

**THE TURLOCK IRRIGATION DISTRICT
IRRIGATION RULES**

**I. Rules for the Distribution and Use of Water Within the
Turlock Irrigation District 2**

**II. Governing Rules of the Turlock Irrigation District
Improvement Districts23**

**III. Rules for the Formation and Operation of
Pump Improvement Districts..35**

**IV. Rules for the Formation and Operation of
Subsurface Drainage Improvement Districts.....42**

V. Policies46

**A. Drainage Policy Within the
Turlock Irrigation District47**

EFFECTIVE, SEPTEMBER 30, 2003

REVISED, FEBRUARY 22, 2005

REVISED, JUNE 2, 2009

I. RULES FOR THE DISTRIBUTION AND USE OF WATER
WITHIN THE TURLOCK IRRIGATION DISTRICT

CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
	Preamble	3
1	Definitions	3
2	Facilities	4
3	Operation of Irrigation System	6
	Facilities	
4	Duties of Irrigator	9
5	Water Distribution Operator Duties	11
6	Delivery of Irrigation Water	12
7	Drainage to District Facilities	16
8	Water Quality	17
9	Irrigation Regulations	20
10	Enforcement of Irrigation Rules	20
	and Regulations	

RULES FOR DISTRIBUTION AND USE OF WATER WITHIN THE TURLOCK IRRIGATION DISTRICT

PREAMBLE

These rules are established pursuant to Water Code Section 22257 to ensure the orderly, efficient, and equitable distribution, use and conservation of the water resources of the District. The District will endeavor to deliver irrigation water in a flexible, timely manner consistent with the physical and operational limits of the delivery system facilities.

The masculine, feminine, or neuter gender and the singular or plural number shall each include the others whenever the context so indicates.

SECTION 1: DEFINITIONS

As used herein, the following words, whether or not initially capitalized, shall have the following meanings:

"Conduits" includes canals, laterals, ditches, drains, flumes, pipes, measurement and control devices, and all related operational facilities.

"District" means the TURLOCK IRRIGATION DISTRICT functioning under Irrigation District Laws of the California Water Code.

"District Conduits" mean conduits owned or leased by the District but do not include improvement district conduits.

"District Facilities" includes dams, structures, wells, conduits, pumps, power plants, reservoirs, and all other facilities of the District, but does not include improvement district facilities.

"Improvement District Facilities" include conduits, pumps, wells, structures, and other facilities owned by an improvement district.

"Irrigable" means all parcels that irrigate and all those parcels greater than one acre with or without on farm irrigation facilities that could be irrigated by either District supplies or from private wells.

"General Manager" means the General Manager or his authorized representative.

"Irrigator" means the landowner or tenant of a parcel of land who has the primary responsibility for irrigating the parcel. The term includes the irrigator's officers, employees and agents.

"Landowner" means holder of title or evidence of title to land.

"Pollutant" means any foreign or deleterious substance or material including, but not limited to, garbage, rubbish, refuse, animal carcasses, matter from any barnyard, stable, dairy or hog pen, herbicides, pesticides, or any other material which is offensive to the senses or injurious to health, or which contaminates or degrades the quality of the receiving water as defined by federal, state or local law.

"Standby" means a charge for services, such as drainage, groundwater management, storm water, etc., assessed against all parcels that irrigate and those parcels greater than one acre outside community or municipal water district boundaries that are irrigable.

"Tenant" means a person or entity who leases, rents, or sharecrops land from a landowner.

"Vehicle" means any motor vehicle, self propelled vehicle, motorcycle, motorized bicycle, or all terrain vehicle.

"Water, additional," means water that is only available to lands served by District drainage pumps or pumps under contract to the District.

"Water Allotment" means the base quantity of water, which is set annually by the TID Board of Directors for each acre of land within the District that can receive District water from District facilities directly or through improvement district or private facilities and which comply with these rules.

"Water, available," means the quantity of water above the water allotment that is made available to each acre of land within the District that can receive District water.

SECTION 2: FACILITIES

2.1 CONTROL OF THE SYSTEM:

District facilities are under the exclusive control and management of the TID Board of Directors, and its authorized agents. No other persons shall have any right to operate or interfere with said system in any manner.

2.2 ACCESS TO LANDS:

Every District director, employee, or authorized agent or representative shall have free access with appropriate vehicle or equipment at all times (including weekends and holidays) to enter any land irrigated with District water or occupied with District or improvement district facilities for any of the following purposes: (1) inspecting District, improvement district, or private irrigation facilities, the flow of water within the facilities (including measurement), and the use of water on the land; (2) determining the acreage of crops irrigated or to be irrigated; and (3) maintaining or operating District or improvement district facilities.

2.3 ENCROACHMENTS:

2.3.1 No trees, vines, shrubs, corrals, fences, or any other type of encroachment shall be planted, or placed in, on, over, or across any District or improvement district conduit or any District right-of-way unless the District has given specific written approval for such encroachment.

2.3.2 Any unauthorized encroachment may be removed by the District at the expense of the encroacher.

2.3.3 Encroachments on an improvement district right-of-way that interferes with the operation or maintenance of that facility may be removed by the District at the expense of the encroacher.

2.4 CONSTRUCTION OF IRRIGATION FACILITIES:

2.4.1 No diverting gates, weirs, structures, or pump intakes shall be constructed or placed in any District conduit until an application in writing has been made to the TID Board of Directors and permission granted therefore.

2.4.2 All such permitted gates, weirs, structures, or pump intakes shall be at the irrigator's expense, built to current District Construction and Engineering Design Standards as adopted by the TID Board of Directors, and shall become the property of the District upon completion.

2.5 CONSTRUCTION OF NON-IRRIGATION FACILITIES:

2.5.1 No improvements or installations such as buildings, bridges, gates, fences, cables, pipes, or other facilities, shall be constructed or placed in, on, over, across or along any District conduit or right-of-way until an application for a Revocable License Agreement has been made to the District and the TID Board of Directors authorization is granted therefore. The applicant does not acquire any rights in the District's right-of-way other than those set forth in the Revocable License Agreement.

2.5.2 All such permitted bridges, gates, fences, cables, pipes or other facilities shall be constructed, erected, installed, and maintained at the irrigator's expense and built to District Construction and Engineering Design Standards.

2.6 MAINTENANCE OF IMPROVEMENT DISTRICT FACILITIES:

2.6.1 Maintenance of improvement district facilities, shall be governed by the current Governing Rules of the Turlock Irrigation District Improvement Districts, Rules for the Formation and Operation of Pump Improvement Districts and the Rules for the Formation and Operation of Subsurface Drainage Improvement Districts adopted by the TID Board of Directors.

2.6.2 Improvement district facilities may be cleaned or repaired by the District at the improvement district's expense when the District determines such action is necessary.

2.6.3 Maintenance and repair of irrigation valves on District or improvement district facilities are the responsibility of the property owner.

SECTION 3: OPERATION OF IRRIGATION SYSTEM FACILITIES

3.1 LIMITS OF LIABILITY:

3.1.1 The District will not be liable for damage of any kind or nature resulting directly or indirectly from any private or improvement district ditch or conduit or the water flowing therein, or for negligent, wasteful, or other use or handling of water by the users thereof.

3.1.2 The District's responsibility shall absolutely cease when the water leaves the sidegate from a District conduit onto the irrigator's land or into a private conduit or improvement district facility.

3.2 CONTROL OF GATES:

- 3.2.1 The District's employees have sole right and responsibility to open any sidegate from a District conduit, and they have the exclusive responsibility to close such gate. The Water Distribution Operator may make arrangements with an irrigator allowing the irrigator to operate a sidegate during the period the irrigator is scheduled to receive water.
- 3.2.2 Any irrigator or group of irrigators may lock their sidegate(s) from the District facilities with prior written permission of the District.
- 3.2.3 The District may lock or require an irrigator to seal or remove, at their sole expense, a sidegate, turnout gate, or other valve where service from that facility is no longer desired, required by the irrigator, or subject to vandalism.
- 3.2.4 All turnouts from District facilities shall be gated or have another positive shut-off system easily accessible to the Water Distribution Operator within the District right-of-way.

3.3 USE OF CANAL BANK ROADS:

- 3.3.1 Use of District canal bank roads and rights-of-way is at the sole risk of the user. The District reserves its rights to limit the public and private use of its canal bank roads and rights-of-way.
- 3.3.2 No person shall drive any vehicle upon any District canal bank road or right-of-way unless such person has received permission from the District to drive upon such road or right-of-way.
- 3.3.3 The following persons have permission to drive a vehicle upon a District canal bank road or right-of-way:
 - 3.3.3.1 Any District director, officer, employee, or agent in the discharge of their duties.
 - 3.3.3.2 Private parties actively involved with farming a parcel of land adjacent to the specific District canal bank road or right-of-way, or which require the use of a specific District canal bank road or right-of-way for access to irrigation facilities serving that parcel of land.
 - 3.3.3.3 Any sheriff, police, fire, or public safety personnel on official business.

3.3.3.4 Any District contractor who needs to use a specific District canal bank road or right-of-way to perform work under their contract with the District.

3.3.4 The General Manager is authorized to adopt regulations setting forth the procedure for other persons to obtain permission to drive a vehicle on specific District canal bank roads or rights-of-way.

3.4 INTERFERENCE WITH DISTRICT FACILITIES:

3.4.1 Any interference with or damage to any District or improvement district facility, or the banks of any District or improvement district conduit is prohibited.

3.4.2 Except for authorized District employees, agents and representatives, and persons authorized under these rules, no person shall be permitted to do any of the following:

3.4.2.1 To attach or place any boards, ropes, or any other object to, on or upon any District or improvement district facility;

3.4.2.2 To place or remove a weir board in a weir or drop;

3.4.2.3 To be on any counter weight, cable, or any parts of an automatic gate;

3.4.2.4 To remove any chain, board, post, or gate placed on or across any canal bank road of the District.

3.4.3 Any interference with or damage to District facilities by pedestrians, livestock, vehicles, parking of vehicles, or obstructions placed thereon is forbidden. Costs for repair of damages to District facilities shall be borne by the party causing said damage or obstruction.

3.5 PUBLIC USE OF CONDUITS:

District conduits shall be used solely for the authorized purposes of the District, including conveying irrigation water for use on land and for conveying drainage water away from the land. The use of District conduits for any other purpose requires prior authorization by the District and shall be at the sole risk of the user.

3.6 PUMPING FROM CONDUITS:

- 3.6.1 All landowners or irrigators who pump from District conduits for the purpose of irrigating lands shall be governed in all respects by the rules and regulations applicable to landowners under gravity service, except system design flows.
- 3.6.2 The District shall not be responsible for any trash or debris that may flow or accumulate in the water, or for any interference with or change in the operation or capacity of any private pump installations, pipelines or irrigation systems.

3.7 DISTRICT DRAINAGE WELLS AND PUMPS:

- 3.7.1 District drainage pumping plants are not installed to reclaim individual acreage.
- 3.7.2 The District, within its sole discretion, shall determine the times (if any) to run a District owned drainage pump depending on, certain operating criteria, including but not limited to, facility maintenance, the groundwater level in the vicinity of the pump, available gravity irrigation supply, available canal capacity, peak power load, or quality of the water being pumped.
- 3.7.3 The water pumped from any District well shall be subject to all the rules and regulations governing the use of gravity water.
- 3.7.4 All District pumps are to be operated by District personnel only.
- 3.7.5 Existing deliveries of water being made to irrigators directly from District drainage pumps will be honored only as long as the pump and pipeline are needed for drainage. No new connections will be permitted.

SECTION 4: DUTIES OF IRRIGATOR

4.1 IRRIGATOR RESPONSIBILITIES:

- 4.1.1 When water is made available to an irrigator by the District's Water Distribution Operator, the irrigator must have a responsible person present, and the land to be irrigated must be properly prepared to efficiently take the water.
- 4.1.2 From the time delivery of water is commenced to the completion of irrigation, the irrigator shall, day and night, attend and control the water.

- 4.1.3 When water is delivered to the irrigator, the irrigator shall be responsible for the water at all times after it leaves the District conduit.
- 4.1.4 The irrigator is responsible and liable for any damage caused by the irrigator's negligence or careless use of water, or the result of failure of the irrigator to properly operate or maintain any ditch, pipeline, or other facility for which the irrigator is wholly or partially responsible.
- 4.1.5 It is the irrigator's responsibility to close all of the irrigator's private valves at the end of each irrigation.
- 4.1.6 It is the irrigator's responsibility to clear the common facilities by opening stopgates and closing sidegates, unless directed otherwise by rules of that distribution system.
- 4.1.7 It is the irrigator's responsibility to call the next irrigator in line and inform them in a timely manner that they are going to receive the water. It is also the irrigator's responsibility to call their Water Distribution Operator immediately after the irrigation to report irrigation times on and off. Irrigation time may be estimated by the Water Distribution Operator, if the irrigator does not call in a timely manner.

4.2 WASTE OF WATER:

- 4.2.1 All water must be applied efficiently and used in a reasonable and beneficial manner.
- 4.2.2 Any irrigator who wastes water on roads, vacant land, or land previously irrigated, either willfully, carelessly, or on account of defective or inadequate conduits or facilities, or inadequately prepared land, or who floods a portion of the land to an unreasonable depth or amount in order to irrigate other portions, or floods across one parcel to irrigate another parcel, may be refused District water until such conditions are remedied.

4.3 MAINTENANCE OF FACILITIES:

- 4.3.1 All private or improvement district conduits must be kept free from weeds and other obstructions, be of sufficient capacity, and be properly constructed and maintained to carry the flow of water applied for, without the danger of breaks, overflow, or undue seepage.

4.3.2 The District may shut off the delivery of water to any private or improvement district facility not meeting the above requirements and require them to be cleaned, repaired, or reconstructed before water is turned into them.

4.4 CAPACITY OF PRIVATE OR IMPROVEMENT DISTRICT FACILITIES:

4.4.1 All new private or improvement district facilities for irrigation purposes shall provide for a gravity flow of not less than fifteen (15) cubic feet per second. A variance from this minimum flow size shall be evaluated by the General Manager on a case-by-case basis considering the impacts on the operation of the delivery system.

4.4.2 The irrigator will be required to install and operate lift pumps to receive water where the District is unable to deliver gravity water.

4.4.3 Where the irrigator chooses to install a pump system, to irrigate the irrigator's lands with sprinkler or other pump systems, the delivery flow rate may be less than fifteen cubic feet per second, provided the lower flow rates are compatible with the remaining gravity deliveries in that portion of the District or improvement district facilities.

4.4.4 The location and tie-in of gravity or pump facilities to District facilities must meet District Construction and Engineering Design Standards and be approved in writing by the District.

SECTION 5: WATER DISTRIBUTION OPERATOR DUTIES

5.1 MEASUREMENT OF WATER:

All measurements of water delivered by the District to irrigators shall be made by the District at the District sidegate. The District shall maintain records of the names of each irrigator, the parcel that each irrigator has irrigated, the number of acre feet of water used by each parcel, and other such irrigation and operations information as required by the General Manager.

5.2 INFORMATION TO WATER USERS:

The Water Distribution Operator will provide a service to water users by informing and advising each irrigator of the anticipated time of water delivery to his parcel of land and the persons water is to be received from and passed on to. The Water Distribution Operator will confirm information on flows, sidegate operation, and any special instructions related to the delivery.

SECTION 6: DELIVERY OF IRRIGATION WATER

6.1 WATER ALLOTMENT AND CHARGES:

- 6.1.1 The TID Board of Directors shall establish the quantities of water and the charges for each quantity of water, the gardenhead rotation, standby charges, and the beginning and ending dates for the irrigation season.
- 6.1.2 Pursuant to Water Code Section 22259, the TID Board of Directors may determine that surplus water is available and can be sold for irrigation of lands outside the District boundaries. These above normal water supplies are intermittent and should not be counted on as a firm supply to be delivered every year.
- 6.1.3 Charges and assessments for improvement district maintenance, operation and construction will be billed on the Improvement District Statement of Assessment for the current calendar year as governed by the State Water Code.
- 6.1.4 All water charges and other irrigation or drainage related charges shall be due and payable as stated by TID Board of Directors Resolution and notices in billing statements.

6.2 FAILURE TO PAY CHARGES:

- 6.2.1 The District may refuse to furnish water to any parcel if outstanding charges for water or services already furnished or rendered such parcel (including any accrued interest and penalties) have not been paid in full by the District's prescribed payment date.
- 6.2.2 All charges shall be made for individual parcels and are the responsibility of the recorded owners of record for each parcel even if the irrigator is only a tenant and not the landowner. All delinquent charges and assessments, together with any accrued interest and penalties, may be collected in accordance with the procedures specified in Water Code Section 25806.

- 6.2.3 The District may refuse to furnish water to any parcel to which the District holds title by virtue of a collector's deed or on which the District has an outstanding unredeemed certificate of sale for the nonpayment of an assessment.
- 6.2.4 Unpaid fees and charges for services relating to revocable license agreements, drainage permits, storm water agreements, or any other agreement or permit from the District shall be subject to the provisions of this section, including Water Code Section 25806 which allows the District to place a lien on property for unpaid fees and charges.

6.3 IRRIGATION SERVICE:

- 6.3.1 Irrigation water will be provided to the irrigator on the basis of an arranged demand delivery, "call system", whereby the rate of gravity water delivery, normally between fifteen (15) or twenty (20) cubic feet per second, is constant, but the frequency and duration of use is requested by the irrigator.
- 6.3.2 The Water Distribution Operator will endeavor to meet the scheduled time of delivery within the capacity limitations of the District facilities while maintaining efficient and equitable water distribution between irrigators. A time limit may be applied to each delivery of water to prevent unreasonable use or waste of water. Delivery of water to parcels not in the original water order may be curtailed to meet previously scheduled deliveries.
- 6.3.3 To schedule an irrigation, the irrigator must place an order with the Central Call Center. In the water order, the irrigator should give a reasonably close estimate for the length of irrigation time the water will be used for each individual parcel intended to be irrigated. The irrigator will confirm the delivery flow for each parcel with the Central Call Center. The Water Distribution Operator, within twenty-four (24) hours of receiving the irrigation request will give the irrigator an estimate of the date when water will be available, and will later attempt to give the irrigator at least twelve (12) hours notice of any change in time of delivery. The irrigator must have his land ready to receive water when the water request is made. Water will be made available on requested specific dates, if it does not jeopardize service to another customer or operation of the canal system.

6.4 REFUSAL OF WATER BY IRRIGATOR:

6.4.1 If an irrigator fails or refuses to continuously use the entire head of water normally delivered to him, then the following shall apply:

6.4.1.1 The full amount of the scheduled irrigation will be charged to the irrigator;

6.4.1.2 The irrigator shall not be entitled to use the unused portion of water at any other time;

6.4.1.3 The irrigator will be required to reschedule for delivery of water;

6.4.1.4 The irrigator may not be allowed to reschedule water for a five (5) day period because of repeated refusals of previously scheduled water.

6.4.2 The District will endeavor to utilize canceled water to the benefit of other irrigators and that portion so utilized will not be charged to the irrigator described in Section 6.4.1.

6.5 INTERRUPTIONS OF SERVICE:

When a break occurs in any private or improvement district facility necessitating an interruption of irrigation service, the irrigator whose irrigation was interrupted, shall be allowed, when service is restored, to finish irrigating before water is taken from the irrigator.

6.6 UNAUTHORIZED USE OF WATER:

6.6.1 Any person who uses the District water without the District's permission may become subject to criminal prosecution and civil liability.

6.6.2 First time use of the District's water without the District's permission shall result in an additional charge, for the water taken, at the rate set by the TID Board of Directors for the unauthorized use of water.

6.6.3 Subsequent taking of water without permission shall result in forfeiture of irrigation water for the remainder of the season and an additional charge, for the water taken, at the rate set by the TID Board of Directors for the unauthorized use of water.

6.6.4 If the District cannot make a reasonable estimation of the water taken, the average irrigation in acre-feet of the parcel irrigated without the District's permission shall be used for assessing the additional charge.

6.7 SERVICE TO PRIVATE OR IMPROVEMENT DISTRICT SYSTEMS:

Water entitlements of irrigators who utilize private or improvement district conduits shall be delivered to the head of these facilities by the Water Distribution Operator. It shall be incumbent on the irrigators to control the actions of individuals taking water from private or improvement district conduits.

6.8 TRANSFER OF WATER:

6.8.1 A landowner may transfer water from an owned or rented parcel to another parcel which the landowner owns or rents provided all of the following conditions are met:

6.8.1.1 Both parcels are entitled to receive water;

6.8.1.2 The rented parcel from which water is transferred shows on the District records to have been rented to the same landowner or irrigator during the prior year's irrigation season;

6.8.2 All transfers must be approved by the Water Distribution Department and must be completed by December 20.

6.8.3 The landowner may request that the Water Distribution Department link parcels described in Section 6.8.1 together for the purpose of water transfers. It is the landowners responsibility to designate which parcels are to be linked and to inform the Water Distribution Department of any additions or deletions in the parcels to be linked together.

6.9 IRRIGATION OF GARDEN SERVICE AREAS:

6.9.1 Garden service areas, which are ordinarily parcels each less than five acres in size that are separate or distinct from farm service areas, will be irrigated as a group, where possible, with a standardized rotation irrigation flow consistent with the capacity of the garden service area irrigation facilities.

6.9.2 Deliveries of water to ditches or pipelines for irrigation of garden service areas will be scheduled by the District and may be subject to interruption when it is necessary to minimize waste of water.

6.10 WORK BILLED TO OTHERS

6.10.1 Work Billed to Others are a result of damages done to a District or improvement district facility. These charges are billed to the responsible party or parties causing the damage. A statement will be mailed describing work done and the cost associated with that work.

6.10.2 All Work Billed to Others charges shall be due and payable upon receipt, unless otherwise stated.

6.10.3 The District may refuse irrigation water for any unpaid Work Billed to Others statements.

6.10.4 Customers who may not agree with the District's findings may appeal the statement by referring to Section 10 within these rules.

SECTION 7: DRAINAGE TO DISTRICT FACILITIES

7.1 DISCHARGE TO DISTRICT FACILITIES:

7.1.1 No discharge is allowed to enter into any District or improvement district facility without the prior express written approval of the District.

7.1.2 Use of improvement district facilities for transportation of animal wastewater requires a Revocable License Agreement approved by the District.

7.1.3 Any person who willfully or negligently allows any discharge to enter any District or improvement district facility without the prior express written approval of the District shall be liable for all damages caused by the discharge and the costs of the cleanup of all affected facilities and of all property adversely affected by the discharge.

7.1.4 The District will not deliver water to the land from which the discharge originated until the facilities by which the discharge entered the District or improvement district facilities are removed or permanently sealed and all costs associated with the cleanup and damages have been paid.

7.2 DRAINAGE PERMIT:

- 7.2.1 A Revocable License Agreement for drainage or discharge, approved by the District, is required to pump, siphon, or drain surplus irrigation water, storm water, wastewater, subsurface drainage, or any other water into any District or improvement district conduit, facility or property.
- 7.2.2 The rate and quantity of drainage into the District facility is subject to limitations based on the capacity of the facility and the quality of the drainage water. Connections to District facilities shall be made to District Construction and Engineering Design Standards at the permittee's expense.

7.3 DRAINAGE OF WATER:

Where excessive runoff from lands receiving District water are entering District facilities, the District may reduce the quantity of water delivered in an effort to reduce the drainage flows, or require the landowner to install special drainage facilities to regulate the flow back into the District facilities. The District may also require a landowner to cease all such runoff into District facilities whenever necessary for the District's, or the public's interest, including, but not limited to, ensuring water quality standards, preventing injury or damage, or performing repair or maintenance.

7.4 SUBSURFACE DRAINAGE:

Under certain conditions, the District will contribute a portion of the financing for new subsurface drainage projects. The District's proportionate financial contribution will be limited solely to those lands lying within a quarter mile radius of an existing District drainage well. The District's proportionate contribution will be based upon the formula detailed below in Section 7.4.1. The landowners and improvement districts shall be responsible for all other costs associated with the subsurface drainage project. The District's financial participation in subsurface drainage projects is subject to certain conditions and requirements, including but not limited to those set forth in the Rules for the Distribution and Use of Water Within the Turlock Irrigation District, Rules for the Formation and Operation of Subsurface Drainage Improvement Districts and Governing Rules of the Turlock Irrigation District Improvement Districts.

- 7.4.1 The District will start with its 5-year average electricity costs for pumping, escalated (1 percent annually) over 10 years to account for inflation. This future 10-year payment stream is converted to a present value. It is divided by the number of District active drainage wells and further

divided by 120 (number acres influenced per well), which yields the District contribution per acre.

SECTION 8: WATER QUALITY

8.1 WATER QUALITY REQUIREMENTS:

- 8.1.1 In addition to any other legally required standard, any discharge of water into the District facilities must meet District water quality standards for discharge to canal system.
- 8.1.2 Dischargers are solely liable and responsible for meeting and complying with all local, state, and federal regulation of water quality and subsurface pumping. Dischargers agree to indemnify, defend and hold harmless the District, its TID Board of Directors, officers, employees and agents against all liability, claims, damages and costs (including reasonable attorneys fees) relating to the quality of water discharged by a discharger.
- 8.1.3 New Drainage Systems: Prior to the first discharge of drainage into District facilities, the District will perform a water quality test on the water to be discharged. In addition, for new subsurface drains, the District requires the installation of test wells prior to construction. All water quality tests performed under this section will be at the expense of the discharger.
 - 8.1.3.1 Drainage systems found to be non-compliant will be required to obtain a variance per section 8.2 prior to commencing discharge into District facilities.
- 8.1.4 Existing Drainage Systems: the District will perform water quality tests quarterly or at other intervals at the District's discretion. All water quality tests performed under this section will be at the expense of the discharger.
 - 8.1.4.1 Within 1 month of water quality test, the District will notify the discharger of non-compliance. The discharger will be given thirty (30) days to apply for a variance.
 - 8.1.4.2 Failure to apply for a variance within the thirty (30) day period will result in immediate suspension of discharge privileges.

8.2 VARIANCE PROCESS:

- 8.2.1 Discharger must prepare and provide, along with the variance application, a detailed plan of operation. If land being drained is used for dairy operations or nutrient water is applied to the soil on land subject to subsurface drainage, the grower must also successfully complete the California Dairy Quality Assurance Program, including certification. The District will make staff available to assist growers in these processes.
- 8.2.2 The objective of the operational plan is to identify all facility modifications or best management practices necessary to improve the water quality such that the discharges will meet water quality standards within the variance period.
- 8.2.3 Discharger will be allowed up to a sixty (60) month variance to bring a non-compliant facility into compliance with water quality standards for discharges. Any variance period may be reduced as a result of new requirements imposed by any local, state, or federal agency.
- 8.2.3.1 If after the expiration of the initial variance, the discharge still does not meet applicable water quality standards, the discharger may request 12 month extensions of the variance from the General Manager by providing justification for the extension and an updated operational plan. The General Manager will determine whether or not to grant the extension after reviewing the justification and updated operational plan.
- 8.2.4 Discharger shall physically implement operational changes according to the schedule detailed in the plan of operation for the variance to remain in effect.
- 8.2.5 The District may choose to conduct an annual review to verify compliance with the plan of operation and assess the effectiveness of operational changes. Modifications to the original plan of operation may be necessary as a result of the annual inspection. Failure to comply with the provisions contained within the operational plan will result in the suspension of discharge to the District's system until such time that the plan is brought into compliance.
- 8.2.6 Through normal irrigation operations, the District will accept non-compliant drainage discharges provided that flows within the canal or lateral are sufficient to provide adequate dilution to meet all water quality standards in effect at the time of discharge.

- 8.2.7 The District may, at its discretion, accept non-compliant drainage discharges during the variance period provided they do not adversely impact water quality standards or cause other potential injury. The District will not re-operate its system to ensure non-compliant discharges meet water quality standards. However, the District can, at its sole discretion, identify methodologies to aid non-compliant discharges in meeting water quality standards, including but not limited to, establishing a rotating block system to cycle available drainage operating times.
- 8.2.8 In the event that the District concludes that a plan of operation, or suitable best management practices are not available to improve the water quality of the discharges, the discharger will not be allowed to discharge into the District's system.
- 8.2.9 If at the end of the initial variance, or any extension thereof, the water does not meet standards, the discharge must cease immediately.

SECTION 9: IRRIGATION REGULATIONS

9.1 AUTHORITY OF GENERAL MANAGER TO ADOPT REGULATIONS:

The General Manager is authorized to adopt regulations to implement or supplement these rules.

9.2 VIOLATION OF A REGULATION CONSTITUTES A VIOLATION OF THESE RULES:

A violation of a regulation duly adopted pursuant to Section 9.1 shall constitute a violation of these rules.

SECTION 10: ENFORCEMENT OF IRRIGATION RULES AND REGULATIONS

10.1 TERMINATION OF DISTRICT WATER DELIVERY FOR FAILURE TO COMPLY WITH RULES OR REGULATIONS:

Failure or refusal of any landowner or irrigator to comply with any of these rules or applicable regulations ("rules and regulations") shall be sufficient grounds for terminating delivery of District water to the lands of such landowner or irrigator, and water shall not again be furnished until the landowner or irrigator is in full compliance with all rules and regulations.

10.2 NOTICE AND ORDERS:

10.2.1 The Water Distribution Department Manager is authorized to issue a Notice and Order to any landowner or irrigator the Water Distribution Department Manager determines is in violation of any rule or regulation. An oral or written warning may be issued in lieu of a Notice and Order.

10.2.2 The Notice and Order shall contain a brief description of the alleged violation, a statement of the action to be taken by the landowner or irrigator, and an explanation that a written appeal must be filed within ten (10) calendar days of the date of service of such Notice and Order or the person waives all rights to a hearing on the matter.

10.3 RED TAGS:

10.3.1 The Water Distribution Department Manager is authorized to immediately terminate the delivery of District water to a parcel under any one of the following circumstances:

10.3.1.1 If the land or irrigation facility in question is in such a condition so as to make it immediately dangerous to any person, to the public, or to any property, including but not limited to the flooding of property;

10.3.1.2 If the landowner or irrigator has failed to comply with a prior District Notice and Order or warnings pertaining to the same or similar problem;

10.3.1.3 Such other circumstances as described in regulations adopted by the General Manager pursuant to Section 9.1.

10.3.2 Notice of an immediate termination of the delivery of District water shall be by service of a Notice and Order with a Red Tag.

10.3.3 When a Red Tag is issued, the TID Board of Directors will be notified at the next TID Board of Directors meeting.

10.4 SERVICE OF NOTICE AND ORDERS AND RED TAGS:

Each Notice and Order and Red Tag shall be served upon the landowner or irrigator either personally or by regular mail to each such landowner or irrigator at the address indicated in the District's records. Service by mail shall be effective on the date of mailing. The Red Tag may also be posted on the affected land or irrigation facility.

10.5 COMPLIANCE WITH NOTICE AND ORDERS AND DECISIONS:

10.5.1 A Notice and Order becomes final if a written appeal is not filed within ten (10) calendar days of the date of service of such Notice and Order. The General Manager's decision becomes final if a written appeal to the TID Board of Directors is not filed within the (10) calendar days of the date of service of the decision. The TID Board of Directors decision becomes final on the day the decision is issued.

10.5.2 After a Notice and Order or a decision of the General Manager or of the TID Board of Directors has become final, no person to whom any such order or decision is directed shall fail, neglect, or refuse to obey any such order or decision.

10.5.3 If, after an order or decision has become final, the person whom such order or decision is directed fails, neglects, or refuses to comply with such order or decision, the District may refuse to furnish water to the land in question and the District may institute any other appropriate action under these rules or applicable law.

10.5.4 Whenever any ordered action or repair is not commenced within seven (7) calendar days after any order or decision has become final or is not pursued with sufficient diligence to enable the ordered action or repair to be completed within the time established for compliance, the Water Distribution Department Manager may issue a Red Tag if a Red Tag has not already been issued.

10.6 APPEALS OF NOTICE AND ORDERS AND RED TAGS:

10.6.1 Any landowner or irrigator affected by the Notice and Order and/or Red Tag may file an appeal.

10.6.2 When a Notice and Order is issued without a Red Tag, a written appeal must be filed with the General Manager within ten (10) calendar days of the date of service of such Notice and Order or the person waives all rights to a hearing on the matter by the General Manager and the TID Board of Directors. The General Manager's decision may be appealed to the TID Board of Directors.

10.6.3 When a Notice and Order is issued with a Red Tag and water delivery is terminated, a written appeal must be filed directly with the TID Board of Directors within ten (10) calendar days of the date of service of such

Notice and Order or the person waives all rights to a hearing on the matter.

- 10.6.4 If the final decision requires compliance with the Notice and Order or any portion thereof and delivery of water is terminated to the land in question for failure to comply with the Notice and Order, no further appeal is allowed and the landowner or irrigator must fully comply with the Notice and Order and with all rules and regulations before water will be delivered.

**II. GOVERNING RULES OF THE TURLOCK IRRIGATION DISTRICT
IMPROVEMENT DISTRICTS**

CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
	Preamble	24
1	Definitions	24
2	Improvement District Formation	25
3	Improvement District Inclusion	28
4	Improvement District Dissolution	29
5	Improvement District Abandonment	29
6	Improvement District Committee	32
7	Improvement District Meetings	32
8	Voting at Improvement District Meetings	32
9	Work Authorization Procedure	33
10	Improvement District Funds	34
11	Improvement District Expenditures	34
12	Assessment for New Purposes	34

REVISED JUNE 2, 2009

GOVERING RULES OF THE TURLOCK IRRIGATION DISTRICT IMPROVEMENT DISTRICTS

PREAMBLE

These rules are established to govern the formation, operation and maintenance of Improvement Districts within the Turlock Irrigation District. The formation, inclusion of additional lands and dissolution of improvement districts, and the approval and levying of improvement district assessments, are governed by Water Code Sections 23600 et seq., California Constitution Articles XIIC and XIID and the Proposition 218 Omnibus Implementation Act, Government Code Sections 53750, et seq.

SECTION 1: DEFINITIONS

The following words have the following meanings:

“Agricultural Parcels” are undeveloped parcels that are not urban parcels.

“Authorized Representative” is a person who is designated by a landowner or landowners to act on behalf of the landowner or landowners on TID improvement district matters. All references in these Rules to “landowner” or “landowners” shall be understood to include their authorized representatives. Each authorized representative must be identified and certified as to the scope of the representative’s authority on a form approved by TID. Authorized representatives may be asked to confirm their status when submitting official voting ballots on behalf of a landowner or landowners.

“Committee” means Improvement District Committee.

“General Manager” means the General Manager or his authorized representative.

“Irrigation Improvement Districts” convey irrigation water for agricultural production through facilities owned by the improvement district.

“Landowner” means an owner or owners of a parcel of land whose name(s) and address(es) appear on the current TID improvement district assessment roll maintained by the TID Assessor, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the TID Assessor.

“Official Meeting” is a meeting which is called by the TID giving notice to the improvement district members whose names and addresses are listed on the current assessment roll.

“O & M” means Operation and Maintenance.

“**TID**” means Turlock Irrigation District.

“**TID Facility**” means any Turlock Irrigation District irrigation facility.

“**Urban Parcel**” is a parcel of land within the boundaries of a municipal or industrial water system.

“**Non-Urban Parcel**” is a developed parcel that is used exclusively for non-agricultural purposes.

SECTION 2: IMPROVEMENT DISTRICT FORMATION

- 2.1 Improvement districts may be formed to construct and maintain facilities on behalf of its members. They may also be formed to acquire and maintain existing private facilities. In either case, the formation process consists of several steps that require approximately four (4) months to complete. These steps include preparing a petition for formation, petition and easement signature, report of survey, preparation of estimated assessment and a public hearing. Once the improvement district is formed, the members will be assessed for construction, operation and maintenance costs on a per acre basis.
 - 2.1.1 **Proposition 218 Governs Voting:** All votes, approvals and consents of landowners that relate to the formation of an improvement district or the levy of a new or increased per-acre assessment must be based upon a “per acre” vote, i.e., one acre = one vote.
- 2.2 **Formation for construction.** Landowners request the TID to form an improvement district to construct the facilities. Once the improvement district is formed, the TID will prepare the construction plans and specifications and arrange for construction of the facilities. When construction is complete, the TID will issue improvement district warrants. TID will issue assessments on all lands within the improvement district to pay the warrants and future operation and maintenance costs.
- 2.3 **Formation by acquisition.** The TID can form improvement districts for the purpose of acquiring existing private facilities. Persons interested in forming an improvement district for this purpose should contact TID’s Water Distribution Department.
- 2.4 In order to form an improvement district there must be at least two separate parcels under different ownership.
- 2.5 Property that benefits from the improvement district’s facilities shall be included in the improvement district.
- 2.6 Improvement districts shall acquire and maintain common facilities serving more than one parcel.
- 2.7 The improvement district must obtain all necessary easements for TID and improvement

district facilities. The easements shall conform to TID standards and requirements.

2. 8 Improvement districts shall be formed using the following process:

2.8.1 Persons wishing to form an improvement district must first submit a petition to TID's Water Distribution Department requesting that an improvement district be formed.

2.8.1.1 Prior to submitting a petition, persons wishing to form an improvement district should meet with TID's Water Distribution Department to discuss the need and the feasibility of the proposed improvement district as well as the formation process.

2.8.1.2 Petitions must contain the signatures of the landowners who own at least two-thirds of the acres proposed for inclusion within the improvement district and must be in a form approved by TID.

2.8.2 After the petition is submitted to TID, the TID will prepare a detailed engineer's report analyzing the feasibility and costs of forming the improvement district, including the costs of constructing any facilities.

2.8.3 After the engineer's report is prepared, TID will set a date to hold a public hearing before the TID Board of Directors to determine whether the improvement district should be formed and whether an assessment should be levied on the property within the improvement district.

2.8.4 Not less than 45 days prior to the public hearing upon the formation and the proposed assessment, TID will send all landowners of the lands within the proposed improvement district the detailed engineer's report and a ballot on which they can indicate their support or opposition to the proposed assessment.

2.8.4.1 The ballots must be returned to TID before the end of the public hearing on the improvement district.

2.8.4.2 At the conclusion of the public hearing the Secretary or Clerk of the Board, or any other person designated by the TID Board of Directors as an impartial person who does not have a vested interest in the outcome of the proposed formation and assessment, shall tabulate the ballots submitted, and not withdrawn, in support of or opposition to the proposed formation and assessment. Each landowner's vote will be based upon the number of acres owned, i.e., one acre = one vote. For example, a landowner owning 100 acres would be entitled to 100 votes and another landowner owning ½ acre would be entitled to ½ vote. In the event that more than one of the record owners of an identified parcel submits a ballot, then that ballot shall be counted in accordance with Government Code Section 53753(e)(1) or its

successor statute.

2.8.5 At the public hearing on the formation of the improvement district, the TID Board of Directors will consider whether to form the improvement district.

2.8.5.1 At the public hearing, the TID Board of Directors shall consider all protests against the proposed formation and assessment and tabulate the ballots. The TID Board shall not form the improvement district and impose an assessment if a majority protest exists. A majority protest exists if, upon the conclusion of the hearing, the votes submitted in opposition to the formation and assessment exceed the votes submitted in favor of the formation and assessment.

2.8.5.2 The TID Board of Directors may form the improvement district and impose the assessment if a majority protest did not result from the balloting.

2.9 Additional Irrigation Improvement District Formation Requirements

2.9.1 **Engineering services.** Prior to constructing irrigation facilities, the irrigation improvement district shall obtain qualified engineering assistance to provide the following services:

2.9.1.1 **Irrigation study.** Cropping types, acreages and water needs shall be studied to determine the feasibility of providing the intended irrigation service.

2.9.1.2 **Field survey.** The grades and alignment of proposed irrigation facilities shall be established, along with the boundaries of the proposed irrigation improvement district.

2.9.1.3 **Design.** The engineer shall provide a system design consisting of a complete set of plans showing facility design and specifications, and operation and maintenance information. The design must be done in accordance with engineering standards provided by the TID, or other accepted industry standards.

2.9.1.4 **Construction survey and inspection.** The engineer shall provide adequate horizontal and vertical control for system installation. In addition, the engineer must provide certification that the system was installed as designed.

2.10 All petitions to form new improvement districts by acquisition must be submitted to the TID no later than May 1 of the year preceding the assessment year the proposed formation is to become effective. The assessment year runs from September 1st to August 31st.

- 2.11 All petitions to form new improvement districts by construction must be submitted to TID with sufficient lead time to allow for the following: approximately four (4) months to form the improvement district; time to construct the facilities after the improvement district has been formed; plus an additional eight (8) weeks to finalize the costs and set the assessment by October 1st. In some instances, this would require the petition to be submitted the year prior to the October 1st deadline to allow for the construction of the facilities to occur during the non-irrigation season.
- 2.12 Upon formation of new improvement districts containing facilities owned by Improvement District No. 52, the Delhi State Land Settlement, ownership of those Improvement District No. 52 facilities shall be transferred to the new improvement district.

SECTION 3: IMPROVEMENT DISTRICT INCLUSION

- 3.1 Inclusions of property into an improvement district must be done in accordance with provisions of the California Water Code and the California Constitution. The inclusion process consists of several steps that require approximately three (3) months for completion. These steps include preparing a petition for inclusion, petition signature, feasibility report and a public hearing. The owners requesting inclusion must sign the petition and ballot. Once the property is included in the improvement district, the property within the improvement district will be assessed for the construction, operation and maintenance costs on a per acre basis.
- 3.2 The requesting landowners must obtain all necessary easements for TID and improvement district facilities. The easements shall conform to TID standards and requirements.
- 3.3 The owner of the including parcel will be required to pay the following amounts prior to the inclusion being finalized:
 - 3.3.1 The current TID Board of Director approved fee for processing the inclusion.
 - 3.3.2 For parcels that were not previously in the improvement district, the cost of the original construction and/or formation as well as the cost of major improvements or construction subsequent to the formation.
 - 3.3.3 For parcels that were previously in the improvement district, all operation, maintenance and construction costs incurred by the improvement district subsequent to the parcel abandoning from the improvement district.
 - 3.3.4 Any other charge the TID Board of Directors deems appropriate.
- 3.4 All petitions to include into improvement districts must be submitted to the TID no later

than June 15th of the year preceding the year the proposed inclusion is to become effective.

SECTION 4: IMPROVEMENT DISTRICT DISSOLUTION

- 4.1 Dissolution of an improvement district must be done in accordance with the provisions of the California Water Code. The dissolution process consists of several steps that require approximately two (2) months for completion. These steps may include preparing a petition, petition signature and a public hearing.
- 4.2 An improvement district may be dissolved prior to incurring any indebtedness or upon full payment of all indebtedness.
- 4.3 Dissolution of an improvement district may be initiated by the General Manager or members submitting a petition requesting the improvement district be dissolved.
 - 4.3.1 Petitions to dissolve an improvement district must be in a form approved by the TID and must contain the signatures of at least two-thirds of the landowners in the improvement district.
- 4.4 Upon the request of the General Manager or upon receipt of the petition, the TID Board of Directors will set a time for a public hearing to consider the dissolution of the improvement district.
- 4.5 In any case in which the TID Board of Directors has by resolution determined that all indebtedness of the improvement district has been paid and the improvement for which the improvement district was formed no longer exists or is no longer operational, the TID Board of Directors may order the improvement district dissolved without a hearing.

SECTION 5: IMPROVEMENT DISTRICT ABANDONMENT

- 5.1 The following procedures shall apply to all improvement district abandonments:
 - 5.1.1 Subject to the abandonment rules, any landowners of parcels within improvement districts may make a request to the TID Board of Directors to abandon out of an improvement district. The General Manager may, on his own initiative, request the TID Board of Directors to have a parcel abandon out of an improvement district.
 - 5.1.2 Upon receipt of an abandonment request or at the time of the General Manager's request to the TID Board of Directors, the TID's Water Distribution Department shall prepare and present to the TID Board of Directors a report on the feasibility of the abandonment and impacts of the abandonment on the parcels remaining within the improvement district.

- 5.1.3 When parcels are allowed to abandon, all valves must be sealed or facilities removed and all prior year, current year, construction assessments and any other obligations payable out of the assessment which are a lien on the property shall be paid.
 - 5.1.3.1 At the TID's discretion parcels defined in Rules 5.2.1 and 5.2.2 may be allowed to abandon from an improvement district without the payment of outstanding O & M assessments or fees. However, no such exemption from fees shall be allowed unless all of the following conditions are met:
 - 5.1.3.1.1 The parcel has paid in full all outstanding construction assessments or fees. Construction includes, but is not limited to, lining or piping conveyance facilities and building or replacing wells.
 - 5.1.3.1.2 The parcel does not have any access to receive water from any improvement district facility. A parcel is considered to have access to receive water when District water can be conveyed to the land by valve, gate, pump, ditch, pipe or other means as determined by TID.
 - 5.1.3.1.3 The abandonment will not result in a materially significant increase in existing or future O & M assessments to other parcels in the improvement district or adversely impact the operation and maintenance of the improvement district facility. What constitutes a materially significant increase shall be determined solely by TID.
 - 5.1.3.1.4 The abandonment and exemption from payment of fees are found to be in the best interest of the District.
- 5.1.4 Abandoning parcel owners shall be required to grant easements to the TID for any improvement district facilities on or adjacent to their property (e.g., pipelines, ditches, and pumps).
- 5.1.5 The TID Board of Directors may prescribe any conditions upon the abandonment of the land that is deemed just. Such conditions may include, but are not limited to, the requirement to pay a per acre charge to the improvement district to mitigate any significant adverse financial impacts on the improvement district caused by the abandonment of the land from the improvement district's assessment base.
 - 5.1.5.1 For abandonments from Improvement District 52, the Delhi State Land Settlement, a fee of not less than \$25 per acre nor more than

\$50 per acre shall be imposed on each parcel abandoning from Improvement District No. 52. The actual fee will be determined based upon the number of petitions to form new improvement districts compared to the number of remaining improvement districts to be formed within Improvement District No. 52. The abandonment fee shall be included in the following year's improvement district O&M assessment or shall be paid as a fee if the requesting owner is not including in another improvement district. Proceeds from the abandonment fee shall be credited to the O&M account of Improvement District No. 52.

5.1.6 All petitions to abandon from improvement districts must be submitted to the TID no later than June 15th of the year preceding the year the proposed abandonment is to become effective.

5.2 **Irrigation Improvement Districts.** The following parcels may abandon from irrigation improvement districts:

5.2.1 Urban parcels of five acres or less

5.2.2 Non-urban parcels

5.2.2.1 Non-urban parcels less than or equal to one acre shall be permitted to abandon.

5.2.2.2 Non-urban parcels greater than one acre that are developing or are completely developed shall be permitted to abandon.

5.2.3 Agricultural parcels shall be permitted to abandon provided that the parcel receives or is entitled to receive District surface water either through privately owned facilities or through facilities of another improvement district.

5.3 **Pump Improvement Districts.** Before abandonment is permitted, the TID Board of Directors shall make a determination that the abandonment will not have an adverse effect on the remaining pump improvement district parcels.

5.4 **Drainage Improvement Districts.** Before abandonment is permitted, the TID Board of Directors shall make the determinations that (1) the abandonment will not have an adverse effect on the remaining drainage improvement district parcels, and (2) the abandoning parcels do not benefit directly or indirectly from the improvement district facilities.

SECTION 6: IMPROVEMENT DISTRICT COMMITTEE

- 6.1 The California Water Code provides that the TID Board of Directors is the sole governing body with regard to the management of the improvement district. The Improvement District Committee serves as an advisory body to the TID Board of Directors. Landowners within an improvement district have the option of forming a Committee; Committees are not required.
- 6.2 The Committee officers of the improvement district are a president, a vice president and a secretary.
- 6.3 The officers will be elected by the landowners within the improvement district at a noticed meeting of the improvement district and will serve until new officers are elected. Election may be held every three years. There is no limit on the number of successive terms an officer may serve. The Committee's secretary will certify a roster of officers within thirty (30) days after the election of Committee officers on the TID established form.

SECTION 7: IMPROVEMENT DISTRICT MEETINGS

- 7.1 Improvement district meetings are noticed meetings for all landowners within the improvement district. It is recommended that each improvement district hold a meeting at least once every three (3) years.
- 7.2 A meeting for any purpose relating to the improvement district may be called at any time by the Committee (if any), by ten percent (10%) of the landowners in number or by the TID.
- 7.3 All requests for improvement district meetings shall be made to the TID's Water Distribution Department. The TID will give notice to the landowners within the improvement district whose names and addresses are listed on the then current improvement district assessment book maintained by the TID Assessor. The notice will include an agenda with proposed TID staff recommendations and actions for consideration at the meeting.

SECTION 8: VOTING AT IMPROVEMENT DISTRICT MEETINGS

- 8.1 This Section 8 applies to voting at improvement district meetings called pursuant to Section 7. This section shall not apply to any voting required by California Constitution Articles XIII C or XIII D or any applicable statutes.
- 8.2 Each landowner's vote will be based upon the number of acres owned, i.e., one acre = one vote, within the improvement district. If there is more than one landowner of a parcel within the improvement district and the landowners disagree on how they should vote on an issue, then their respective votes shall be apportioned in accordance with their percentage ownership of the parcel and the number of acres within the parcel. For

example, Landowner X owns a 60% interest in a 100-acre parcel and Landowner Y owns a 40% interest in the same parcel. Landowner X would get 60 votes and Landowner Y would get 40 votes. When two or more persons are landowners (for example, husband and wife or brothers and sisters) of the same parcel of land within the improvement district and the parcel consists of only one acre or less, then all the landowners of the parcel combined may only cast one vote.

- 8.3 Every landowner entitled to vote will have the right to do so either in person or by an authorized representative.
- 8.4 Landowners present at the meeting will be given the opportunity to discuss, comment on and vote on any matter before the improvement district meeting, including, but not limited to, any recommendations and actions proposed by TID staff in the noticed agenda for the meeting.
- 8.5 Landowners are encouraged to attend all improvement district meetings. Failure to attend and vote will be considered by the TID as the non-attending landowners acquiescing in any action or non-action on any issue at a meeting, including, but not limited to, approval of any recommendation and/or action proposed by TID staff.

SECTION 9: WORK AUTHORIZATION PROCEDURE

- 9.1 Any person requesting work on improvement district facilities must contact the TID's Improvement District Trouble Shooter (IDTS). The IDTS will schedule a field meeting to review the requested work and initiate the work order process.
- 9.2 Any work affecting an improvement district facility must first be reviewed and approved by the TID.
- 9.3 The TID will establish an annual operation and maintenance budget for each improvement district based on past maintenance history.
- 9.4 The TID will review and may approve any request for work that has an estimated cost at or below the improvement district's O & M budget. Requests for work that for reasons of safety, security or operation are classified as emergencies may be approved regardless of budget considerations.
- 9.5 The TID will raise the improvement district's O & M budget as required to cover the estimated costs for O & M work which exceed the current budget. The members of the improvement district will be notified by mail that their budget is being raised. If so requested, the TID will call a meeting of the improvement district to discuss the proposed work.
- 9.6 If the TID approves the request, TID will either do the work or provide for the outside services. All approved requests must be completed in conformance with applicable TID

requirements. Itemized invoices and other documentation of work actually performed, signed by two improvement district members, must be submitted to the TID before payment will be made for any outside services.

9.7 This procedure covers all work affecting improvement district facilities.

SECTION 10: IMPROVEMENT DISTRICT FUNDS

- 10.1 All funds collected for or on behalf of the improvement district must be deposited with the TID.
- 10.2 All charges or assessments to be levied on the improvement district must be approved by the TID Board of Directors.
- 10.3 All disbursements of improvement district funds will be made by the TID.
- 10.4 Funds in the improvement district's O&M account shall remain in the account unless and until disbursement of funds is requested by vote of the Committee or upon request of the landowners owning more than a majority of the acres within the improvement district. Funds shall be disbursed in accordance with Water Code Section 24529. Landowners who are entitled to any disbursements shall be conclusively determined by the TID Assessor based upon the TID improvement district assessment book current at the time the distribution is made, with unknown and fictitiously named owners being disregarded.

SECTION 11: IMPROVEMENT DISTRICT EXPENDITURES

Administrative, engineering, operation and maintenance costs incurred on behalf of an improvement district shall be charged to the improvement district.

SECTION 12: ASSESSMENT FOR NEW PURPOSES

Whenever it is desired to do additional new work, significantly replace existing improvement district facilities or acquire additional facilities or property, upon the petition of landowners owning at least a majority of the acres within the existing improvement district, an additional assessment may be levied so long as a vote is conducted in the same manner as for an original assessment under Section 2 of these Rules and a majority protest did not result from the balloting. The formation of a new improvement district is not required. The petition must be in a form approved by TID.

**III. RULES FOR THE FORMATION AND OPERATION OF
PUMP IMPROVEMENT DISTRICTS**

CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
	Preamble.....	36
1	Definitions	36
2	Pump Formation Requirements	37
3	Pump Use Approval and Charges	37
4	Collection and Disbursement of Funds	38
5	Operational Requirements.....	39
6	Water Quality Requirements.....	39
7	Pump Improvement District Committee Responsibilities	39
8	Rental to the TID	40
9	Other Applicable Rules	40

RULES FOR THE FORMATION AND OPERATION OF PUMP IMPROVEMENT DISTRICTS

PREAMBLE

The primary purpose for Pump Improvement Districts is to provide deep-well irrigation water to improvement district members as part of a conjunctive use program to supplement the supply of surface gravity water provided by the Turlock Irrigation District (TID). These rules provide operating rules specifically for Pump Improvement Districts and are supplemental to the Governing Rules of Turlock Irrigation District Improvement Districts.

SECTION 1: DEFINITIONS

The following words have the following meanings:

“O & M” means Operation & Maintenance.

“Off Season” means the remaining six (6) months of the year that are not On Season.

“Official Meeting” is a meeting which is called by the TID giving notice to the improvement district members whose names and addresses are listed on the current assessment roll, pursuant to Section 7 of the Governing Rules of Turlock Irrigation District Improvement Districts.

“On Season” means the calendar period of six consecutive months that pump owners will receive a connected load charge. This period will be from April 1st through September 30th unless otherwise specified by the Pump Improvement District Committee.

“Parcels within the Pump Improvement District” means all those parcels of land that are within the established boundary of the Pump Improvement District.

“Parcels outside the Pump Improvement District” means all parcels of land not within the established boundary of the Pump Improvement District.

“Pump Improvement District Committee” - The Committee officers are a president, vice president and a secretary elected and serving pursuant to Section 6 of the Governing Rules of Turlock Irrigation District Improvement Districts.

“TID Facility” means any Turlock Irrigation District irrigation facility.

SECTION 2: PUMP FORMATION REQUIREMENTS

- 2.1 Engineering services. Prior to constructing well and pumping facilities, the pump improvement district shall obtain qualified engineering assistance to provide the following services:
- 2.1.1 **Groundwater study.** Pumping records and well logs for pumping facilities in the area shall be examined to determine the potential for construction of a well and pump in the area. Locations of existing wells in the area shall be determined and the new location chosen to minimize interference with other pumping facilities.
 - 2.1.2 **Aquifer investigation.** A study to determine soil structure and potential ground water yield shall be conducted to enable the design of the system.
 - 2.1.3 **Field survey.** The grades and alignment of proposed pumping and discharge facilities shall be established along with the boundaries of the proposed pump improvement district.
 - 2.1.4 **Design.** The engineer shall provide a system design consisting of a complete set of plans showing system location, casing size and perforations, pump design and specifications, and operation and maintenance information. The design must be done in accordance with engineering standards provided by the TID, or other accepted industry standards.
 - 2.1.5 **Construction survey and inspection.** The engineer shall provide adequate horizontal and vertical control for system installation. In addition, the engineer must provide certification that the system was installed as designed.
- 2.2 Property that benefits from the well and pump shall be included in the pump improvement district.

SECTION 3: PUMP USE APPROVAL AND CHARGES

- 3.1 Approval to Use the Pump
- 3.1.1 No approval from TID is required for parcels of land within the pump improvement district to use the pump.
 - 3.1.2 Approval by the Pump Improvement District Committee is required for parcels of land outside of the pump improvement district to use the

pump.

3.1.3 The TID must always approve any use of TID facilities for transportation of pump water for each separate occasion.

3.2 Charges - On Season

3.2.1 **Customer and Connected Load** charges will be paid by all the members of the pump improvement district on a per acre basis through the annual O & M assessment.

3.2.2 **Electrical Energy** charges will be paid by the user of the pump.

3.2.3 **Additional Charges** as determined by the Pump Improvement District Committee will be paid by the user.

3.3 Charges - Off Season

3.3.1 **Customer and Connected Load** charges will be paid by the user of the pump.

3.3.2 **Electrical Energy** charges will be paid by the user of the pump.

3.3.3 **Additional Charges** as determined by the Pump Improvement District Committee will be paid by the user.

SECTION 4: COLLECTION AND DISBURSEMENT OF FUNDS

4.1 The TID will bill the pump improvement district's O & M account monthly for all costs incurred during that month. These costs include energy costs, connected load charge, customer charge and any costs for maintenance work performed on the facility by TID or outside contractors. An electrical service bill will be sent to the designated improvement district member monthly.

4.2 The Pump Improvement District Committee shall collect checks made payable to the appropriate TID improvement district for actual use of the pump. The checks shall be submitted monthly to the TID in a timely manner. The TID will then deposit the money collected in the pump improvement district's O & M account. The TID will deposit those funds generated from TID rental of a pump into the pump improvement district's O & M account.

4.3 The TID will bill the pump improvement district members on a per acre basis for all unpaid bills, including electrical charges, annually through O & M assessments.

SECTION 5: OPERATIONAL REQUIREMENTS

Temporary Suspension of Discharge Privileges. In the event it becomes necessary to eliminate water from any portion of the TID's irrigation system affected by this pump improvement district for the purpose of repair, maintenance, replacement, irrigation or storm drainage usage, or for any other purpose, the TID may temporarily turn off any pump or valve by which the pump's water is discharged into the TID's irrigation system. Unless it is an emergency situation, the TID shall endeavor, whenever possible, to give the pump improvement district at least seven (7) days prior notice before suspending any discharge privileges pursuant to this section.

SECTION 6: WATER QUALITY REQUIREMENTS

- 6.1 Any discharges of water from improvement district facilities into TID facilities must comply with all local, state, federal and TID water quality standards. If the improvement district fails to meet these requirements, the improvement district must immediately cease all discharges of water into TID facilities.
- 6.2 Prior approval is always required from the TID for the improvement district to be allowed to discharge into TID facilities during the off-season to transport pump water for irrigation purposes.
- 6.3 Improvement districts are solely liable and responsible for meeting and complying with all local, state, and federal regulation of water quality and subsurface pumping. Improvement districts agree to indemnify, defend and hold harmless the TID, its Board of Directors, officers, employees and agents against all liability, claims, damages and costs (including reasonable attorneys fees) relating to the quality of water discharged by an improvement district.
- 6.4 The TID will perform water quality tests on water discharged by the improvement district after the construction of its facilities and prior to the first discharge of water into the TID facilities. The TID will retest quality of water periodically at the TID's discretion. All water quality tests performed under this section will be part of the O & M expenses of the improvement district.

SECTION 7: PUMP IMPROVEMENT DISTRICT COMMITTEE RESPONSIBILITIES

- 7.1 Committee members shall provide and maintain physical access to the pump.

- 7.2 Committee members shall maintain the pump in good operating condition including the following:
 - 7.2.1 Daily or routine maintenance.
 - 7.2.2 The committee shall maintain a maintenance and repair log which will contain the following minimum information:
 - 7.2.2.1 Dates of regular pump checks;
 - 7.2.2.2 Dates of regular pump maintenance;
 - 7.2.2.3 Dates and description of repair work.
- 7.3 Committee members shall be responsible for the safety and security of the pump installation and operation including the following:
 - 7.3.1 The pump shall be kept in a safe operating condition. Any condition that constitutes a safety hazard shall be corrected at once.
 - 7.3.2 Adequate security measures shall be taken to prohibit unauthorized access to, or operation of the pump.
- 7.4 Committee members shall be responsible for the recording of pump usage including the following:
 - 7.4.1 The committee shall provide instructions for use of the pump to the pump improvement district members, or other authorized user.
 - 7.4.2 The committee shall maintain pump usage records which contain the following minimum information:
 - 7.4.2.1 User name;
 - 7.4.2.2 Date and time pump turned on;
 - 7.4.2.3 Date and time pump turned off;
 - 7.4.2.4 Hours used.

SECTION 8: RENTAL TO THE TID

Rental of the improvement district pump to the TID shall be by written agreement under the current TID Board of Directors Resolution.

SECTION 9: OTHER APPLICABLE RULES

- 9.1 Unless otherwise provided in these rules, the Governing Rules of Turlock Irrigation District Improvement Districts apply to pump improvement

districts.

- 9.2 All maintenance and repair work done on the pump improvement district facilities shall follow the Governing Rules of Turlock Irrigation District Improvement Districts. Approval for repairs can be obtained by contacting the Improvement District Trouble Shooter at the TID.

**IV. RULES FOR THE FORMATION AND OPERATION OF
SUBSURFACE DRAINAGE IMPROVEMENT DISTRICTS**

CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
	Preamble	43
1	Definitions.....	43
2	Description of Subsurface Drainage Improvement Districts (SDIS)	43
3	SDID Formation Requirements	43
4	Water Quality Requirements	44
5	Operational Requirements	45
6	Payment and Ownership of SDID Facilities	45
7	Other Applicable Rules	45

RULES FOR THE FORMATION AND OPERATION OF SUBSURFACE DRAIN IMPROVEMENT DISTRICTS

PREAMBLE

Subsurface drainage improvement districts (SDIDs) are formed at the request of affected landowners to alleviate high groundwater conditions affecting their property.

SECTION 1: DEFINITIONS

The following words have the following meanings:

“SDID” means **Subsurface Drainage Improvement District**, an improvement district organized to provide below ground surface drainage facilities to alleviate high groundwater conditions affecting member properties.

“TID” means Turlock Irrigation District

SECTION 2: DESCRIPTION OF SDID’S

SDID’s are composed of the following facilities:

- 2.1 Collection and transportation facilities consist of a network of perforated and non-perforated drain tubing and pipes that collect groundwater and transport it to the discharge facilities. Collection and transportation facilities consist of laterals and trunk lines.
 - 2.1.1 Laterals are the individual collection pipes within a field.
 - 2.1.2 Trunk lines collect water from laterals and may also be designed to collect groundwater.
- 2.2 Discharge facilities consist of a sump, pump, and discharge line that transports collected groundwater into a terminal facility such as, a TID canal or drain.

SECTION 3: SDID FORMATION REQUIREMENTS

- 3.1 Engineering services. Prior to constructing subsurface drainage facilities, the SDID shall obtain qualified engineering assistance to provide the following services:

- 3.1.1 **Groundwater study.** A study shall be conducted to indicate whether installation of a subsurface drainage system is cost effective for the TID and the proposed improvement district.
- 3.1.2 **Water quality study.** Testing shall be done to determine if the water to be drained will meet applicable water quality standards.
- 3.1.3 **Soil and drainage investigation.** A study to determine soil permeability and classification shall be conducted to enable the design of the system.
- 3.1.4 **Field survey.** The grades and alignment of proposed drainage facilities shall be established, along with the boundaries of the proposed SDID.
- 3.1.5 **Design.** The engineer shall provide a system design consisting of a complete set of plans showing system layout, drain sizing and grade, sump and pump design and specifications, estimated flows and operation and maintenance information. The design must be done in accordance with engineering standards provided by the TID, or other accepted industry standards.
- 3.1.6 Prior to construction of subsurface drainage facilities, the discharger must obtain a Revocable License Agreement as set forth in Section 7 of “The Rules For The Distribution and Use of Water Within The Turlock Irrigation District”.
- 3.1.7 **Construction survey and inspection.** The engineer shall provide adequate horizontal and vertical control for system installation. In addition, the engineer must provide certification that the system was installed as designed.
- 3.2 Property that benefits from the SDID’s facilities shall be included in the SDID.

SECTION 4: WATER QUALITY REQUIREMENTS

Any discharges of water from SDID facilities into TID facilities must meet TID water quality standards and must conform to water quality requirements as outlined in Section 8 of the “Rules for the Distribution and Use of Water within the Turlock Irrigation District”.

SECTION 5: OPERATIONAL REQUIREMENTS

Temporary Suspension of Discharge Privileges. In the event it becomes necessary to eliminate water from any portion of the TID's irrigation system affected by this SDID for the purpose of repair, maintenance, replacement, irrigation or storm drainage usage, or for any other purpose, the TID may temporarily turn off any pump or valve by which the SDID's subsurface drainage water is discharged into the TID's irrigation system. Unless it is an emergency situation, the TID shall endeavor, whenever possible, to give the SDID at least seven (7) days prior notice before suspending any discharge privileges pursuant to this section.

SECTION 6: PAYMENT AND OWNERSHIP OF SDID FACILITIES

- 6.1 Laterals may be private or improvement district as determined by the members of the SDID.
- 6.2 Trunk lines are normally owned and maintained by the improvement district.
- 6.3 Discharge facilities are owned, operated and maintained by the improvement district.
- 6.4 District financial participation in a SDID is subject to Section 7.4 of the "Rules for the Distribution and Use of Water within the Turlock Irrigation District".

SECTION 7: OTHER APPLICABLE RULES

- 7.1 Unless otherwise provided in these rules, the Governing Rules of Turlock Irrigation District Improvement Districts apply to SDID
- 7.2 All maintenance and repair work done on the SDID facilities shall follow the Governing Rules of Turlock Irrigation District Improvement Districts. Approval for repairs can be obtained by contacting the Improvement District Trouble Shooter at the TID.

V. POLICIES

A. DRAINAGE POLICY WITHIN THE TURLOCK IRRIGATION DISTRICT

**DRAINAGE POLICY
WITHIN THE TURLOCK IRRIGATION DISTRICT**

EFFECTIVE SEPTEMBER 30, 2003

PREAMBLE

The following statements provide the basis for determining the appropriate response to drainage related issues arising within the Turlock Irrigation District.

These statements set forth the parameters and establish the context under which the District will allow its facilities to be used to convey drainage water and provide surface, subsurface, groundwater drainage and related services. The various elements specify the obligation and responsibilities of the parties requiring or requesting drainage related services, as well as the extent to which the District provides, facilitates, or contributes to such services.

The policy contains elements covering the following categories: Guiding Principles; Groundwater Drainage; Subsurface Drainage; Storm Drainage; and Surface Drainage.

GUIDING PRINCIPLES

The following principles establish the framework upon which each of the policy elements are founded.

1. It is the intent of the Turlock Irrigation District to deliver water of a sufficient quality to grow the predominant crops in the area and to meet all applicable water quality standards established for the waterway into which it may spill.
2. The Turlock Irrigation District's water system is for its exclusive use. With prior written permission, however, TID may accept drainage water from other parties as long as all terms and conditions established by TID are met.
3. Applicable provisions of Resolutions 2002-59 and 2002-78, adopted by the Turlock Irrigation District Board of Directors, are incorporated into the Drainage Policy.
4. In the event of inconsistencies with previous policies, rules, regulations, motions or resolutions, the provisions of this policy shall prevail.

SECTION 1: GROUNDWATER DRAINAGE

INTRODUCTION:

Groundwater drainage, for the purpose of this section, refers primarily to the control of subsurface water by the use of the shallow well system developed over the years by the Turlock Irrigation District. This element of the District's Drainage Policy includes all aspects of the removal of subsurface water except that which is developed or collected by subsurface drains (tile drains) or similar facilities.

STATEMENTS:

- 1.1 TID will provide groundwater drainage services within the sphere of influence of its existing groundwater drainage facilities, so long as it is practical, reasonable and economically feasible to do so, and only to the extent TID contributed to the need for such drainage based on percolation of irrigation water provided by TID. TID shall not be responsible for groundwater drainage services for any other purpose, including but not limited to, situations where the need for drainage is created by the wasteful or unreasonable acts of TID's customers or third parties, by naturally occurring conditions, or by non-TID water. Due to numerous factors and circumstances which impact groundwater levels within the District, this policy in no way implies or infers that TID can, or will, maintain groundwater to any specific level, either now or in the future.
- 1.2 The extent to which TID drainage pumping lowers groundwater levels varies depending upon geologic and hydrologic conditions, annual precipitation, land use practices, along with the availability, condition and regulations pertaining to groundwater drainage facilities.
- 1.3 TID operates its groundwater drainage facilities when possible, based upon numerous criteria, including but not limited to:
 - Groundwater level data (i.e. section corner monitoring well data),
 - Knowledge of the system,
 - Feasibility, including economic feasibility,
 - Water quality standards and requirements,
 - The nature and source of the high groundwater,
 - Land owner requests, and
 - Condition and availability of groundwater drainage pumping, discharge and conveyance facilities.

- 1.4 TID will provide growers with available groundwater level information upon request.
- 1.5 It is the grower's responsibility to make prudent on-farm decisions including, but not limited to: planting crops appropriate for the local groundwater conditions; irrigating in a manner so as not to create localized high groundwater levels; evaluating the use of on-farm drainage facilities, irrigation methods and practices; and notifying TID of any high groundwater conditions or changes in the area impacting groundwater levels.
- 1.6 Additional operating standards pertaining to groundwater drainage are found in Section 3.7 – District Drainage Wells and Pumps of the Rules for the Distribution and Use of Water within the Turlock Irrigation District Irrigation.

SECTION 2: SUBSURFACE DRAINAGE

INTRODUCTION:

Subsurface drainage, for the purpose of this section, refers to the control of water immediately below the land surface by the use of collection systems, such as tile drains or similar facilities, installed by private property owners or improvement districts.

STATEMENTS:

- 2.1 Discharges from subsurface drainage systems may be accepted into District or improvement district facilities so long as such discharges comply with all current and future terms and conditions, including provisions contained within Sections 7 and 8 of the Rules for the Distribution and Use of Water within the Turlock Irrigation District.
- 2.2 Additional operating standards pertaining to subsurface drainage are found in the Rules for the Formation and Operation of Subsurface Drainage Improvement Districts.

SECTION 3: TAILWATER DRAINAGE

INTRODUCTION:

Tailwater drainage, for the purpose of this section, is considered to be runoff from agricultural lands resulting from the application of irrigation water.

STATEMENTS:

- 3.1 Discharges from tailwater drainage systems may be accepted into District and improvement district drains so long as such discharges comply with all current and future terms and conditions, including provisions contained in Sections 7 and 8 of the Rules for the Distribution and Use of Water within the Turlock Irrigation District.
- 3.2 Tailwater discharges into irrigation canals may be allowed on a case-by-case basis where natural drainage patterns have been interrupted by District canals, provided such discharges comply with all current and future terms and conditions, including provisions contained in Sections 7 and 8 of the Rules for the Distribution and Use of Water within the Turlock Irrigation District.

SECTION 4: NUISANCE WATER DRAINAGE

INTRODUCTION:

Nuisance water drainage, for the purposes of this section, is urban runoff resulting from anything other than precipitation. Examples of these sources include, but are not limited to landscape irrigation water runoff, washing of vehicles, sidewalks, and other similar practices.

STATEMENTS:

- 4.1 Nuisance water discharges will only be accepted from entities having current storm water agreements with the District, so long as such discharges comply with all current and future terms and conditions.

SECTION 5: AGRICULTURAL STORM WATER DRAINAGE

INTRODUCTION:

Agricultural storm water drainage, for the purpose of this section, is considered to be runoff from agricultural lands as a result of precipitation.

STATEMENTS:

- 5.1 Agricultural storm water runoff may be accepted into District and improvement district drains so long as such discharges comply with all current and future terms and conditions, including provisions contained in

Sections 7 and 8 of the Rules for the Distribution and Use of Water within the Turlock Irrigation District.

- 5.2 Agricultural storm water runoff may be accepted into irrigation canals on a case by case basis where natural drainage patterns have been interrupted by District canals, provided such discharges comply with all current and future terms and conditions, including provisions contained in Sections 7 and 8 of the Rules for the Distribution and Use of Water within the Turlock Irrigation District.
- 5.3 Existing roof drainage collected from livestock confinement areas may be accepted into District facilities provided such discharges comply with all current and future terms and conditions.

SECTION 6: URBAN STORM WATER DRAINAGE

INTRODUCTION:

Urban storm water drainage, for the purpose of this section, is considered to be runoff from all non-agricultural lands as a result of precipitation.

- 6.1 Urban storm water discharges will only be accepted from entities having current storm water agreements with the District, so long as such discharges comply with all current and future terms and conditions.
- 6.2 Rural urban developments with authorized storm water discharges to District or improvement district facilities prior to July 16, 2002 (the date of the most recent field survey) may continue such discharges so long as such discharges comply with all current terms and conditions.