

LINDMORE IRRIGATION DISTRICT
RULES AND REGULATIONS
ADOPTED BY ACTION OF THE BOARD ON MARCH 12, 2013

NOTE: INFORMATION IN THE BODY OF THE RULES THAT ARE IN BOLD INDICATE A POLICY CHANGE FROM PRIOR YEARS. PLEASE CONTACT THE DISTRICT OFFICE IF YOU NEED CLARIFICATION OF ANY RULES.

ALLOCATION OF WATER

1. At the beginning of each irrigating season all water allocated to the Lindmore Irrigation District by the United States Bureau of Reclamation shall be pro-rated to each acre of land within the District equally according to the latest Assessed Valuation of the land (Article 2, Section 22250, Water Code of the State of California). (Board Policy exception – See item #3). Billings for the use of water will be billed monthly based on the quantity of water used by each landowner during the preceding month.

2. Unused quantities pro-rated water will be billed after the end of the season and payment shall be due no later than December 31 of each year. The end of the season will be when the distribution system operation is closed down for maintenance and pipeline replacement (generally the day before Thanksgiving). Unused water shall not be carried over to succeeding irrigation years.

3. No water shall be apportioned to parcels of five acres or less unless a specific request is made by the landowner. The standby charge will remain on those parcels that requested pro-rate.

4. Water pro-rated to any parcel may be transferred from one parcel of land to another, and from one parcel to another, including to other landowners within the boundaries of Lindmore Irrigation District (Article 2, Section 22250, Water Code). Prior to said transfer all current standby, water charges or fees due the District must be paid in full. Forms for such transfer may be secured at the Lindmore Irrigation District office. Such transfers can occur anytime during the operating water season (typically March 1 through the Monday before Thanksgiving). Landowners with the need and ability to beneficially use water in excess of their pro-rated allotment may contact the District to inquire if additional water is available due to another landowner's nonpayment of District fees such as the nonpayment of standby charges that have resulted in liens being placed on such property. Upon such an inquiry, the District hereby determines, pursuant to the Public Records Act, to release the names and addresses (but not usage records pursuant to Government Code § 6254.16) of landowners that the District has recorded liens on and who are not current on all payments so that the inquiring landowner may contact the delinquent landowner regarding a proposed transfer. Notwithstanding anything to the contrary, no transfer may occur without either the inquiring landowner or the delinquent landowner first paying all current standby, water charges and/or other fees due to the District. Once the transfer is approved, the obligation to pay for the water transferred shall be an obligation of the transferee.

5. All water introduced into the District is the property of the District and is subject to diversion, control and use by the District. No landowner or consumer acquires any proprietary right in the water by reason of such use, nor does such landowner or consumer acquire any right to resell or transfer (other than as provided herein) the water purchased or used, nor the right to use it on the premises or for a purpose other than that for which it was applied.

If a party uses water on land outside the District that was applied for use within the District, whether by routing through a conduit, first flowing the water through the land within the District, by recapturing it from drains, or otherwise, the District may (i) refuse future service; (ii) charge for the use of water on the outside land, at a rate fixed by the Board; and/or (iii) condition further receipt of water upon the landowner making such physical changes in his fields or irrigation system that the Board deems necessary and adequate to assure the District that no future use of District water to outside lands will occur.

6. Landowners having water entitlements greater than they can use will be allowed to assign their excess water to the "District Common Pool" for use by other growers in the District. However, Landowner shall not be relieved from his/obligation to pay for pro-rated supply until all water in the pool is used. If there is a balance in the pool at the end of the operating season, the assignee will be responsible to pay for an amount of the water in the pool in proportion to the relationship of pro-rated water to the total pool, and will then be billed for the water as unused. The annual deadline for the pool is typically the last business day of July. However, in the annual allocation and rate letter this date will be noted.

DISTRIBUTION OF WATER

7. The distribution of water shall be under the general supervision of the Operations Officer.

8. Orders for turn-on and turn-off shall be made at the office of the District, or telephoned to the office (559) 562-2534. No orders except those made through the office as above directed are authorized or accepted.

9. Orders for turn-on and turn-off shall be made not later than 9:00 o'clock in the morning of the day before the delivery of water is requested. Orders will be accepted any time during the day, for delivery at a time later than the following day.

10. No changes in water delivery, except for emergencies, will be made on Sundays.

11. No order for a flow of less than ten inches will be accepted for delivery through a six inch or larger meter, except where the user is willing to accept a charge for a ten inch flow, or to install a smaller meter or adapter at their cost.

12. On the day the water is ordered on or off, the watertender will service the meter at the time he passes on his regular run for the day. Orders for a certain hour cannot be accepted, but the watertender will co-operate with the wateruser as far as is possible to do so compatible with the efficient operation of the system. It is the wateruser's responsibility to see that the meter has been turned on or off as ordered.

13. When water has been turned on it shall run continuously day and night at the flow set by the watertender until he turns it off, and no turn-on will be made for runs of less than 24 hours. Changes to the flow must be called in to the District and a District staff person shall make the necessary adjustment. Excessive call backs during regular work periods will result in a charge (see Fines/Charges below). Call backs after regular hours, except for a District emergency or a power failure, will be assessed a charge (see Fines/Charges below).

14. Water used each month will be billed the first part of the following month.

15. Bills for water are due and payable at the office of Lindmore Irrigation District upon presentation.

16. Bills may be paid at the office of the District at **315 E. Lindmore Avenue in Lindsay, California** or payment may be mailed to Post Office Box 908, Lindsay, California 93247-0908.

17. If bills for water are not paid on or before the 25th (postmarks accepted) of the month the bills are presented, the account becomes delinquent and will be assessed a penalty.

18. A penalty for delinquent accounts (as noted above) will be charged at the rate of one and one half (1 ½) percent per month.

19. No water will be delivered to any land upon which there is a delinquent water account. Similarly, delinquent landowners shall not be allowed to transfer water to another landowner within the District without first bringing all delinquent accounts current and paid in full.

20. No water will be delivered to any land if the wateruser's stand-by account is delinquent.

Though an allocation of water will occur on all eligible accounts at the beginning of the water season, Landowners must have all delinquent accounts cleared prior to receiving project water.

GENERAL

21. The Board of Directors of Lindmore Irrigation District may regulate the use of water to prevent waste (Article 2, Section 22250, Water Code).

22. The landowner will be responsible for any leaks developing in the discharge side of meter stands.

23. No person shall modify, molest, tamper with or interfere with structures or devices used for the delivery of water owned by the district (typically all items before the turnout valve) without express written permission of the District.

24. The structures and lines of the District's system shall neither be used for the application of fertilizer nor for any other purpose which might damage or interfere with the operation of the system.

25. Water furnished by Lindmore Irrigation District shall not be used for drinking purposes, is not treated to make it safe for drinking purposes, and any person making such use of Lindmore water does so contrary to the purpose of the District, violating this definite order of the Board of Directors of the District at your own risk.

26. Any landowner in the Lindmore Irrigation District who sells a portion of a parcel of land served by one meter shall reach an agreement with the buyer relative to water service, and if such agreement indicated the installation of another meter, such meter shall be installed by Lindmore Irrigation District at its convenience and all costs of the installation shall be paid by either the seller of the land or the purchaser, as their agreement sets forth.

27. Persons interfering with the regulation of water in the District conduits are subject to prosecution and or fines. If any person takes water without permission of the District or authorized District staff, they may be subject to criminal prosecution and fines.

28. All water introduced into the District by District works is District water and is subject to re-diversion and use by the District. All such water, whether waste and/or seepage water, intercepted and used by consumers will be charged for at the rate established by the District. All return flows from water served by the District shall become the property of the District when such return flows enter a District lateral or surface drainage system, leave the boundaries of the landowner's property, or percolate into the District's sub-surface drainage system or other District facility. All such water, whether return flow, tail water, waste, and/or seepage water is subject to re-diversion and use by the District.

29. The agents, staff and employees of the District shall have free access at all times to the property being supplied with water from the District's system for the purpose of examining the lands irrigated, the flow of water thereon, the water facilities and any private canal, ditches, sumps or drains, and for any and all other lawful purposes.

30. Wateruser's shall be required at all times to keep their ditches and facilities for conveying and distributing waters in good condition so that water can be used without undue loss or unreasonable waste, and without damage to other lands. Lands must be prepared so that water can be distributed without waste and landowners shall construct adequate drainage facilities so that adjacent land will not be damaged. The District may refuse to deliver water to a consumer whose ditches and structures are not in a proper state of repair or whose land is not prepared to convey or use water in an economic and non-wasteful manner. Landowners shall use District water in a reasonable manner by applying said water to beneficial use.

EMERGENCIES

31. Under emergency circumstances, the District may be required to shut off all or some meters within in the District. If such an event occurs, District staff will inform all affected wateruser's when it is to be shut off and turned on whenever practicable.

32. To report an emergency or an emergency shut-off during business hours (weekdays at 7 am – 4:00 pm) simply call the District office at (559) 562-2534. During non-business hours, please call the District Emergency Response Phone at (559) 333-2386. The Emergency Response phone is with someone at all times. Additional numbers for emergency response (other than District issues) can be located in your phone book.

FINES/CHARGES

33. A \$50.00 charge will be assessed to the wateruser's account for each emergency turn-off requested after regular working hours, unless due to loss of electrical power at the power company meter or when the event is a District operational malfunction.

34. A \$150.00 fine will be made for turning on any water meter without following the proper ordering procedure and a \$150.00 fine will be made for turning off a water meter without proper notification.

35. A \$25.00 charge will be assessed to a wateruser's account for each emergency shut off/modification request during regular business hours (except for in the case of a District emergency or power supplier failure) in excess of three times per meter per year.

CHANGE IN RULES AND REGULATIONS

36. These rules and regulations are adopted in whole or part annually and may be amended or changed at any time by action of the Board of Directors of Lindmore Irrigation District.