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RULES AND REGULATIONS

Governing the Distribution of Water in the Laguna Irrigation District

Rules and Regulations governing the distribution of water in the Laguna Irrigation District were adopted May 2, 1928 and amended September 4, 1984 and April 14, 2005 by the Board of Directors under authority of the provisions of Section 22257 of the California Water Code, which reads, in part, as follows:

“Each District shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the District”

Witness by hand and seal of Laguna Irrigation District this 26th day of July, 2005.

Frank Zonneveld

Secretary of Laguna Irrigation District

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DEFINITIONS

1. The following definitions apply to these Rules and Regulations:

“Board” or “Board of Directors” shall mean Board of Directors of Laguna Irrigation District.

“District” shall mean the Laguna Irrigation District.

“Landowner” shall mean one who owns land within the District.

“Rules and Regulations” or “Rules” shall mean these Rules and Regulations.

“Water User” shall mean one who owns and/or leases land within the District and who places water orders with the District.

“Year” shall mean the calendar year, that is January 1 through December 31.

SUPERVISION

2. All matters relating to the distribution and use of water shall be under the general charge of the General Manager of the District acting under the authority conveyed by and with the approval and supervision of the Board of Directors.

EMPLOYEES

3. The General Manager shall, subject to the approval of the Board of Directors, employ such employees as may be necessary for the proper operation and maintenance of the system and for the equitable and economical distribution of the water. He shall assign the employees to and prescribe their several duties, supervise and direct all of their activities as they relate to the maintenance and operation of the system. He shall prescribe the form and extent of field records to be kept and shall cause such field reports to be made by these employees as he may deem expedient.

DISTRICT RIGHT OF WAYS - GENERAL

4. The diversion works, canals, and conduits, headgates and other structures owned by the Laguna Irrigation District were acquired by virtue of prescriptive use, grants, and various forms of conveyance agreements. All are dedicated to public use and are under the exclusive control of the elected Board of Directors acting through the General Manager of the District and its employees.

WATER DISTRIBUTION

5. In general, water shall be distributed among the landowners eligible to be allocated water according to equitable schedules prepared under the direction of the General Manager, provided however that when the supply of water and the demand for its use are so related and other contributing factors make it feasible, service may be given on request.

The Board may prescribe applications and other forms for Water Users to order water and for administration of same.

If a Water User fails, neglects, or refuses to use water when scheduled, it shall not be a valid basis for claiming the right to use water until rescheduled and confirmed by the General Manager. In the event a headgate is opened without being ordered or rescheduled, the District reserves the right to close and lock the headgate until the problem is corrected.

APPORTIONMENT OF WATER / NO GUARANTEE OF QUALITY OR QUANTITY

6. Surface water available to the District will be apportioned among the Districts Water Users whose lands are classified as Irrigated Rate (as defined in Rule 27) and who are not delinquent in payment of assessments on a pro-rata equal amount per acre in so far as practical.

The District does not guarantee service and will not be liable for defective quality of water, shortage of water, either temporary or permanent, or for failure to deliver water or delay in doing so.

The District's water supply is in a raw, untreated condition, and as a result, is considered to be unfit for human consumption without treatment. The District does not warrant the quality of water delivered and is under no obligation to construct or furnish water treatment facilities or maintain or better the quality of water.

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**MAINTENANCE AND REPAIRS OF
CANALS AND DITCHES**

7. There are two classes of ditches and canals in the District:

Class (A) Those owned, operated and maintained by the District as a whole.

Class (B) The distribution ditches, owned, operated and maintained by individuals or groups of landowners, which are also known as "private ditches."

The management, operation and maintenance of all of the canals and ditches in Class (A) shall be exclusively a function of the District organization and no Water User shall be allowed to make any changes whatever in the distribution of the water in these canals and ditches except when specifically instructed or requested to do so by the General Manager, or other authorized agent of the District, or in case of an emergency in which latter case he shall expeditiously report his action to the local ditchtender or to the District's office.

No person shall be allowed to make any opening in, cut, plow down or otherwise interfere with or weaken any bank of any Class (A) ditch except by specific written authority of the General Manager and in such case only for the period, to the extent and for the purpose which shall be specifically provided in such written authority.

The District shall construct, operate and maintain the gates and outlets for serving water from Class (A) to Class (B) ditches, and have full and complete jurisdiction thereof. The District may construct and maintain at the head of Class (B) ditches, such measuring devices, gauges, etc. as the General Manager may deem expedient to facilitate equitable distribution or records of flow in such ditches.

The District may temporarily discontinue water service or reduce the amount of water to be furnished for investigation, inspection, maintenance, repair or replacement of any of the District's facilities. The District will give the Water User notice in advance of such temporary discontinuance or reduction, except in case of an emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors or employees for damage, direct or indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system or other similar causes which are beyond the District's reasonable control.

CLASS (A) DITCHES AND CANALS

8. The District does not encourage the use of its ditches and canals for private conveyance of water. However, on a case by case basis with the written approval of the General Manager, the private use of a specific ditch or canal may be allowed. When permission is granted by the General Manager, the user of the ditch or canal shall be responsible for any and all maintenance costs related to the private use of same and any liabilities or damages arising from use of same. The Water User using the District's ditch or canal shall assume the defense of, indemnity and hold harmless the District and its officers, directors, agents and employees from any loss, damage, liability, claims or courses of action arising out of or incidental to Water User's use of such ditch or canal. The user shall not prevent or hinder in any way, maintenance or any other operations deemed necessary by the District. Failure to comply with these rules will be cause for immediate termination of the permit.

CLASS (B) DITCHES

9. The management and maintenance of the ditches and pipelines in Class (B) shall be taken care of by the individuals and groups of individuals who use them and ditchtenders shall be instructed not to turn water into these ditches until they are cleaned and otherwise prepared to convey the water with reasonable efficiency. Any disputes concerning use of such Class B ditches and pipelines and conveyance of water in same beyond the head of such ditch or pipeline shall be a matter between the affected Landowners and Water Users, provided, however, a District Ditchtender may provide for each Landowner receiving his prorata share of District supplies consistent with these Rules and Regulations

The authorized agents of the District shall, at all times, have access to such private ditches and the lands irrigated from them for the purpose of making any investigations relating to any matters affecting the use of flow of water through the ditches, pipelines or on the lands.

**DAMAGE LIABILITY – CLASS (A)
CANALS AND DITCHES**

10. Water Users or Landowners who, by opening, closing or otherwise interfering with regulating gates or devices, cause any fluctuations in the flow of the ditches or canals in Class (A) or therefore cause any breaks in such ditches or canals, or any damage of any kind whatsoever, shall be responsible to the District for the whole of the expense and damage caused thereby, except where regulation is made on instructions or requests of the District agents.

**DAMAGE AND LIABILITY ON CLASS (B)
DITCHES AND LATERALS**

11. The District will not be liable for any damage resulting from the use of water in the ditches and laterals of Class (B).

**LIABILITY OF PERSONS TAKING WATER
WITHOUT AUTHORITY; INTERFERING WITH
REGULATION OF WATER**

12. Section 592 of the Penal Code of California is as follows:

(a) Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating or generation of power, or domestic uses, is guilty of a misdemeanor."

(b) If the total retail value of all the water taken is more than four hundred dollars (\$400), or if the defendant has previously been convicted of an offense under this section or any former section that would be an offense under this section, or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in the county jail for not more than one year, or in the state prison.

Under such statute and other statutes (for example Penal Code section 607), persons interfering with the regulation of water in the canals and ditches are subject to prosecution.

If any person takes water at any other time than that provided in the schedule, or without permission of the ditchtender, he shall not only be subject to such criminal prosecution, but may forfeit his right to water for the balance of the Year.

**WASTE OF WATER.
INADEQUATE DITCHES**

13. Landowners or Water Users who waste water, either willfully, carelessly or on account of defective or inadequate ditches and structures, or on account of inadequate preparation of the land for irrigation, may be refused further service until the conditions are remedied.

LIABILITY

14. The District will not be responsible for the control, carriage, handling, use, disposal or distribution of water delivered to Water User outside the facilities then being operated and maintained by the District. Water User does hereby indemnify and shall assume the defense of and hold harmless the District and its officers, agents and employees from any and all loss, damage, liability, claims, or causes of action of every nature whatsoever, for damage to or destruction of property, including the District's property, or for injury to or death of persons, in any manner arising out of or incidental to the control, carriage, handling, use, disposal, or distribution of water outside such District facilities.

WATER TRANSFERS

15. Water Users may be permitted to transfer water from one parcel to another, provided that both parcels are operated by the same Water User and both parcels are entitled to receive water service and any such transfer will not exceed the safe operating capacity of any canal, ditch or conduit as determined by the ditchtender.

In addition, Water Users may transfer water to other Water Users for use on the transferee's lands, provided such lands are eligible to receive Water Service from the District. Prior to any such transfer becoming effective, the transferor and transferee shall execute a transfer form provided by the District consistent with then existing policies and applicable fee structures. As a convenience to District Water Users, the District shall maintain and post a list of Water Users wishing to transfer all or a portion of their allocated supply, provided arrangements for any such transfers shall be made among individual Water Users.

PIPELINES

16 a. The District does not encourage the use of its pipelines for private conveyance of water. However, on a case-by-case basis with the written approval of the General Manager, the private use of a specific District pipeline may be allowed. When permission is granted by the General Manager, there is no implied warranty that the pipeline will not leak. Should any leaks or pipe failures occur when the District pipeline is being used by a private water user, then that user shall be financially responsible for all repair costs and related property and/or crop damage. An example of the misuse of the District pipeline is closing of a gate too fast, or of the sudden discharge of a full head of water into the pipeline, either of which could cause a surge of water sufficient to break the pipe. The Water User using the District's pipeline shall indemnify and shall assume the defense of, indemnity and hold harmless the District and its officers, directors, agents and employees from any loss, damage, liability,

claims or causes of action arising out of or incidental to Water Users use of such pipeline.

b. No dirt is to be removed from a District pipeline right of way without prior permission of the District. Any plans to relevel a field which contains a District pipeline shall be reviewed by the General Manager. If needed, the District will uncover the District's pipeline at spots solely for the purpose of determining the amount of dirt on top of the pipe. The use of any heavy equipment will be limited to crossing the District's pipeline at locations as directed by the General Manager. All pipeline breaks at other locations caused by landowner operations shall be repaired at the cost of the landowner.

c. If any deep tillage is proposed, or the use of any heavy equipment is to be used which may cause damage to a District pipeline, the General Manager shall be notified in advance in order to determine what must be done to protect that pipeline. Failure to comply with this provision shall result in any pipeline repair cost to be paid for by the landowner.

REQUESTS FOR WATER SERVICE

17. Landowners within the District who are not presently receiving water from the District's distribution system, but desire to do so, shall be required to provide the necessary facilities to transport the water from the District's system to their lands. Requests for new water service must be submitted to the Board which may prescribe additional conditions concerning such proposed new service.

Said Landowner shall pay all costs incurred by the District to install facilities necessary for delivery to Landowner, including, but not limited to water meters.

RIGHTS OF WAY

18. Rights of way and easements for canals, ditches and pipelines owned by the District include the land actually occupied by the canal, ditch, or pipeline and such land on both sides thereof, as is reasonably necessary for the maintenance and operation of such canals, ditches or pipelines. Widths of easements vary with the size of the canal or pipeline and other factors. Maps and other records of the District generally show the location of such easements and right-of-ways.

ENCROACHMENTS

19. No trees, vines, shrubs, corrals, fences, buildings, bridges, or any other type of encroachment shall be planted or placed in, on, over or across any District canal, ditch, conduit or the right of way therefore except pursuant to a written encroachment permit

issued by the District. Any such encroachment of an unusual or extraordinary nature shall be approved by the Board of Directors. Any unauthorized encroachment may be removed by the District at the expense of the encroacher and the encroacher shall be liable for any damages or liability arising from such encroachment. In that regard, the following set backs shall be presumed for any facilities constructed, reconstructed or planted after April 14, 2005:

- Fences at least 10 feet from the toe of canal bank
- Buildings and trees at least 20 feet from the toe of canal bank

ACCESS TO LANDS

20. The authorized agents and employees of the District shall have reasonable access at all times to all lands irrigated from the District's distribution system for the purpose of maintaining, operating, or inspecting the canals, ditches, and conduits and the flow of water therein and for the purpose of ascertaining the acreage of crops on lands irrigated or to be irrigated. If the District holds a right of way or easement across private land for the operation and maintenance of a canal or other facilities, the law provides that the District shall have certain secondary rights, such as the right to enter upon the property on which the right of way or easement is located to make repairs and do such things reasonably necessary for the full exercise of the easement rights.

WELL MEASUREMENTS

21. If requested, landowners shall be expected to allow District employees to enter upon their property and measure the depth of water in their private wells for the purpose of determining the conditions of the groundwater within the District.

UNAUTHORIZED INSTALLATION

22. No delivery gate, pipe, siphon or any other structure or device shall be installed or placed in any canal, ditch or conduit owned by the District without express written permission and must be in strict compliance with plans and specifications approved by the General Manager or his designated representative. *Any such structure or device installed on a District canal, ditch or conduit without approval may be removed by the District at the expense of the owner.*

BRIDGES AND CANAL CROSSINGS

23. Bridges and Canal Crossings shall not be installed without express written permission of the General Manager. All such private crossing when approved shall be at the sole expense of the Landowner. Bridge structures shall be engineered by a licensed civil engineer and must meet all requirements of the applicable county

building code. In addition to District approval, a county building permit will be obtained for all bridge structures to be installed on District rights of way.

PERSONAL LIABILITY

24. Any person entering upon District property or District right of way, does so at his own risk and assumes all risks associated therewith and by such action accepts the responsibility for any damage to District or private property resulting therefrom.

TRASH AND DEBRIS

25. No tires, trash, debris, litter, garbage, prunings, brush, grass, dairy waste, dead animals, herbicides, pesticides, or any other material which is offensive to the senses or injurious to health, or which pollutes or degrades the quality of water or which obstructs the flow of water, shall be placed, emptied, discharged, thrown, or be allowed to slide, flow, wash or be blown into any canal, ditch or conduit belonging to the District. The District reserves the right to take appropriate legal action and seek restitution in incidents of this nature.

DISCHARGES INTO CANALS

26. No person, firm, company, corporation or agency shall be permitted to pump, siphon, or drain surplus irrigation water (tail-water), storm water, waste water, or any other water, including but not limited to well water, into any District canal, ditch, or conduit, without the express written consent of the Board of Directors. The General Manager may require the installation of line gates or back flow devices for specific turnouts where there is the risk of such other waters entering the District's facilities. A short term authorization for conveyance of well water may be issued by the General Manager. Any such written authorization shall include the manner, method, limitations, and terms and provisions for the District's control and regulation of the conveyance of well water.

ASSESSMENTS

27. The District's principle source of revenues to carry out its responsibilities and operations is through assessments levied pursuant to the Water Code. Lands within the District are classified into four classifications, which are as follows:

- a. Irrigated Rate—that being lands eligible to receive irrigation water from District facilities.
- b. Pump Rate—that being lands eligible to receive irrigation water pumped from the Kings River or interconnected channels, OR lands

irrigated exclusively from groundwater, which are enhanced by the District importing principally Kings River water.

- c. Pasture Rate—lands which are not developed to irrigated agriculture or other uses which consume surface water or groundwater.
- d. Exempt—typically lands held by governmental entities which do no use water, except for incidental domestic needs.

Lands served by River diversions or River pumps shall not be eligible to receive surface water supplies from the District.

In years where a flood release occurs, the Board may adopt other policies to move effectively allocated water.

Historically, the Pump Rate has been 50% of the Irrigated Rate and the Pasture Rate 10% of the Irrigated Rate to reflect an approximate apportionment of the benefits the different classes of lands receive from the District. The District reserves the right to modify these classifications and percentages in the future as the Board of Directors determines appropriate.

The typical process regarding levy and collection of assessments, as prescribed by the Water Code, is that in September the Board meets as a Board of Equalization to determine if the classification of any lands should be changed and to finalize the rate of the assessment. It is incumbent on each landowner to check with the District and determine whether his lands have been properly classified. Assessments may be paid in installments, with the first installment delinquent on December 20th and the second installment delinquent on June 20th. Lands for which the assessment is delinquent are ineligible to receive water service form the District. In addition, as prescribed by the Water Code, penalties and interest are assessed for delinquent assessments and failure to pay assessments will result in liens being filed against the delinquent land and eventual loss of the land if not paid.

The District reserves the right to implement other means to collect revenues to pay for District operations, including implementing a water toll and other charges for services rendered.

REPAIR COSTS DUE TO VIOLATION OF RULES

28. The District will submit a bill for repairs to District facilities caused by a Water User for any violation of these Rules and Regulations or otherwise damaging the District's facilities. Water User shall pay for any such repairs within 30 days of invoice.

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ENFORCEMENT OF RULES

29. Refusal to comply with the requirements hereof, or transgression of any of the foregoing Rules and Regulations, or any interference with District employees carrying out their duties, shall be sufficient cause for shutting off the water, and water will not again be furnished until full compliance has been made with all requirements herein set forth.

APPEALS

30. In cases where Landowners or Water Users have disputes or disagreements with employees of the District, in relation to the delivery of water or maintenance of ditches, they may appeal to the General Manager who shall diligently investigate and reach a conclusion in the matter.

If a controversy still exists they may appeal to the Board of Directors. Decisions of the Board of Directors shall be final.

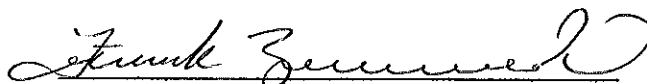
GENERAL PROVISIONS

31. Any waiver by the District of any breach of these Rules and Regulations shall not be deemed a waiver of any subsequent breach or default. Where appropriate, words in the singular include the plural and words in the masculine shall include feminine or an entity. These rules are supplementary to provisions of the California Water Code with respect to Irrigation Districts.

The Board of Directors may promulgate from time to time, policies and procedures to carry out and administer these Rules and Regulations or to otherwise govern the affairs of the District, which are incorporated by this reference and are on file for inspection at the District office.

CERTIFICATION

I hereby certify that the foregoing Rules and Regulations were revised by the Board of Directors of the LAGUNA IRRIGATION DISTRICT at its meeting of April 14, 2005.



Secretary

LAGUNA IRRIGATION DISTRICT

[SEAL]