

ORLAND-ARTOIS WATER DISTRICT

RULES AND REGULATIONS FOR AGRICULTURAL WATER SERVICE

Approved October 19, 2004

Amended February 15th, 2022

1. The furnishing of water to and its use by, the applicant shall be subject to all regulations of the Board of Directors of the Orland-Artois Water District (“District”) as the same may now or hereafter be amended or adopted.
2. Each year, on or before the application due date established by the District Board of Directors, before **any** water is delivered, every landowner must complete a District “Application for Agricultural Water” indicating each parcel of land for which he or she desires water service. If someone other than the landowner, such as a tenant, will be the water user, the water user must sign, in addition to the landowner. **The application provides that the parties signing the application are jointly and severally liable for the District’s charges.** An application for water will not be accepted from any person who is delinquent for water, assessment, or other district charges, until all delinquencies are cured.
3. Any water furnished by the District is subject to the terms and conditions of the contract between the District and the United States (Bureau of Reclamation) under which said water is made available to the District. Landowners and water users are responsible for meeting the eligibility requirements of federal Reclamation law.
4. When the demand for water is greater than the available supply, the water shall be apportioned and distributed equitably as determined by the Board of Directors under California law, among those who have filed an application in accordance with paragraph 2 of these Rules and Regulations. The **total assessed acres** will be used as a basis for calculating the allocation. The total assessed acres may not be the same as the landowner’s acres actually in production, nor the acres for which the landowner is actually applying for water that year. In years when water is allocated, and subject to a determination of the Board that water transfers between District water users would be beneficial, District landowners and their authorized tenants may transfer their water allocations to other District water users, with Board approval, in accordance with paragraph 16 of these Rules and Regulations. The District’s water supply is subject to restriction due to natural causes and the provisions of its Reclamation contract, and so the District does not guarantee the quantity, the rates of delivery, or the time of delivery.
5. The water furnished by the District is not potable and the District does not warrant the quality of water so furnished. ***NO DISTRICT WATER IS TO BE USED FOR HUMAN CONSUMPTION.*** The applicant agrees to indemnify, defend and hold the District harmless from all damage or claims of any nature, including attorney’s fees, arising from the quality of water furnished by the District.
6. Payment for water and related charges shall be at the rate set by the Board of Directors of the District in accordance with resolutions and policies that may be adopted by the Board from time to time.
7. On or before the application due date each year, each customer shall apply and commit to an amount of water by April 1st and each customer shall pay water charges for one-half of the total amount of committed water by April 30th, or before the customer uses water, whichever is earlier;

and the customer shall pay for the remainder of the committed water on or before June 30. In the case where a landowner uses such a small amount of water that cannot be registered on the District meters, a monthly flat rate for minimum usage as determined by the Manager (as delegated by the Board) will be applied. No water shall be delivered until all of the advance payment is made. The Board may, in its sole discretion, suspend the minimum water advance payment in any year when District water is unavailable or is allocated.

8. Monthly billings will be prepared for all water charges based on meter readings on or about the last day of each month.

9. All invoices for water, or for any other District services or charges, are due upon receipt and are delinquent when not paid within 30 days after the date of the bill. There shall be a penalty added of **10%** to each invoice that is delinquent, plus a monthly interest charge of **1.5%** on both the principal and the penalty.

10. Water service shall not be provided to any parcel of land for which the Operations Charge, CVP Construction Charge, Distribution System Assessment, water charge or any other District charges that are delinquent. The District shall give the owner of the land and tenant, if any, notice before water service is terminated. The landowner, and tenant, if any, shall have the right to express any complaints or objections to the Manager, who has the authority to make a final determination in discontinuing water service, or recommending adjustments to the Board of Directors.

11. All accounts must remain current. Any water user who has a delinquent balance on **December 1st** of any given year will be required to post a higher water advance the following year. That rate will be calculated at **150%** of the normal advance amount set for the year. For any water user who is delinquent **on December 1st in 2 consecutive years, that user will be required to pay all of the estimated yearly water use in advance the following year.**

12. An assessment on District land may be levied each year at a rate determined by the Board of Directors. Assessments may be charged on all District irrigable acres regardless of whether or not water was used. Standby, Operations Charge or other District charges may also be levied if determined necessary by the Board.

13. Any and all District costs incurred for the repair of the water outlet deliveries or related works as a result of landowner negligence or carelessness is to be paid by the landowner. A minimum \$50.00 charge will be levied for each occurrence, where meter tampering, outlet disfigurement or other inappropriate use is determined.

14. The District will not be liable for any damage caused by negligence or carelessness of any water user in the use of the water. In no event shall any liability accrue against the District or any of its officers, agents or employees for any damage arising directly or indirectly from or because of miscalculations in estimating needs, deficiency in water supply, drought or other unavoidable causes. In addition, the applicant hereby assumes responsibility for and agrees to indemnify, defend and hold the District harmless from all damages or claims for damage, including attorneys' fees, which may arise from his/her use of the water after it leaves the District facilities.

15. The water ordering procedures approved by the Board on October 19, 2004 are incorporated within these Rules and Regulations.

16. The unauthorized use of water will carry a penalty of \$500.00 per acre-foot plus the cost of the water and any turnouts for the offending landowner and/tenant will be locked. Penalties for the unauthorized use of water is at the discretion of the General Manager and can be appealed to the Board of Directors.

17. In years when the District does not have adequate water supplies to meet all customer demands and must allocate water to District landowners and authorized tenants, the District may permit a landowner or authorized tenant to make an in-District transfer of that landowner's or tenant's water allocation to another District water user on the following terms and conditions:

- a. The General Manager will calculate the allocation in accordance with paragraph 4 of these Rules and Regulations and provide those allocations to the Board with a recommendation whether to permit in-District transfers of water allocations among water users. The Board will consider the General Manager's recommendation and will decide in its sole discretion whether to permit such in-District transfers.
- b. If the Board authorizes in-District transfers of water allocations, the General Manager will so notify District water users. Landowners and tenants may then apply in writing to the General Manager to make an in-District transfer of a water allocation. If a tenant requests to transfer an allocation, he or she must provide the General Manager with a signed consent of the landowner. Upon receipt of a transfer request, the General Manager will review it and notify the applicant whether the application is approved or denied within five days of receipt of the application. An applicant may appeal a denial of a transfer application to the Board, which will hear the appeal at its next regular meeting. The Board's decision on appeal will be final and binding.
- c. If an application for transfer of a water allocation is approved, the applicant must pay all Operations Charge, CVP Construction Charge and Distribution System Assessments for the current year in advance before the transfer will be authorized. If an applicant is delinquent on any base charges, assessments and/or volumetric water charges from previous years, the applicant will not be permitted to make a transfer until the applicant also pays in advance all delinquent base charges, assessments and water charges, together with all penalties and accrued interest due on the delinquent base charges, assessments and water charges.
- d. The District will charge the transferee the then-existing volumetric rate for all water transferred at the time of its use. Any failure by the transferee to pay the volumetric water rates when due will result in termination of service to the transferee and the transferee's disqualification from receiving future transfer water until the transferee pays all charges, penalties and interest due for the unpaid volumetric water charges.

Transfers by a landowner or an authorized tenant of a water allocation from one parcel to another parcel in common ownership or leasehold are exempt from these rules and will be freely permitted upon notification to the General Manager.

ORLAND-ARTOIS WATER DISTRICT

WATER ORDERING PROCEDURES

- 1. Water may be ordered for land and from outlets for which an application for water and water deposit, if required, is on file with the District.
- 2. Orders (turn on, changes, turn off) must be placed at the District office **no later than 12:00 noon on the day before the water delivery is to start**, either in person or by telephone. Orders given to water tenders will also be accepted and must follow the time requirements of notification. Water orders will be accepted Monday through Friday between the hours of 8:00a.m. and 12:00 noon. Once the irrigation season has started water orders will be accepted by the phone recorder on Saturday between 8:00a.m. and 11:00a.m. If you are on a shared delivery or a line with a capacity problem you will need to place your orders Monday through Friday during regular office hours. All orders must include the following information:
 - a) Water user’s name
 - b) Number on delivery
 - c) Name of person placing order
 - d) Details of order (quantity, on, off, or change)
- 3. On the day and at the time the water order is to be put into effect, the water user will adjust water flow as ordered. Any changes or adjustments to the amount originally ordered must be reordered in advance through the normal office procedures. Turn off notification must also be no later than 12:00 noon on the day before water delivery is to cease. Requests for cancellation of orders on less than the required notice will be honored only under emergency conditions. In no case shall anyone but the water user, his representative or an authorized agent of the District turn water on, change water or turn water off from the District’s distribution system.
- 4. When distribution system laterals are operating at or near maximum flows, reductions in flow rates may be necessary as determined by District representatives. The water user shall stay at the revised flow rate until the District determines further increases can be accommodated.
- 5. All water outlet deliveries are to be checked daily to conform to the amount ordered, or more often as may be necessary. Delivery regulation to the amounts ordered is the responsibility of the landowner, his tenant or their representatives.
- 6. Water users failing to follow proper District water ordering procedures as set forth herein jeopardize their privilege to operate the District’s distribution system. Repeated violations of proper water ordering procedures will result in total District operation of the delivery as determined by the Manager and the Board of Directors of the District.
- 7. **There will be no water delivered to property that has a delinquent account.**

WATER ORDERING TELEPHONE NUMBERS

AFTER HOUR EMERGENCY

OFFICE.....865-4304

Chris Drouillard..... (530)518-9734 Cell#
Justin Rolfs..... (530)520-9590 Cell#