

RULES AND REGULATIONS
GOVERNING THE USE
AND
DISTRIBUTION OF WATER
WITHIN THE
GLENN-COLUSA IRRIGATION DISTRICT

ADOPTED April 7, 2022

Preamble

These *Rules and Regulations* have been adopted by the Board of Directors under the authority of the California Water Code and are a part of the law governing this District, and its landowners and water users. These *Rules and Regulations* have been adopted to ensure the orderly, efficient and equitable distribution, use and conservation of the District's water resources.

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DEFINITIONS

ALLOCATION

The quantity of water apportioned to each landowner for irrigation purposes in accordance with California Water Code § 22250. See Appendix A.

APPLICATION

The annual written application for water referred to in RULE 2.5.

BOARD

The Board of Directors of the District.

CHARGES

Include water tolls and rates and may include any indebtedness for any service rendered by the District. See Rate Schedule available in the District office.

CONSUMER

Includes water user or user of other services of the District.

CONDUITS

Includes canal, laterals, ditches, drains, flumes, pipes, measuring and control devices therein and their appurtenances.

DISTRICT

The Glenn-Colusa Irrigation District.

EQUIPMENT

Vehicles, construction, and maintenance equipment used to facilitate the conveyance and delivery of water.

FACILITIES

Infrastructure of the District, including conduits, structures, weirs, wells, trash screens, pumps, gates, electrical and telemetry equipment, roadways, and their appurtenances, etc.

GENERAL MANAGER

The General Manager of the Glenn-Colusa Irrigation District appointed by the Board, or the General Manager's designated representative.

LIFT PUMPS

Pumping plants lifting water from District conduits or Reclamation District 2047 drains within the District, into private fields, private conduits, or improvement district conduits or conduits held in trust for improvement district. The term does not include the District pumping plants operated by it to pump water from drains into the gravity system.

RULES

These Rules and Regulations governing the use and distribution of water within the Glenn-Colusa Irrigation District.

OPERATE

Includes use, maintain and repair.

OUTSIDE DISTRICT

Refers to land not within the District boundaries.

WITHIN DISTRICT

Refers to land legally included within the District boundaries.

WORKS

Includes structures, dams, wells, conduits, pumps, power plants and all lines, telephone lines and their appurtenances.

Governing the Distribution and Use of Water

Adopted April 7, 2022

AUTHORIZATION

The following *Rules and Regulations* have been adopted by the Glenn-Colusa Irrigation District Board of Directors under the authority of the California Water Code Section 22257¹ that states in part, “Each District shall establish equitable rules for the distribution and use of water which shall be printed in convenient form for distribution in the District”. These *Rules and Regulations* are a part of the law governing the Glenn-Colusa Irrigation District, and its landowners and water users; they are intended to ensure the orderly and efficient use, and equitable distribution and conservation of the District’s water resources.

These *Rules and Regulations* supersede the District’s previously approved *Rules and Regulations* dated January 23, 2014 and Amendment dated May 4, 2017; it is available to all landowners and water users on the District’s website and office.

1.0 WATER: OWNERSHIP AND USE

RULE 1.1: OWNERSHIP OF WATER

All surface water within the District and all groundwater developed or purchased by the District is the property of the District, and is subject to diversion and use by the District. No landowner or water user acquires any proprietary right to these waters by reason of such use, nor does any landowner or water user acquire any right to resell the water purchased or used, or the right to use it on other lands or for a purpose other than that stated in their water application.

The District expressly asserts the right to recapture, reuse, and resell all surface water that drains into the District from lands outside the District boundary, or drains from the place of use described in the water application, and asserts its right to use all surface waters and groundwater developed or purchased by the District.

¹ Appendix A contains the full text of each code section referenced in the Rules.

RULE 1.2: WATER USE

The District was organized for the purpose of supplying irrigation water services for the production of agricultural crops. In addition, the District may serve water for flooding of waterfowl ponds, irrigation of habitat land, and aquaculture purposes; however, the District makes no guarantee of the character or quality of water delivered. Water uses for other purposes shall be provided only upon consideration and approval of the Board of Directors. The District may serve water for flooding or irrigation of non-crop fields, but only when, in the opinion of the Water Operations Superintendent, or the assistant(s), such service will not interfere with or harm agricultural operations, through seepage or overflow from conduits.

RULE 1.3: WATER SERVICE SEASON

Water service from the District is derived from the District's Sacramento River Settlement Contract surface water diversions from April 1 through October 31, and the State issued appropriative water rights permit for winter surface water diversions from the Sacramento River from November 1 through March 31, subject to the following qualifications:

- (a) The water conveyance system will be subject to shut down and limited water deliveries as specified in the District's *Winter Maintenance Shutdown Policy* each year to allow for required construction and maintenance projects to be completed.
- (b) "Acts of God" and unavoidable maintenance and construction activities may cause interruptions in service at any time during the water service season for the period of time required to make repairs or complete required maintenance work.

Under normal water conditions, the water season will commence on March 1 of each year and end January 7 of the following year. Crops requiring water prior to March 1, but not before February 21 for early water, will be charged a separate rate set by the Board of Directors; such water will only be provided when available.

RULE 1.4: WASTE OF WATER

If, in the opinion of the General Manager and/or designated staff, a landowner or water user is wasting water, either willfully, carelessly, negligently, or due to defective private conduits, the District will limit, discontinue, or refuse the delivery of water until the wasteful conditions are remedied in accordance with the District's Rules and Regulations (Rule 7.3 Penalties and Enforcement of Unauthorized Use of Water). Wasteful water use practices include, but are not limited to the following:

- (a) Allowing water to flow onto roads, vacant land, or land previously irrigated.
- (b) Flooding land to depth of more than six inches (6") at the highest point of a field. An exception is made for cultural practices related to organic rice cultivation.
 - Subject to conveyance system capacity constraints and after ensuring other water users' needs have been adequately served, land may be flooded to a depth exceeding six inches (6") as measured from the highest point of the field on a case-by-case basis with approval from the General Manager or designated staff.

- (c) Using water on land that has been improperly prepared that either requires excess depth or excess flow onto a field.
- (d) Delivery to or shutting off flows from a turnout that would cause unsafe flows and levels in the canal upstream or downstream of that turnout.
- (e) Allowing an unnecessary amount of water to drain or spill from any irrigated field or lateral if water is shut off the field by the landowner prematurely. The responsible party will assume liability for downstream damages caused by landowner's mismanagement of their water.

The District reserves the right to refuse delivery of water when, in the opinion of the General Manager and/or designated staff, the proposed use, or method of use, will require excessive quantities of water that constitute a waste of water.

RULE 1.5: DEFINITION OF UNAUTHORIZED USE OF DISTRICT WATER

Unauthorized use of District water is prohibited. The unauthorized use of District water includes the Waste of Water as described in RULE 1.4 as well as the following:

- (a) **Lands Outside the District** - Landowners and water users seeking to irrigate land partially within and partially outside of the District boundary may not apply District water on the contiguous land outside the District when the corresponding water application was solely for the land located within the District unless approved by the Board of Directors. Landowners and water users may not apply District water on "island lands," not in the District, unless approved by the Board of Directors, as provided for in the annual water rate sheet. If the application of water to contiguous land outside the District is not approved, the landowners or water users must make such physical changes in their fields or irrigation systems, as the General Manager and/or designated staff deems necessary, to prevent the flow of District water onto the outside lands.
- (b) **Lands Within the District** - Landowners and water users may not divert, intercept, impound, or otherwise use District water on any land within the District, without filing a water application and paying the required downpayment. This is prohibited regardless of whether the water is diverted from a canal or lateral, taken from a natural channel or drain, or whether it is waste, spill, seepage, runoff, or other water.
- (c) **Unanticipated/Unforeseen Causes** - If the General Manager and/or designated staff determines that the unauthorized uses of water described above occurred solely due to causes that could not be foreseen or anticipated, then no unauthorized use of District water will be deemed to occur.

2.0 Water: Delivery and Application

RULE 2.1: CONTROL OF THE SYSTEM

All matters relating to the distribution of water and the maintenance of the District's conduits and facilities are under the exclusive management and control of the General Manager, and no other person except employees and assistants authorized by the General

Manager will have any right to operate or interfere with the water system and facilities in any manner, except as provided in Rule 7.2 of the *Rules and Regulations*.

RULE 2.2: DELEGATION OF GENERAL MANAGER

The District's General Manager is authorized to employ and delegate authority to the number of assistants and other employees deemed necessary to properly operate the District, subject to the approval of the Board of Directors.

RULE 2.3: ACCESS TO LANDS

The authorized agents and employees of the District will have reasonable access, at all times, to all lands within the District's boundaries, regardless of whether they are irrigated or not irrigated, for the purposes of maintaining, operating, or inspecting District facilities; and for conveying water in such facilities; and for the purpose of assessing compliance with the *Water Management and Conservation Policy* and any other Board approved policies, and confirming and measuring the acreage of crops or applications of water on lands irrigated or to be irrigated.

RULE 2.4: DELIVERY OF WATER

The District will employ its water operations staff to operate the water conveyance system as it deems necessary to control water flow and distribution, minimize seepage, control erosion, and provide reasonable irrigation water delivery service to its landowners and water users. Refer to the *Water Management and Conservation Policy* and any additional Board approved water management policies for specific information regarding delivery of water. At the District's discretion, or when conditions warrant, water operations personnel will control, limit or cutback the amount of flows entering agricultural lands. All water orders for changes in flow must be ordered with the District as follows:

- (a) Water orders including turn-ons, changes-in-flow, or turn-offs will be placed with the area water operations worker. If the water operations worker is unavailable, water orders may be placed with the Water Operations Supervisor or at the District's main office.
- (b) Water orders will be accepted during normal work hours. If excess system capacity exists, water orders will be accepted and require up to three days for delivery. If the system is at maximum capacity, water orders will be scheduled at least three days out and to a time when capacity exists.
- (c) Advance notice for turn off orders must be communicated to the water operations worker as soon as reasonably possible.

Water must be used on a continuous (24-hour) period.

Where deemed desirable or necessary by the District's water operations staff, water deliveries will be made on a rotation basis.

The District will measure all water deliveries.

RULE 2.5: APPLICATIONS FOR WATER

On or before the last business day in March, or such other date as the Board may designate, each landowner and tenant seeking to irrigate land within the District must file an application for water at the District office in Willows. The application for water must be submitted on the Water Application form provided by the District. Water may not be used for any purpose other than that specified in the Water Application. Specific information required to complete the Water Application includes the crop(s) to be irrigated or water application(s) to be made, the corresponding acreage of each crop or water application(s), the name of the landowner, the name of the tenant or tenants, and the location and description of the land. All Water Application forms must be signed by the landowner, and all appropriate fees must be paid prior to receiving water deliveries.

Water Applications received after the closing time specified for receipt of applications will have a penalty as set by the Board of Directors, added to the water charges. Late applications are subject to a 5% late penalty except in cases where the late application is paid in full at the time of application. Under certain circumstances, late applications may require the consideration and approval of the Board of Directors prior to acceptance by the District. In years of water shortage, and in accordance with Water Code section 22252.1, the Board generally will not accept late applications. Landowners and water users who apply water to land prior to executing a Water Application with the District will have a penalty of ten percent (10%) added to the water charges on all land within the parcel(s) and field(s) where water was applied. This provision will not apply to minor adjustments in acreage planted in a field for which an application was filed.

RULE 2.6: SAFE OPERATING LEVELS IN CANALS AND LATERALS

The water level in any District canal or lateral will not be raised to an unsafe elevation for the purpose of providing gravity service to high elevation lands or delivery facilities. The General Manager and/or designated staff, will determine the safe operating elevations for providing gravity service.

RULE 2.7: WATER CONSERVATION

All landowners and water users are subject to the water management and conservation rules adopted pursuant to the District's *Water Management and Conservation Policy*. The *Water Management and Conservation Policy* references and is part of the District's *Rules and Regulations*.

3.0 Water: Reduced Water Supply Years

RULE 3.1: CRITICAL YEAR ALLOCATION AND WATER MANAGEMENT

The District holds a Sacramento River Settlement Contract (SRSC) with the United States Bureau of Reclamation for the annual diversion of up to 720,000 acre-feet of Base Supply and up to 105,000 acre-feet of Project Water as defined under the SRSC. In all year types except Shasta Critical (Critical), the District's surface water supply is adequate to meet all of the irrigation demands of the water users within the District's boundaries. Under the terms of the District's SRSC, in Critical years (generally defined as years in which the annual unimpaired

inflow into Shasta Lake is less than 3.2 million acre-feet), the District's total supply is reduced by 25% to 618,750 acre-feet.

The District has developed the following *Critical Year Allocation and Water Management Policy* in order to maximize the available water to its water users during Critical years. Any water that is excess to the needs within the District may be made available to others in accordance with the District's *Water Transfer Policy*.

Based upon the foregoing, the District's policy for the allocation and apportionment of water during Critical years is as follows:

(a) Critical Year Water Rates

In Critical years, the District will establish a Critical Year water rate in accordance with its rate setting process.

(b) Establishment of Annual Water Requirements for Crops

Applied water unit duties will be established for the estimated applied water use for each type of crop grown in the District.

(c) Primary Allocation of Available Supply

In Critical years, the District will estimate the total water supply available for the irrigation season by taking the SRSC contract supply less any shortages, adding recaptured water supplies, and then deducting conveyance losses and anticipated outflow. This calculated volume of water will be the amount the District will apportion ratably to deeded lands within the District in accordance with Water Code §22250. Primary allocations will be mailed to District landowners as soon as practical after the District is reasonably sure of the amount of water it will receive for the April 1 through October 31 Contract period.

(d) Purchase of Primary Allocations

Landowners and water users will have until the deadline date set by the Board to purchase any or all of their primary apportionments at the Critical year water rate per acre-foot established by the District and its rate setting and water application processes.

(e) Assignment of Right

Apportionments to landowners may be assigned to others, in whole or in part, for use within the District (Water Code § 22251) using the District's Assignment Form.

(f) Secondary Allocation of Available Supply

A secondary allocation will be made for any water that is not sold by the deadline for the purchase of primary allocations. The remaining water will be apportioned on a pro-rata basis to all landowners that (1) made a purchase of primary allocation and (2) indicated on their allocation payment form a desire to receive a secondary allocation should it be available. The deadline for the purchase of secondary allocations will be set by the Board.

(g) Water Application Process

The Board will establish a deadline for landowners and water users to file water application(s) for the year. The applications will indicate which crops will be grown with their available supply, where those crops will be located, and which lands will be left fallow. Each cropped acre will be “charged” against water users’ available supply in accordance with the crop unit duties established by the District.

(h) Critical Year Conservation Plan

In Critical years, under current cropping patterns, the demand for irrigation water exceeds the available supply. In order to maximize the use of the limited supply, the District will require moderate conservation measures which may include limited re-flooding of rice and a strict no-spill policy during the months of July and August.

(i) District Groundwater

The District owns several groundwater wells that may be used at the Board’s discretion to supplement the District’s available water supply in a Critical year.

(j) Commingling of Groundwater - Private Wells

In order to facilitate the ability of GCID water users with access to private wells to use well water to irrigate additional District lands during a Critical year, the District may facilitate the commingling of private well water with District surface water depending on seasonal, hydrologic, and operational considerations. Commingling is subject to operational considerations and the terms of a District *agreement*, which would contain metering requirements and certain groundwater well standards.

(k) Wheeling of Groundwater - Private Wells

Water users with private wells who request to utilize the District’s conveyance facilities to move their groundwater from one location within the District to another may do so subject to operational considerations, conveyance capacity, and the terms of the District’s *Wheeling Policy*.

4.0 Infrastructure

RULE 4.1: UNAUTHORIZED INSTALLATION OF GATES, STRUCTURES, AND FACILITIES IN DISTRICT CONDUITS

No opening will be made, or structures or facilities constructed in any District conduit, without the authorization of the General Manager and/or designated staff. All such facilities must be constructed to the District’s standards, under the supervision of the District, and at the sole expense of the landowner or water user. Any alterations in previously authorized work must meet the requirements of the District and be approved by the General Manager and/or designated staff, prior to implementation.

The landowner or water user will be responsible for the cost of any additional facilities that the General Manager and/or designated staff, determines are necessary to make the requested installations functional.

Any facilities constructed in the District's conduits or associated rights-of-way at the landowner's or water user's expense will, at the option of the District, become the property of the District.

RULE 4.2: PRIVATE LIFT PUMPS

The elevation of certain lands within the District prevents water service by gravity flow and, as a result, lift pump equipment and associated facilities must be employed to serve this high elevation land. These lift pump facilities are considered private facilities, and all costs of installation, maintenance, and operation of lift pumps or private conduits that deliver water to lift pumps will be borne by the landowner or water user obtaining water through such facilities.

All pumping facilities on District rights-of-way must meet District standards and be approved by the District prior to installation. All landowners and water users who pump from District canals and laterals for the purpose of irrigating land that is too high to be served by gravity water will be governed in all respects by the *Rules and Regulations* applicable to landowners and water users under gravity service.

RULE 4.3: CANAL AND LATERAL BANK ROADS

District canal and lateral bank roads are maintained for the use of the authorized agents, employees, and officials of the District, in the discharge of their official duties. All other uses of the District canal and lateral bank roads are at the sole risk of the user, and such use is prohibited where signs, gates, chains, or other barricades so indicate.

The District's canal and lateral bank roads must not be blocked by landowners, water users, or their contractors by parking sprinkler booster pumps or chemical mixing/applicator equipment on canal and lateral bank roadways, installing fences, or other impediments to travel, operation, and maintenance of District facilities.

RULE 4.4: DAMAGE TO DISTRICT FACILITIES AND RIGHTS-OF-WAY

The District will not permit damage to occur to any District facilities, as a result of:

- (a) The operation of any equipment
- (b) Damage by livestock, poultry, or waterfowl
- (c) Damage or destruction of facilities caused by burning
- (d) Depositing rubbish, trimmings, abandoned equipment, etc., in or on any such facilities or rights-of-way.

Landowners, water users, or other parties responsible for such damages will pay to the District, all expenses incurred in repairing the damage, or removing the rubbish, signs, fences or structures, including the reasonable value of staff time and attorneys' fees expended in enforcing this provision.

RULE 4.5: RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF PRIVATE CONDUITS

The District will not have responsibility for the operation and maintenance of private conduits, except where the District assumes operation and maintenance responsibility of private conduits pursuant to the District's *Water Distribution System Operation and Maintenance Policy*. All private conduits must be kept free from weeds and other obstructions and must be of sufficient capacity and properly constructed and maintained to carry the flow of water applied for without danger of breaks, overflow or undue seepage. Further, all private conduits must be operated and maintained consistent with the District's *Water Distribution System Operation and Maintenance Policy*. The General Manager and/or designated staff, may discontinue the delivery of water to any private conduit not meeting these requirements, and may require such conduits to be cleaned, repaired or reconstructed before water delivery is resumed. A water user's failure to comply with such directives by the General Manager and/or designated staff, will relieve the District of any liability or responsibility for the discontinuation of water deliveries.

Nothing contained in these *Rules and Regulations* will be construed as an assumption of liability on the part of the District, its directors, officers, agents or employees for any damage resulting from the improper construction, maintenance or use of any private conduit or by reason of permitting the flow of water in the private conduits.

RULE 4.6: DISTRICT CONDUITS ARE NOT FOR RECREATION OR OTHER UNAUTHORIZED USES

The District's conduits will be used solely for the purpose of conveying water for the uses established by the Board of Directors, and for conveying irrigation drainage water. The use of District conduits for recreation or other unauthorized purposes is prohibited. Landowners and water users are urged to assist the District in preventing the use of District conduits and their banks for recreation, swimming, fishing, play or other unauthorized purposes.

5.0 Administrative

RULE 5.1: RULES AND REGULATIONS INCORPORATED IN WATER APPLICATIONS

These *Rules and Regulations* are incorporated in the Water Applications of the District, as a part of that contract, as if set forth in full. If it is necessary for the District to commence legal action to enforce these *Rules and Regulations*, the District is entitled to recover the reasonable value of staff time spent in enforcing the *Rules and Regulations*, and the reasonable value of attorney services incurred, as well as all other costs incurred by the District.

RULE 5.2: SETTING WATER RATES AND CHARGES

The water rates for irrigation water service, and other charges authorized by the California Water Code, will be set by the Board of Directors each year before the water application due date. These rates and charges will become due and payable as of the date or dates set each year by the Board of Directors.

The District has the right to conduct surveys to determine the acreage on which water was used, allowed to stand, and over which it was permitted to flow or drain. The charges for water will be based on the gross acreage covered with water, regardless of acreage actually planted.

The Board of Directors will determine the rates, charges, and terms of payment for water to be used for non-agricultural purposes, on a case-by-case basis.

The District may charge higher rates for water service to any lands that are outside the District boundary, and are not subject to assessment by the District, than is charged for similar service to lands that are within the District.

RULE 5.3: DELINQUENT PAYMENTS

All water rates and charges will become delinquent 15 days after they are due and payable and will be collected pursuant to the California Water Code. Delinquent charges will be subject to a 10% penalty on the first installment and a 5% penalty on the second installment.

RULE 5.4: UNPAID CHARGES AND REFUSAL OF SERVICE

All charges for service remaining unpaid on the last business day in September, each year, will be added to and become a part of the annual assessment levied by the District pursuant to the California Water Code. The District will require full payment to accompany new water applications for service to lands on which delinquent assessments, that include unpaid water charges, are outstanding at the time the new application is made.

The District reserves the right to refuse or discontinue service to any water user who is in default in the payment of District charges, including, but not limited to assessments, standby charges, and water charges, and to any lands on which such charges are delinquent, unless and until such defaulted payment is paid in full. This applies to all applicants for water service on lands that are delinquent, regardless of whether the applicant is the same person who owned or farmed the land when the delinquent water charges were incurred.

RULE 5.5: ABANDONED USE OF WATER

Any landowner or water user who has filed an application for water who, subsequently, desires to abandon any use of water must deliver to the District a written notice of such intention. The Board of Directors will review requests to abandon the use of water and consider adjustments to the water charges pursuant to their application.

RULE 5.6: EVALUATION OF WATER USE AND APPLICATION REQUIREMENTS

From time to time, the District may evaluate water use and water application requirements for the various crops irrigated in the District. At the discretion of the Board of Directors, this information may be used to develop average annual water requirements for the various crops and water uses in the District.

RULE 5.7: DIVISION OF LAND

The District must be provided notice by the landowner(s) of any proposed divisions of land within the District. The District will specify the facilities that must be installed at the landowner's expense to provide continued water service to all of the parcels, and drainage from all of the parcels formed by the division, without additional cost to the District. The District will refuse service to each and every parcel formed by a division unless the District's requirements have been fully performed.

RULE 5.8: CONTRACTS FOR DISTRICT SERVICES

The District may perform private work at the request of landowners and/or water users, at their cost, under certain circumstances. The terms and conditions under which private work may be performed are set forth in the District's Private Work Policy.

RULE 5.9: NON-LIABILITY OF THE DISTRICT

The District and District employees or authorized agents are not liable for the following:

- (a) **Private Conduits** - The District will not be liable for any damage of any kind resulting directly or indirectly from any private conduit, as a result of the water flowing in any private conduit due to lack of capacity, or for negligent, wasteful or other use or handling of water by the landowner or water user.
- (b) **Delivery of Water** - Most of the water furnished by the District is pumped and flows through many miles of open conduits, and is subject to pollution, shortages, fluctuation in flow, and interruption in service. District employees will not and are not authorized to make any agreements binding the District to serve an uninterrupted, constant supply of water, or guaranteeing a certain quality of water. All water furnished by the District is for irrigation purposes only; landowners and water users putting District water to other uses do so at their own risk, and assume all liability for, and agree to hold the District and its directors, officers, agents and employees free and harmless from liability and damages that may occur as a result of defective water quality, water shortages, fluctuation in flow and interruptions in service. The District sells water as a commodity only, and not as a guaranteed service. The District will not be liable for defective quality of water, shortage of water, either temporary or permanent, or for failure to deliver water.
- (c) **Pumping** - Operation of private lift pumps by landowners or water users of District water is done at their own risk, and the District assumes no liability for damages to pumping equipment or other damages resulting from turbulent water, shortage or excess of water, or other causes, including fluctuations in the flow or elevation of water. It is the responsibility of the landowner or water user to provide appropriate devices to protect pumps from damage.

6.0 Maintenance

RULE 6.1: DRAINAGE MAINTENANCE

Each landowner, where applicable, shall:

- (a) Maintain each drain under its ownership or control, not identified as a District responsibility in the District's *Water Distribution System Operation and Maintenance Policy*;
- (b) Maintain each drain under its ownership or control in a condition that adequately conveys agricultural runoff flows, does not cause flooding, minimizes seepage onto adjacent property, and does not constitute a waste of water;
- (c) Maintain crossing pipelines and bridges, in or adjacent to drains, that are used for private access across the drains and are not a documented responsibility of the District; and
- (d) Discharge water to the drainage system in a safe manner so as not to cause flooding or seepage to downstream properties or waste water.

The District shall assume responsibility for and maintain drains within the District's boundaries consistent with the District's *Water Distribution System Operation and Maintenance Policy*.

7.0 Enforcement

RULE 7.1: ENFORCEMENT OF RULES AND REGULATIONS

Failure to comply with the requirements of these *Rules and Regulations*, or any interference by any landowner, water user, or their contractors, or employees with the rights, duties, or obligations of the District and its employees, will entitle the District to terminate water service to the lands of such landowner or water user until such landowner or water user fully complies with all requirements of these *Rules and Regulations*, and will entitle the District to take other enforcement action deemed necessary by the Board of Directors, in accordance with the California Water Code.

RULE 7.2: TAMPERING WITH FACILITIES

Landowners or water users who, by opening, closing or otherwise interfering with the regulation of delivery gates, structures, or devices, cause any fluctuations in the flow of water in the District's water distribution system or cause any overflows, breaks or damage of any kind, will be responsible for the expense and damage caused and may be liable to others who may be adversely affected. In addition to liability for damages, tampering with the District's facilities may result in the "locking up" of the facility to prevent tampering, termination of water service, or any other action authorized by the *Rules and Regulations* and the California Water Code.

Where water control devices are regulated in accordance with specific instructions from an authorized District representative or in cases of an emergency when immediate adjustment or other corrective action will prevent overflows, breaks, crop loss or other property damage, the person making such adjustments or taking corrective action will not be deemed to be in violation of this rule. Any such emergency action or adjustment must be reported to the water operations worker or water supervisor immediately.

RULE 7.3 PENALTIES and ENFORCEMENT OF UNAUTHORIZED USE OF WATER

The District is committed to the delivery and equitable distribution of water to its landowners and water users. In the event, that landowners and/or water users impede the District's ability to deliver and equitably distribute water through unauthorized use of District water as defined in RULE 1.5, the District will proceed with the following enforcement actions:

- (a) Notice of Violation - Notice of a violation of RULE 1.5 of the *Rules and Regulations* shall be promptly provided by the District to the responsible landowner(s). The District will attempt to notify the landowner(s) by telephone so the violation can be corrected immediately, and further violations avoided. In addition, written notice will be mailed to the landowner(s) and/or attached to the landowner(s) delivery gate, as soon as possible after the violation is observed.
- (b) Staff Authorization - District staff, including water operations workers and supervisors, are empowered to take immediate action upon observation of unauthorized use of water. Staff will document the unauthorized use of water and lock and tag associated gates. Supervisors and the Water Superintendent will be informed of the action and circumstances immediately. As stated in RULE 7.3 (a), District staff will attempt to contact the water user/landowner immediately upon taking action.
- (c) Enforcement Actions - To enforce RULE 1.5 of the *Rules and Regulations*, and prevent unauthorized uses of District water, the District will implement a tiered penalty system, as set forth below. Although the tiered system is meant to be progressive, the General Manager and/or designated staff, retains discretion to implement an enforcement action for any tier deemed appropriate under the circumstances. Unprofessional or aggravated behaviors toward District personnel may result in enhanced penalty actions at the General Manager's and/or designated staff discretion. The General Manager and/or designated staff may elect to terminate service to repeat or aggressive offenders. The penalties actions for unauthorized use of water are set forth as follows:
 - a. Tier 1: Lock and Tag Gates
 - b. Tier 2: \$1,000 fine and report to the Board of Directors
 - c. Tier 3: \$2,000 fine for each succeeding offense and report to the Board of Directors for additional action including possible termination of water service.
- (d) Enforcement Conditions-- The District may, at the General Manager and/or designated staff's discretion, impose any or all of the following conditions as part of an enforcement action:
 - i) Charge and collect as part of the water charge for any unauthorized use of water, a charge equal to three times the regularly established District water charge for the crops growing on the subject lands. This charge shall be based upon the full irrigation season rate for the crops involved, and shall not be prorated;
 - ii) Charge and collect an additional ten percent (10%) charge on the amount assessed pursuant to RULE 2.5 of the *Rules and Regulations*, for failure to submit an application for water for the subject lands;

- iii) If the subject lands are irrigated with groundwater, the District may require the delivery to the District, by well operations, of the amount of water which the District estimates was not pumped during the relevant time period, with an additional thirteen percent (13%) for losses. If there is insufficient pumping capability or the District is unable to use the pumped replacement water during the irrigation season when the violation occurred, the pumped replacement water shall be delivered at the beginning of the following irrigation season;
 - iv) Place the subject lands on up to five years of probation for continuing District water use. Probationary conditions may include periodic inspections of the subject lands by District personnel, to ensure strict compliance with all District rules and regulations. The cost of such inspections shall be borne by the landowner(s) of the subject lands;
 - v) Refer the matter and all investigative materials developed by the District to the District Attorney and/or other law enforcement authorities; and
 - vi) Pursue any form of civil or administrative proceeding to enforce the District's *Rules and Regulations* and/or to recover any losses and damages resulting from an unauthorized use of District water.
- (e) Notice of Enforcement Conditions - Written notice of the enforcement conditions imposed pursuant to subsection (d) above shall be delivered by certified mail to landowner(s) of the subject lands. Any charges assessed pursuant to RULE 7.3 of the *Rules and Regulations* must be paid within ten (10) days of the billing date. Failure to pay such charges in a timely manner shall result in an additional charge of ten percent (10%) on the amount charged, and may result in the District's termination of water deliveries to the landowner(s).
- (f) Payment Under Protest - Payment of any charges assessed pursuant to RULE 7.3 of the *Rules and Regulations* may be made under protest; however, the Board of Directors may elect not to hear such protests before the end of the irrigation season. Any protest submitted must be in writing and received promptly no later than 30 days after the mailing of the District's notice of enforcement action/conditions. All protests must include a detailed written account of the alleged violation of RULE 1.6 of the *Rules and Regulations*, and any reasons why the enforcement conditions should not be imposed. Protesting or objecting parties are reminded that because efficient water use is so critical to the ability of the District to facilitate maximum planning under existing delivery constraints, the Board will strictly enforce its rules and regulations prohibiting unauthorized uses of District water.

RULE 7.4: ENFORCEMENT OF ALLOCATION

To enforce RULE 3.1 of the *Rules and Regulations*, the District may do any or all of the following:

- (a) Refuse to serve irrigable lands applied for if required fallowed lands have not been designated and prepared to prevent the flow of water on to the designated fallow acreage.

- (b) Shut off or reduce the flow of water to any landowner or tenant irrigating excess acreage or wasting water as described in the District's *Water Management and Conservation Policy*. Draining rice fields or spilling to lower levels in rice checks shall be deemed a waste of water unless adequate advance notice is given to the District to permit reduction of inflow into the field and substantial lowering of the water in the checks prior to the start of the draining or spilling.
- (c) Charge and collect as part of the water charge, a penalty as determined by the Board for any crops growing on designated fallowed lands.
- (d) For lands in which the delivery of water is determined by the District to be excessive and may end up requiring more water than the landowner's allocation amount, the District may install a measurement device and measure the flow of water onto the land and turn off service when the landowner's share has been delivered, based on the measured amount and the estimated amount prior to the period in which the measurement commenced. The landowner's share shall be determined as provided in RULE 3.1 of the *Rules and Regulations*.
- (e) Land for which the District has not received a water application may be irrigated with water pumped from private wells, provided that the groundwater is not comingled with District supplied water in ditches or in the field. If such mingling occurs, the entire water supply shall be deemed to be supplied by the District, unless a written agreement between the District and landowner is executed prior to the comingling, and such agreement assures the District of the amount, adequacy, and dependability of the water to be supplied from private wells.

Section 21385

“The board except as otherwise specifically provided has the power and it shall be its duty to manage and conduct the business and affairs of the district.”

Section 25806

“(a) In case any charges for water and other services or either remain unpaid, the amount of the unpaid charges may, in the discretion of the district:

(1) If unpaid at the time specified for delivery of the assessment book to the collector, be added to and become a part of the annual assessment levied upon the real property upon which the water for which the charges are unpaid was used and upon the real property subject to the charges for any other district services and shall constitute a lien on that real property. However, if, during the year preceding the date on which the first installment of real property taxes which evidence the charges appears on the roll, any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, then the lien which would otherwise be imposed by this subdivision shall not be added to and become part of the annual assessment nor shall it attach to the real property.

(2) Be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of the charges and the name and address of the person liable therefor.

From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of the filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

When the charges have become delinquent, they may be collected in the manner provided for the collection of delinquent assessments in Chapter 5 (commencing with Section 26075) and Chapter 6 (commencing with Section 26225) of Division 11 of Part 10.

(b) Where the county assumes the responsibility of assessment and collection pursuant to Chapter 7 (commencing with Section 26500), the amount of the unpaid charges may be added to, and become part of, the annual assessment levied upon the real property upon which the water for which the charges are unpaid was used and upon the real property subject to the

charges for any other district services and shall constitute a lien on that real property upon recordation of the order confirming the assessment in the office of the county recorder of the county in which the real property is situated. However, if, during the year preceding the date on which the first installment of real property taxes which evidence the charges appears on the roll, any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, then the lien which would otherwise be imposed by this subdivision shall not attach to the real property and the costs of the water and services or either, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.”

Section 25807

“If the annual district assessment is payable in two installments the unpaid charges may be added to and become a part of the first installment.”

Section 22250

All water distributed by districts for irrigation purposes shall, except when otherwise provided in this article, be apportioned ratably to each landowner upon the basis of the ratio which the last assessment against his land for district purposes bears to the whole sum assessed in the district for district purposes.

Section 22255

“When its board deems it in the best interest of the district, the district may regulate the amount of water used to irrigate crops within the district when seepage from the irrigation would damage adjacent land inside or outside of the district or may require as a condition precedent to the delivery of water the construction of adequate drainage facilities to prevent damage to the adjacent land. Whenever the board finds, with respect to land for which there is no existing system for the application of water for the irrigation thereof, that the character of the soil or elevation of the land to be supplied water from the district water supply is such that the application of such water thereto by flooding is likely to require the use of excess quantities of water or to create a hazardous seepage or drainage problem. The board may limit the application of such water to that land to application through overhead sprinkling systems so designed and operated to prevent the use of excess quantities of water, or the creation of a hazardous seepage or drainage problem.”

Section 22257

“Each district shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district. A district may refuse to deliver water through a ditch which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water.

A district may close a defective gate in community water distribution system used for irrigation purposes and may refuse to deliver water through the defective gate if the landowner fails to repair the gate or outlet to the satisfaction of the district within a reasonable time after receipt of notice from the board through its authorized water superintendent, manager, or ditch tender to repair the gate or outlet. Rules and regulations adopted pursuant to this section may include, with respect to land for which there is no existing system for the application of water for the irrigation thereof, the limitation of the use of water for irrigation furnished by the district to an overhead sprinkling system where

such method of irrigation will conserve water and prevent excess seepage or the creation of drainage problems.”

Section 22282.1

“A district may refuse service to any land if outstanding charges for services already rendered such land have not been paid within a reasonable time.”

Water, Ditches, etc., Penalty for Trespass or Interference

Penal Code Section 592(a)

“Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigation, or generation of power, or domestic uses, or who shall without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof, used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed, into any such canal, ditch, flume, or reservoir any rubbish, filth or obstruction to the free flow of water is guilty of a misdemeanor.”

Penal Code Section 607

“Every person who willfully and maliciously cuts, breaks, injures or destroys, or who, without the authority of the owner or managing agent, operates any gate or control of any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected . . . to store or conduct water for . . . reclamation, or agricultural purposes . . . or any embankment necessary to the same, or either of them, or willfully or maliciously makes, or causes to be made any aperture or plows up the bottom or sides in the dame, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same . . . is guilty of vandalism under Section 594”

Levees, Banks of Waterways and Pipeline Rights of Way

Section 21116 Vehicle Code

“(a) No person shall drive any motor vehicle upon a roadway located on a levee, canal bank, natural watercourse bank, or pipeline right-of-way if the responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way is vested in the state or in a reclamation, levee, drainage, water or irrigation district, or other local agency, unless such person has received permission to drive upon such roadway from the agency responsible for such maintenance, or unless such roadway has been dedicated as a public right-of-way.

(b) For this section to be applicable to a particular levee, canal bank, natural watercourse bank, or pipeline right-of-way, the state or other agency having responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way, shall erect or place appropriate signs giving notice that permission is required to be obtained to drive a motor vehicle thereon and giving notice of any special conditions or regulations that are imposed pursuant to this section and shall prepare and keep available at the principal office of the state agency or other agency affected or of the board of such agency, for examination by all interested person, a written statement, in conformity with the existing rights of such agency to control access to the roadway, describing the nature of the vehicles, if any, to which such permission might be granted and the conditions, regulations, and procedure for the acquisition of such permission adopted pursuant to this section.”

WATER DATA

1 Acre Foot Supplies a Family of 5 for 1 Year
1 Acre Foot is 1 Acre Flooded 1 Foot Deep
1 Acre Foot = 325,900 Gallons
1 Acre Foot = 43,560 Cubic Feet
1 Cubic Foot = 7.48 Gallons (62½ lbs.)
1 Cubic Foot per Second (CFS) = 450 Gallons per Minute
For 24 Hours = 1.983 Acre Feet
1 CFS = 646,317 Gallons per Day
200 CFS = 90,000 Gallons per Minute
1,000,000 Gallons = 3.07 Acre Feet

GLENN-COLUSA IRRIGATION DISTRICT STATISTICAL DATA

| Facilities /Acreage | Unit |
|--|---------|
| USBR Exhibit B Service Area Acreage | 175,623 |
| US Fish and Wildlife Service Refuge Acreage | 20,828 |
| Deeded/Assessed Acreage | 154,157 |
| Irrigable Acreage | 138,950 |
| Irrigable Acreage Not Currently Irrigated (Private wells, Fallowed and Dry Farmed) | 10,422 |
| Length of Main Canal (miles) | 65 |
| Cumulative Length of Laterals (miles) | 662 |
| Cumulative Length of Drains (miles) | 553 |
| Number of Water Delivery Turnouts | 2,554 |
| Number of Field Spill Locations (estimated) | 7,150 |
| Number of Drain Outflow Measurement Sites | 12 |
| Main Canal structures | |
| Checks/Weirs | 26 |
| Siphons | 13 |
| Drain Siphons | 51 |
| Laterals/Structures | |
| Checks/Weirs | 915 |
| Spills | 222 |
| Flumes (and Long-crested weirs) | 8 |
| Lift Pump Sites | 2 |
| No. of Pumps | 4 |
| ITRC Flap Gates | 26 |
| Drain Structures | |
| Gravity Drain Weirs | 23 |
| Recapture Pump Sties | 19 |
| No. of Pumps | 40 |

WATER ELEVATION FOR MAIN CANAL CHECKS U.S.C. & G.S.

| <u>Mile Post</u> | <u>Operating</u> | <u>Maximum</u> |
|------------------|------------------|----------------|
| 7.23 | Stony Gates | 142.00 |
| 12.91 | Jacinto | 138.70 |
| 17.68 | Willard | 137.30 |
| 21.75 | Tuttle | 134.10 |
| 24.00 | Walker Check | 132.50 |
| 26.21 | Willows | 130.20 |
| 31.45 | Spooner | 128.10 |
| 34.49 | Norman | 126.10 |
| 41.34 | Funks | 123.75 |
| 44.95 | Stone Corral | 121.50 |
| 48.74 | Abel | 119.75 |
| 49.95 | Lurline | 117.60 |
| 53.70 | Freshwater | 116.40 |
| 56.45 | Salt Creek | 114.10 |
| 60.87 | Zumwalt | 111.40 |
| 62.40 | Husted | 109.40 |
| 62.57 | Freeway | 106.00 |
| 64.96 | Lateral 64.1 | 68.00 |