect to encroachments upon and in the vicinity of District reservoirs. In the event of a conflict between the rules and regulations set forth in this Section 14.04 and any other provision of Section 14, the rules set forth in this Section 14.04 shall control.

eff. 8/13/03; 7/22/2020

### **14.04.02 Scope**

Section 14.04 applies to but is not limited to the construction, operation, and maintenance of authorized encroachments. The issuance of an Encroachment Permit shall not confer any right to conduct commercial activity on District property. Permittees shall comply with all District, federal, state, and local laws, regulations, and ordinances. No structures shall be permitted to be affixed or temporarily placed upon an encroachment including but not limited to gazebos, slides, decks, boathouses, and temporary or permanent fire pits.

eff. 8/13/03; 7/22/20

### **14.04.03 Projection of Adjoining Parcel, Defined**

Only property owner(s) who have parcels adjoining a District Reservoir may be issued an Encroachment Permit to install an encroachment on a District Reservoir. Where convergence or divergence of sidelines results in conflicting areas of use, direction shall be given by the District, which may include a near perpendicular extension to the average shoreline that accommodates the interests of property owners as equitable as possible.

eff. 4/14/04; 7/22/20

### **14.04.04 Requirements for Dock Location, Design, and Installation**

Docks will be permitted only for those parcels in existence at the time this section went into effect. If subsequent parcel split occurs, the permit will reside with the original parcel, and no additional permit will be allowed for the newly formed parcel. Docks will be permitted only adjoining the

District's lakeside property and shall be located adjacent to the parcel served. Only one (1) dock will be permitted for each such parcel. Upon approval of the District, combined docks may be constructed to serve multiple parcels. The docks shall be designed, constructed, and operated to accommodate no more than two (2) watercraft for each parcel served. See District Standard Details for Docks design and construction details. The Board of Directors may specify supplemental dock criteria when adopting a resolution authorizing docks on a particular reservoir.

eff. 8/13/03; rev. 4/14/04; 7/22/20

#### **14.04.05 Application for Encroachment on District Reservoir**

Prior to the construction or installation of a new encroachment, or replacement of an existing encroachment, the property owner(s) shall submit the Encroachment Application (Form 14-A) to the District for review and approval. The Encroachment application shall include a plot plan and dimensioned drawing of the encroachment to be installed.

#### **14.04.06 Insurance**

Each Encroachment Permit holder shall at all times maintain liability insurance coverage covering any permitted encroachment. Such insurance shall contain the following coverage:

- (a) Minimum \$1,000,000 for individual Dock and Gangway serving individual parcels.
- (b) Minimum \$1,000,000 for each parcel under separate ownership for joint use Dock and Gangway serving separately owned parcels.

Permittees shall, as a condition precedent to the issuance of an Encroachment Permit, provide a Certificate of Insurance to District verifying the required coverage and naming District as Additional Insured.

eff. 08/13/03; rev. 04/14/04; 7/22/20

#### **14.04.07 Fees**

The District has established annual fees for permitted Docks. Permittees shall promptly pay all applicable fees invoiced by the District; all docks associated with a parcel with unpaid annual fees may be subject to the immediate removal of the dock from the District's facility.

eff. 08/13/03

**14.04.08 Water Quality Degradation**

District and applicable agencies shall prosecute anyone contributing to the degradation of water quality on any District waters. Inspections shall be made to ensure that sewage and drainage systems are properly located in compliance with governmental regulations. Septic systems shall be installed and operated so that the effluent never reaches District waters. Any spills shall be reported to the District immediately.

No unattended fuel, oil, or chemical containers shall be located in the vicinity of District waters. Violation of this Section shall constitute grounds for revocation of Encroachment Permit with the removal of facilities and reference of the offending party to appropriate authorities for prosecution.

eff. 7/22/20

## **SECTION 15**

### **RECREATION RULES AND REGULATIONS**

#### **15.01 USE OF RECREATION FACILITIES**

The following campground Rules and Regulations are for public safety and all recreation facility users' comfort. Violators of these rules and regulations will be asked to leave, and no refund will be given.

Lower division recreation facilities are located on Scotts Flat and Rollins Reservoirs. Upper division recreation facilities are located on Bowman, Canyon Creek, Faucherie, Jackson Meadows, and Sawmill Reservoirs.

##### **15.01.01 Release of Liability**

All users of Nevada Irrigation District's (NID) recreation facilities are at their own risk and liability. In granting permission to enter and use the area and facilities, NID and the United States Forest Service (USFS) is not responsible for injury, theft, loss, or damage. By entering the campgrounds, all visitors agree to hold NID and USFS harmless from any claim, demand, or liability.

##### **15.01.02 Respect for Property/Grounds/Amenities**

It is illegal to destroy, damage, or deface any buildings, signs, fences, equipment, trees, etc. No cutting or removal of trees, plants, or rocks is permitted. Do not remove picnic tables, fire rings, or BBQs from campsites, picnic, beach, or store areas. This is theft. Violators of any of these offenses will be prosecuted.

##### **15.01.03 Motorized Vehicles**

Traffic signs governing speed and parking must be obeyed at all times. Vehicles must stay on designated roads. Vehicles must be licensed. No dirt bikes, mini bikes, OHV, ATV, quads, or golf carts are allowed to be operated in the facility.

##### **15.01.04 Watercraft**

All Watercraft Operators must comply with all state and local boating regulations and laws. Boating is permitted at watercraft owners' or operators' own risk. Knowledge of what type of boat or

watercraft are permitted in the lakes or reservoirs of use is the responsibility of the watercraft owner or operator. Watercraft owners or operators are responsible for damages or injury to watercraft, persons, vehicles, or structures. Use of the launching ramp, docks, and watercraft are at the watercraft owner's or operator's risk. No overnight boat camping is permitted on NID lakes or reservoirs.

#### **15.01.05      Governing Laws**

All guests must comply with federal, state, and local laws.

#### **15.01.06      Behavior**

Behavior offensive to the public, including but not limited to drunkenness, use of narcotics or marijuana, indulging in boisterous, loud, abusive, threatening, or indecent conduct or speech, is prohibited. Consumption of alcohol by persons under 21 years of age is illegal and constitutes grounds of eviction. No refunds will be given.

#### **15.01.07      Refusal of Service**

Recreation Staff reserves the right to refuse service and revoke all privileges pertaining to entry for any reason of misconduct, or any violation of the rules that are listed within these Rules and Regulations or that are posted within the facility. Refunds will not be given to persons who are asked to leave the facility for not following these Rules and Regulations.

### **15.02                      RECREATION HOURS OF OPERATION**

#### **15.02.01      Gate Hours**

Lower Division: Entrance Gate opens daily at 6:00 AM during the summer recreation season.

Entrance Gate closes for campers' protection at:

- 10:00 PM - Sunday through Thursday
- Midnight - Friday and Saturday

If arriving after 10:00 PM, please be quiet and respectful to surrounding recreation facility users.

Upper Division: Entrance Gates are always opened during the summer recreation season. We ask that campers set up prior to the times listed below.

- 10:00 PM - Sunday through Thursday



- Midnight - Friday and Saturday

If arriving after 10:00 PM, please be quiet and respectful to surrounding recreation facility users.

### **15.02.02 Day Use Hours**

Day use hours are from dawn to dusk. Day-use visitors are not permitted in campground areas.

Lower Division: Day Use is located in the picnic or marina areas of the facility.

### **15.02.03 Quiet Hours**

Quiet Hours are strictly enforced, 10:00 PM to 8:00 AM. Generators, radios, and other sound-producing equipment may be operated from 8:00 AM to 10:00 PM, providing they are kept at a low volume so as not to be heard in nearby camp or picnic sites. Car radios may not be operated in the park if they can be heard outside the car. Persons violating this noise regulation will be asked to leave. Any decision made by Recreation staff concerning acceptable noise levels is final.

## **15.03 CAMPGROUNDS**

### **15.03.01 Campsites**

Lower Division: Check-in is 3:00 PM, and check-out is 1:00 PM. Campsite fees include campsite, one vehicle or RV, and eight people. There is an additional charge for extra vehicles. Each campsite is equipped with a picnic table and a fire ring. Campsites left in an unsatisfactory condition are subject to a \$50.00 clean-up fee, pictures, and bills will be sent to the person on the reservation.

Upper Division: Check-in is 3:00 PM, and check-out is 1:00 PM. Campsite fees include campsite, one vehicle or RV, and six people. There is an additional charge for extra vehicles at East Meadows, Pass Creek, Findley, Fir Top, and Woodcamp Campgrounds. Each campsite is equipped with a picnic table, fire ring, and a bear box. Campsites left in an unsatisfactory condition are subject to a \$50.00 clean-up fee, pictures, and bills will be sent to the person on the reservation. Camping is allowed in designated campgrounds only.

### **15.03.02 Reservations**

Lower Division Reservations for the current year open on January 2nd. Groups of six or more sites, under the same name with the same stay time, can start booking the first Monday in December for

the following year. All reservations must be paid for in full at time of booking. We do not take campsite reservations from October 1st through December 31st. Campsites are on a first-come basis. The total number of reserved nights for all reservations may not exceed 14 days per year. Reservations made in excess of the 14 days will be cancelled. Upper Division Reservations can be made six months prior to the date of stay.

### **15.03.03 Refunds or Campground Concerns**

There is a non-refundable reservation fee of \$10.00 per site. We require 14-days' notice to cancel or change a reservation. There is a \$25.00 cancellation/change fee per reservation. For groups of six or more sites, cancellation/changes are subject to a \$100.00 cancellation fee, and requests must be received 30 days prior to the scheduled arrival date, or no refund will be provided. Changing dates or canceling due to weather are considered cancellations—no refunds for holiday reservations.

Cancellations, changes, or refunds for East Meadows, Pass Creek, Findley, Fir Top, or Woodcamp Campgrounds, please contact [recreation.gov](http://recreation.gov) or call 1-877-444-6777. For Aspen, Silvertip, and Faucherie Groups Sites, please contact Scotts Flat Lake 530-265-8861. All other inquiries contact the campground camp host or call Scotts Flat Lake 530-265-8861.

### **15.03.04 Age Requirement**

Children are welcome under the supervision and responsibility of an adult. All campsites must have a responsible adult (18 or over) in attendance.

### **15.03.05 Trash**

Please keep a clean campsite. Dispose of all trash in designated containers. Dispose of sewage and drain waste in designated dump stations.

## **15.04 FISHING**

### **15.04.01 Fishing**

While fishing, all federal, state, and local laws apply.

Lower Division: No fishing on or around docks, boat slips, or beach areas. There is a five-fish limit.

## **15.05 SWIMMING**

### **15.05.01 Swimming**

Lower Division: Swimming is only allowed in designated swim areas and is not permitted around the boat launching or marina dock areas.

### **15.05.02 Diving and Swinging**

No diving is permitted. This includes any diving from trees, docks, rocks or cliff areas. No rope swings or any object tied to trees is permitted.

### **15.05.03 Lifeguards**

There are no lifeguards on duty, and all swimmers do so at their own risk. Parents must supervise children at all times.

## **15.06 PETS**

### **15.06.01 Pets**

Pets must be kept on a leash and attended to at all times. Dogs creating a nuisance are subject to eviction. Pets are not allowed in the swim or beach areas. Horses are not allowed.

## **15.07 PROHIBITED ACTIVITIES**

### **15.07.01 Fires**

Absolutely no open ground fires are permitted anywhere in the recreation areas or on shorelines. Fires are only permitted in established BBQ pits and campground fire rings. Do not leave fires unattended, build rock fire rings, or use hand lanterns or tiki-torches. Any person who allows a campfire to escape from the container is liable for any damages of property caused by the fire. These may include fire suppression, rescue, and emergency medical services costs incurred in fighting the fire. Fire restrictions may be imposed at any time due to hot, dry weather conditions, at which time campfires and charcoal fires will not be allowed.

### **15.07.02 Fireworks and Firearms**

No fireworks or firearms are permitted at any time. This includes BB guns, airsoft guns, pellet guns, slingshots, paintball guns, and bows and arrows.

**15.07.03 Other Prohibited Activities**

Hunting, metal detecting, and drone flyovers are prohibited throughout recreation areas, lands, and reservoirs.

**15.07.04 Glass Containers**

No glass containers are permitted on the beach.

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