

# **COACHELLA VALLEY WATER DISTRICT**



## **CANAL IRRIGATION AND DRAINAGE SYSTEM RULES AND REGULATIONS**

Prepared by

Service Department  
Coachella, California

# Document Legend

	Yellow highlights indicate new proposed language.
Standard Text and Footnotes	Standard text is language from current Board approved ordinances or the Rules and Regulations (1964). Footnotes cite existing policy, documents, agreements, ordinances or other guidelines that were used to create these draft Canal Irrigation and Drainage System Rules and Regulations and provide explanations for changes made.

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# Part 1 Definitions<sup>1</sup>

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## 1-1 Coachella Valley Water District Definitions

Unless the context specifically indicates otherwise, the meaning of words or terms used in these Regulations shall be as follows:

1. ACCOUNT – The meter number and sequence and/or 12-digit account number by which the Coachella Valley Water District holds on behalf of the Customer to record the provision of Canal Irrigation and Drainage Water Service. See terms Customer and Canal Irrigation and Drainage Water Service.
2. ACCOUNT HOLDER – The name under which water is ordered and billed as related to the Meter Number and Sequence Number. See Account.
3. ACREAGE – The amount of land under one Account.
4. AGRICULTURE – Cultivation of crops for commercial purposes, including growing crops and raising animals for the commercial production/sale of food, fiber, fuel, and other products.
5. AIR-GAP SEPARATION (AG) – The physical break between the supply line and a receiving vessel.
6. APPLICANT (PROPOSED CUSTOMER) – Any Person, firm, corporation, association or agency who desires to obtain Canal Irrigation Water service from Coachella Valley Water District.
7. APPLICATION – Form for applying for water delivery.
8. APPURTENANCES – Meter, valve, vault, over-flow stand, and any other water related device.
9. AREA OF BENEFIT – Specified geographic boundary that benefits from groundwater replenishment. If a Replenishment Assessment Charge (RAC) is levied by the CVWD Board of Directors, Property Owners inside the Area of Benefit may be subject to a RAC on their Groundwater production according to California Water Code sections 31630-31639. See Appendix A-5 for a map of Groundwater Replenishment Assessment Charge Areas of Benefit.

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<sup>1</sup> See Regulations Governing Domestic Water Service (2017)



10. ASSESSOR'S PARCEL NUMBER – A number assigned by the County tax assessor in order to identify a particular Property.
11. AUXILIARY WATER SUPPLY – Any water supply on or available to the Property other than the water purveyor's potable water supply.
12. BENEFICIAL USE – To be determined by the General Manager or an agent of the General Manager. Decisions will be based on: land use, crop types, methods of irrigation, leaching, recreation, preservation of fish & wildlife, storage, increased expense or inconvenience, conservation costs, future uses, reclamation, and physical solutions.
13. BILLING – Monthly statement sent to the Customer, which includes bill detail, bill summary, account information, and water use history. See Account Holder.
14. BOARD – The Board of Directors of the Coachella Valley Water District.
15. CANAL IRRIGATION AND DRAINAGE WATER SERVICE INFRASTRUCTURE (WATER SYSTEM) – The canal, distribution lateral pipelines, pumping stations, reservoirs, drainage pipelines, and appurtenances, constructed by the Bureau of Reclamation for CVWD, or acquired by CVWD, for the purpose of providing Canal Irrigation and Drainage Water Service.
16. CANAL WATER – Colorado River Water delivered via the Coachella Branch of the All American Canal through distribution pipelines to Customers or to the terminal reservoir, Lake Cahuilla.
17. CANAL WATER SERVICE – The delivery of Colorado River Water to Customers for any Beneficial Use. See Beneficial Use.
18. CLASS OF SERVICE – Based on intended and/or actual usage of water as defined in Appendix A-1.
19. COMMODITY CHARGE – A quantitative charge for the amount of water delivered to a Property, either metered or estimated, based on the Rate Code applicable to the Property. Commodity Charges shall be billed monthly based upon a price per acre-foot of water delivered.
20. CONTRACTOR – Any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under a permit or agreement.
21. CONTRACTED WATER RATE – A volumetric charge between CVWD and its Customer defined by a legally binding agreement.

22. CUSTOMER – Any Person, Property Owner, Tenant, firm, corporation, association or agency who uses or desires to obtain Canal Irrigation and Drainage Water Service from Coachella Valley Water District.
23. CVWD – The Coachella Valley Water District organized and operated pursuant to the provisions of the County Water District law.
24. DEPOSIT – Monies required to be deposited with CVWD for the purpose of constructing a Service Connection or installing a construction meter.
25. DEVELOPMENT – The uses to which the land which is subject to the parcel map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.
26. DEVELOPMENT DESIGN MANUAL (DDM) – CVWD’s Development Design Manual provides comprehensive procedural and technical requirements for the planning, design and construction of CVWD service infrastructure required for new development.
27. DISTRIBUTION UNIFORMITY – A term used in irrigation efficiency that measures the consistency of the irrigation event. <sup>2</sup>
28. DOUBLE CHECK VALVE ASSEMBLY (DC) – The assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
29. DRAINAGE WATER SERVICE – Drainage Water Service shall include all waters that leave the Customer’s property through private-drain tile systems.
30. EASEMENT– A nonpossessory interest held by one Person in land or Right-of-Way of another whereby the first Person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the Owner to the use and enjoyment of the land.
31. GATE CHARGE – The fee to turn on or turn off Canal Water to a Customer.
32. GENERAL MANAGER (GM) – The General Manager of CVWD or his/her appointed representative.

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<sup>2</sup> Definition per Food and Agriculture Organization of the United Nations, Irrigation Water Management: Irrigation Methods Training Manual No. 5

33. **GROUNDWATER** – Water produced through wells from any aquifer underlying the Coachella Valley.
34. **IMPROVEMENT** – Refers to any street work and/or utilities to be installed or agreed to be installed, by the Subdivider, public agencies, private utilities or any other entity approved by the local agency or by a combination thereof, and is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.
35. **IMPROVEMENT DISTRICT (ID)** – An Irrigation Water Improvement District within a portion of CVWD’s Service Area, which is formed for the purpose of constructing or improving Canal Irrigation and Drainage Water Service by selling bonds to fund the needed infrastructure.
36. **IRRIGATION WATER AVAILABILITY ASSESSMENT (IWAA)** – The yearly charge assessed where irrigation water is available, whether used or not, pursuant to the Uniform Standby Charge Procedures Act commencing at California Government Code Section 54984.
37. **LIEN** – The process of levying property to recapture unpaid charges for water, other services, and any damages to CVWD properties.
38. **METER NUMBER** – Number assigned to delivery point for service delivery.
39. **MISCELLANEOUS CHARGE** – Other fees for water service that are not the base Commodity Charge used to offset the cost of purchased water.
40. **NONPOTABLE WATER** – Either Recycled Water produced by wastewater reclamation plants, Canal Water or a combination of both.
41. **NORMAL WORKING HOURS** – The Customer Service Department is open Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m.
42. **ORDINANCE** – Specific rules or regulations of the Coachella Valley Water District.
43. **OVERFLOW STAND** – A vertical pipe normally 36-inches in diameter placed between a CVWD delivery point and the water-user system, to prevent water from flowing back into the CVWD system or overflowing a meter or reservoir; serves the same purpose as a backflow device. This overflow shall be one foot lower than the meter weir.
44. **PARCEL** – Generally refers to a piece of land that cannot be designated by a lot number.
45. **PERMIT** – An official document or certificate issued by the authority having jurisdiction, which authorizes the performance of a specified activity.

46. PERSON – Any individual, firm, company, corporation, association, political subdivision, city, county, district, the State of California, the United States of America or any department or agency thereof. The singular in each case shall include the plural.
47. PRIORITY – Preferential consideration for water deliveries when lines are at capacity, water is in temporary limited supply, and/or crops are in jeopardy. The initial decision is made by the Zanjero Supervisor; the final decision is made by the General Manager.
48. PROPERTY – Any real Property, including any lot, Parcel, premises, dwelling unit or building unit or portion thereof that is the subject of a request for service or to which service is being rendered.
49. PROPERTY OWNER or OWNER – Any Person, agent, firm or corporation having legal or equitable interest in the Property.
50. PROPERTY TAX TRANSFER– The process of levying property, through annual property taxes, to recapture unpaid charges for water and other services.
51. PRORATE – When orders on a particular line exceed the capacity of that line, the Zanjero may reduce all deliveries to equal the capacity of the line. If there is a temporary shortage in the main canal, all water orders will be reduced by an equal percentage to equal the available amount of water in the main canal. During a period of temporary shortage, any water order taken will not exceed an amount equal to the average of the previous month's water orders.
52. RECYCLED WATER – Recycled water generated by wastewater reclamation plants meeting the requirements of Section 60301.230 of Title 22 of the California Code of Regulations, including any amendments thereof.
53. REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE (RP) – A backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.
54. REGULATIONS – The current edition of, and any amendments or revisions to, CVWD's Canal Irrigation and Drainage System Rules and Regulations.
55. RENDERED – Presented for payment or consideration. A bill is considered rendered when it is delivered to the U.S. Post Office, sent electronically or by other means is presented for payment.
56. RESTORE – To reestablish water delivery to a Property or Parcel when water has been terminated.

57. **RIGHT-OF-WAY(ROW)** – Any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches, electric power, telephone lines, gas, oil, water and other pipelines, highways and other roadways, sewers, surface water detention and flow, and tunnels.
58. **SCHEDULED ORDERS** – Canal Water orders placed with CVWD prior to 11:00 a.m. the business day before the water order is to become effective.
59. **SEQUENCE NUMBER** – Number used in conjunction with the Meter Number to distinguish between multiple users on one meter.
60. **SERVICE AREA** – The area within Improvement District Number 1 (ID1) that currently has irrigation or drainage pipelines underlying it. This also includes areas outside ID1 that benefit the groundwater aquifer per guidelines approved by the CVWD Board of Directors.
61. **SERVICE CONNECTION** – CVWD’s facilities including pipe, fittings, meter, and valves, extending from CVWD’s irrigation distribution pipeline to the landowner’s field or reservoir.
62. **SET UP** – The process of adjusting gates and valves on the lateral line, in order to deliver water to the user.
63. **STANDARD SPECIFICATIONS** – The current edition of CVWD’s Standard Specifications for Construction of Irrigation and Drainage Water Systems.
64. **STREET** – Any highway, road, street, avenue, alley or way, either public or private.
65. **STRUCTURES** – Pipe stands, vent stands, angle stands, box stands, meter stands, meters, and valves controlled or maintained by CVWD.
66. **SURCHARGE** – Any extra fees added on to the water rate for added treatment of Colorado River Water for irrigation purposes, including, but not limited to, the Quagga Mussel Surcharge for chlorine treatment of the water in the Coachella Canal.
67. **TAILWATER** – The surface water runoff resulting from crop irrigation methods typically found in flood irrigation application.
68. **TEMPORARY SERVICE CONNECTION** – A Service Connection that is intended to provide Canal Irrigation Water Service during construction or other use of a limited duration as approved by CVWD.
69. **TENANT** – A Person who rents or leases a Property or portion thereof which he/she does not own.

70. UNAUTHORIZED OPERATIONS/TAMPERING CHARGE– Miscellaneous charge assessed against the user of record for unauthorized adjustment of a CVWD facility or meter.
71. UNAUTHORIZED PERSONS – Persons other than CVWD personnel who adjust, in some manner, any CVWD facility or meter.
72. UNITED STATES BUREAU OF RECLAMATION (USBR) – Federal agency created to design and construct dams, power plants, and irrigation projects. Today, the agency is the largest wholesaler of water in the United States.
73. UNSCHEDULED ORDERS – Water orders placed the same day or after 11:00 a.m. the business day before the water order becomes effective.
74. UTILITY USER TAX – Any tax imposed by a city on a utility, e.g. water, sewer, gas, electricity, etc.
75. VOLUMETRIC CHARGE – The price per acre-foot of water delivered to a Customer based on the Class of Service for the Account.
76. ZANJERO – An individual that manages the irrigation distribution system. Some of his or her tasks include turning valves, reading meters, and monitoring flows to ensure delivery to the Customer. The term Zanjero is Spanish for "ditch rider".
77. ZANJERO SUPERVISOR – The General Manager's representative assigned the responsibility to direct the ordering, transportation, and distribution of irrigation water throughout the irrigation system.

## **Part 2 Authority<sup>3</sup>**

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### **2-1 General Provisions**

#### **2-1.1 Board**

The Board may change these Regulations as it deems necessary.

#### **2-1.2 General Manager**

The General Manager may prescribe and enforce additional actions not in conflict with these Regulations to implement the application, administration, interpretation and enforcement of these Regulations.

### **2-2 Inspectors**

#### **2-2.1 Entry to Premises**

The General Manager and other duly authorized employees of CVWD bearing proper credentials and identification shall be permitted to enter upon all Property for any purpose properly connected with CVWD operations.

#### **2-2.2 Credentials**

No Person who is not an authorized officer or employee of CVWD shall have, wear, or exhibit any badge or credentials of CVWD.

### **2-3 Fees, Charges and Services**

Fees, charges and services are non-refundable and non-transferable; however, under special circumstances, the General Manager may grant a refund of fees or charges at his/her discretion.

### **2-4 Policy Exceptions and Exemptions**

With the exception of refunds granted under section 2-3, exceptions or exemptions from these Regulations must be approved by the Board of Directors. This provision does not apply to the waiver of one-time charges or fees.

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<sup>3</sup> See Regulations Governing Domestic Water Service §2

## Part 3 Initial Application for Service

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### 3-1 General Provisions

#### 3-1.1 Property Owner Responsibility

Canal Water Service, in all cases, shall be the responsibility of the Property Owner. The Property Owner may authorize, in writing, service to be billed to another party, but the Property Owner shall be held responsible for payment of all amounts due to Canal Water Service. If the Property Owner has authorized a second party to receive billing for service, a completed application form shall be required from the second party.<sup>4</sup> Whenever the Person(s) who have authority to place water orders changes, or whenever ownership or tenancy of a Parcel of land is changed, a written request must be submitted by the Property Owner to CVWD.<sup>5</sup> There is a fee to establish or transfer an account if the District approves the application for service. The fee is listed in Appendix A-2.<sup>6</sup>

The Property Owner shall provide a Right-of-Way for road access to the meter and valves for operational and maintenance purposes. The Property Owner is required to install an adequate overflow or constant head stand approved by CVWD prior to any delivery. Water will be delivered only through CVWD approved Service Connections.<sup>7</sup>

#### 3-1.2 Application for Service Inside ID1

Each Property Owner must fill out, sign and submit a “Canal Water Service Request Form” with CVWD for each Parcel of land for which water is desired before any water is delivered. This request will indicate the land(s) owned by the Applicant that are to receive water, and will designate the name(s) of those Persons who have authority to place water orders.<sup>8</sup> The request must indicate Class of Service for the water. Once the application has been received, staff will determine if there is an existing meter, capacity in the pipeline and whether or not the lands are located inside ID1. If there is not an existing water distribution pipeline system to the lands requesting water service, CVWD shall consider the application in conjunction with Part 8 of these Regulations.

Please visit [www.cvwd.org/194/Start-Stop-Canal-Service](http://www.cvwd.org/194/Start-Stop-Canal-Service) for the Canal Water Service Request form for service inside Improvement District No. 1(ID1).

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<sup>4</sup> See Regulations Governing Domestic Water Service § 3.05.090 (b) (2017)

<sup>5</sup> See Ord. 958 §1(b) (1964)

<sup>6</sup> See Ord. 958 (1964), Amended (2014)

<sup>7</sup> See Ord. 958 §1(c)(d)(e) (1964)

<sup>8</sup> See Ord. 958 §1(a) (1964)



### 3-1.3 Construction Water Deposits

A deposit may be required for a Temporary Service Connection or construction meter. If required, this deposit is due prior to installation. Please see Appendix A-3 for these charges.<sup>9</sup>

### 3-1.4 Application for Canal Water Service Outside of ID1<sup>10</sup>

The proposed WSA-O-ID1 Customer (Customer)<sup>11</sup> must submit an application that includes the following information:

1. Applicant (Property Owner) name, address, telephone number and email address; description and location of Property to be served including Assessor's Parcel Numbers (APNs) (the Property may include contiguous APNs).
2. Maps showing the location and area(s) of the Property located outside of the ID1 boundary relative to the East Whitewater River Subbasin Area of Benefit or the West Whitewater River Subbasin Area of Benefit (Area of Benefit).
3. Evidence that the area of the Property outside the ID1 boundary, but within the Area of Benefit is currently utilizing groundwater from a well within the Area of Benefit and that the existing groundwater quantity used is at least 67% of the proposed quantity of Colorado River water. Applicant shall submit the previous 12 months recorded well production data with the application.
4. For any area of the Property that is located outside of the Area of Benefit, but within the CVWD Service Area, the Applicant must provide evidence that the area of the Property outside the Area of Benefit is currently utilizing groundwater from a well within the Area of Benefit and that the existing groundwater quantity used is at least 100% of the proposed quantity of Colorado River water. Applicant shall submit the previous 12 months recorded well production data with the application.
5. Description of the proposed use of Colorado River water (Project) including:
  - a) Acreage to be irrigated;
  - b) Crop types;
  - c) Quantity of Colorado River water (acre-feet), peak day, average day and annual;
  - d) Preliminary Engineering Report describing proposed infrastructure and cost estimate; and

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<sup>9</sup> See Regulations Governing Domestic Water Service (2017), Ord 1429 (2016) – Canal Service Charges

<sup>10</sup> See Guidelines for Colorado River Water Service Agreements Outside ID1(2016)

<sup>11</sup> Term "Contractor" changed to "Customer" throughout these Regulations

- e) Project schedule (project must be in service within three (3) years from the effective date).

CVWD shall respond to the application within 60 days.

Please visit [www.cvwd.org/194/Start-Stop-Canal-Service](http://www.cvwd.org/194/Start-Stop-Canal-Service) for the Canal Water Service Application for Lands Outside Improvement District No. 1(ID1).

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## Part 4 Water Orders

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### 4-1 General Provisions

All water orders, shut-off or changes must be placed with CVWD by an authorized Person and must include the following information:

1. Meter number and sequence;
2. Name of landowner, company or ranch name;
3. Name of authorized Person placing the order and a contact phone number; and
4. The quantity of water and the period of time during which said order is to be effective<sup>12</sup>.

Please refer to Appendix A-2 for Miscellaneous Charges.

On the day upon which the order is to be put into effect, the Zanjero will turn water on or off or make changes at the time when he or she passes the point of delivery on his or her regular scheduled run for that day.<sup>13</sup>

Delivered water as ordered will run continuously day and night until ordered off. Water orders will not be accepted for runs of less than twelve hours (12) and must be in multiples of twelve hours (12).<sup>14</sup> All orders are subject to availability of water in the lateral involved and the ability of CVWD's personnel to perform the additional work.<sup>15</sup>

Where the demand for water exceeds the capacity of the sub-lateral pipeline or pump station, water shall be delivered in sequence to water users pursuant to orders received at the maximum rate of flow available or as much thereof as the water user shall order.<sup>16</sup>

Where the demand for water exceeds the available water supply, water orders may be delayed except under emergency conditions as determined by the district.<sup>17</sup>

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<sup>12</sup> See Ord. 958 §3(b) (1964)

<sup>13</sup> See Ord. 958 §3(c) (1964)

<sup>14</sup> Ord. 1303 (2003)

<sup>15</sup> See Ord. 1431 (2016)

<sup>16</sup> See Ord. 958 §3(e) (1964)

<sup>17</sup> See Ord. 1303 (2003) and Ord. 958 §3 (1964)

#### **4-2 Scheduled Orders**

Scheduled water orders are defined as any Canal Water order, shut-off or change placed prior to 11:00 a.m. the business day before a requested delivery and/or change. Please refer to Appendix A-2 for the fee schedule.<sup>18</sup>

#### **4-3 Unscheduled Orders**

Unscheduled water orders are defined as any Canal Water order, shut-off or change placed after 11:00 a.m. for the next delivery and/or change on any order placed any time for the current day's delivery.

In the event that a frost is deemed imminent in the weather forecast, then Unscheduled fees will be waived up until 2:00 PM for delivery the current day.

Please reference Appendix A-2 for the fee schedule.<sup>19</sup>

#### **4-4 On-line Ordering Process**

All water orders must be placed by 11:00 a.m. the business day before a requested delivery and/or change or they will be delivered the following business day.

#### **4-5 Measurement of Water**

All Colorado River water shall be measured at the points of delivery. Totalizing meters shall be required for wells supplying water to the Customer's Service Area. All measuring and controlling devices or automatic gauges shall be furnished, installed, and maintained in a manner satisfactory to and without any expense to CVWD. If for any reason the measuring devices fail to operate satisfactorily, CVWD will determine from the best information available the amount of Colorado River water diverted at each point of delivery. CVWD may inspect the measuring devices to determine the accuracy and the condition of the measuring devices. If the measuring devices are found to be defective or inaccurate, the Customer shall promptly make any and all necessary repairs or replace the measuring devices. If the Customer neglects or fails to make the necessary repairs or replacement, CVWD may cause the repairs to be made and the cost thereof shall be paid by the Customer within thirty (30) days following receipt of a bill.<sup>20</sup>

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<sup>18</sup> See Ord. 1431 §4 (2016)

<sup>19</sup> See Ord. 1431 §4 (2016)

<sup>20</sup> This section moved from Part 5 Water Use Outside ID1 because it applies to all Canal Water Service.

## **Part 5 Water Use Outside Improvement District No. 1<sup>21</sup>**

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### **5-1 General Provisions**

The following provides the background and the Guidelines for Colorado River Water Service Agreements for Use outside ID1 Boundary (WSA-O-ID1). The Guidelines are consistent with previous agreements executed by and between the United States, CVWD, Metropolitan Water District of Southern California (MWD) and the Imperial Irrigation District (IID).<sup>22</sup>

### **5-2 Eligibility**

CVWD shall review the application and determine in its sole and absolute discretion if sufficient Colorado River water is available to service the Project in accordance with Part 5-2.

### **5-3 Service Agreement**

After CVWD approval of the application, the Customer shall execute CVWD's current Installation Agreement for the project in accordance with these Regulations as amended and supplemented.

#### **5-3.1 Priority**

Colorado River water uses within ID1 have priority for Colorado River water over WSA-O-ID1 Customers.

#### **5-3.2 Distribution of Colorado River Water**

The Customer shall not use or permit the use of any Colorado River water outside of the Property and/or the CVWD boundaries. Violation of this Part will result in termination of Colorado River Water service.

#### **5-3.3 Groundwater Production**

The Customer shall reduce annual groundwater production or use so that no more than 20% of the water used on the Property is groundwater. Additional groundwater may be

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<sup>21</sup> All of Part 5 is per Guidelines for Colorado River Water Service Agreements for Use Outside ID1 Boundary Item 9a (2016)

<sup>22</sup> Subsection on Validity was moved to Part 15 Validity; this provision was revised as it applies to all Canal Water Service

utilized to service the Property in the event of water restrictions. The Customer shall take full responsibility for not having a redundant water supply.

#### 5-3.4 Irrigation System

Irrigation systems shall utilize pressurized drip, trickle, or sprinkler with a Distribution Uniformity of >70%. The Customer shall furnish annual proof of enrollment in an irrigation scheduling program under a CVWD prequalified irrigation specialist providing recommended irrigation and leaching schedules.<sup>23</sup>

#### 5-3.5 Reporting of Water

Complete written report showing the amount of Colorado River water diverted and groundwater produced during the previous year, itemized by Parcel or as otherwise determined by CVWD, shall be submitted. The annual report shall be provided by a district-prequalified irrigation specialist certifying the Customer's compliance with recommendations under an irrigation scheduling program. The diversion of any significant amount of Colorado River water not previously scheduled and paid for in accordance with the provisions of the WSA-O-ID1 or the diversion in any calendar year of Colorado River water in excess of the maximum quantity available to the Customer may be deemed a material breach of the WSA-O-ID1. In the event CVWD determines that the actions of the Customer constitute a breach of the WSA-O-ID1, the Customer shall be informed in writing of appropriate actions in accordance with the current CVWD Rules Governing Canal Water and Drainage Service as amended and supplemented.<sup>24</sup>

#### 5-3.6 Water Conservation

Prior to the delivery of Colorado River water provided from or conveyed via the WSA-O-ID1, the Customer shall develop a water conservation plan as required and approved by CVWD.<sup>25</sup>

#### 5-3.7 Canal Water Rate

The Canal Water Rate for Colorado River Water service shall be a Contracted Water Rate included in a Canal Water Service Agreement that is based on the following formula:

$$\text{Canal Water Rate} = 0.85 \times (\text{Power} + \text{RAC}) / \text{Canal Water}$$

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<sup>23</sup> Subsection on Measurement of Water was moved to Part 4 Water Orders; this provision was revised as it applies to all Canal Water Service

<sup>24</sup> Subsection on Quality of Water was moved to Part 11 Conditions of Canal Water Service; this provision was revised as it applies to all Canal Water Service

<sup>25</sup> Subsection on Rules, Regulations and Determinations was deleted; this Provision is covered under 2-1.1

In addition, the Contractor shall pay the associated current Outside ID1 Surcharge.

#### 5-3.8 Term, Quantity, and Location

The term of the WSA-O-ID1 shall be a maximum of 10 years. All WSA-O-ID1s shall specify a maximum quantity of water and location.

#### 5-3.9 Five-Year Reviews

CVWD reserves the right to re-examine at five-year intervals, beginning five (5) years after the Effective Date of the WSA-O-ID1, the existing and potential water uses and needs of the Customer for Beneficial Use of the Colorado River water. If CVWD determines that the Customer's entire supply of Colorado River water made available through the WSA-O-ID1 has not been or may not be beneficially used, a revision of the amount of Colorado River water the Customer is entitled to have delivered pursuant to the WSA-O-ID1 may be necessary, and CVWD shall revise the WSA-O-ID1 accordingly. Prior to such revision, a ninety (90) day notice will be given to the Customer, and the Customer shall be given an opportunity to be heard. In determining the needs or uses of the Customer, CVWD shall consider the factors which include, but are not necessarily limited to, the following:

1. The amount of Colorado River water and groundwater;
2. The average unused portion of the Customer's total available water over the past five (5) years or other appropriate period; and
3. The type and condition of diversion, distribution, and delivery works for Colorado River water and groundwater.

If it is determined by CVWD that Colorado River water has not been or may not be beneficially used, CVWD may reduce the maximum amount of Colorado River water delivered to the Customer to an amount CVWD determines to be reasonably required for Beneficial Use. The Customer will be provided an opportunity to appeal CVWD's decision pursuant to applicable appeal procedures.

#### 5-3.10 Groundwater Overdraft<sup>26</sup>

Customers participating in Projects outside of ID1 recognize and agree to participate in a program designed to help address the groundwater overdraft problem in ID1 consistent with the Quantification Settlement Agreement of October 10, 2003.

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<sup>26</sup> QSA (2003) §6.3

### 5-3.11 Inspection of Works

CVWD, its employees, agents, Contractors, subcontractors, successors, or assignees shall at all times have the right to inspect all works utilized by the Customer and any Person, firm, or corporation representing the Customer in the diversion, processing, storage and distribution of Colorado River water and groundwater.

### 5-3.12 Rights-of-Access

The Customer grants a right-of-access to the United States and CVWD and their authorized employees, agents, subcontractors, successors, or assignees to enter the Customer's Service Area and rights-of-way for the purpose of inspecting and checking any diversion facilities, including any wells, metering equipment and associated facilities for pumping Colorado River water pursuant to the WSA-O-ID1. The Customer will obtain all necessary rights-of-way required for diversion and conveyance of Colorado River water pursuant to the terms and conditions of the WSA-O-ID1. Where Rights-of-Way across lands of the United States are required by the Customer for diversion and conveyance of Colorado River water, application therefore will be submitted to the United States.<sup>27</sup>

### 5-3.13 Books, Records, and Reports

The Customer shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of the WSA-O-ID1, including the Customer's financial transactions; water supply data; project operation, maintenance, and replacement logs; project land and rights-of-way use agreements; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that CVWD may require. Reports shall be furnished to CVWD in such form and on such date or dates as CVWD may require. Subject to applicable laws and regulations, each party to this WSA-O-ID1 shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this WSA-O-ID1.

## 5-4 **Notices**

Any notice, demand, or request authorized or required by the WSA-O-ID1 shall be deemed to have been given, on behalf of the Customer, when mailed, postage prepaid, or delivered to CVWD and on behalf of CVWD, when mailed, postage prepaid, or delivered

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<sup>27</sup> The following subsections from the Outside ID1 Guidelines have been removed from these Regulations pending legal counsel review: Water and Air Pollution Control; Pest Management; Release and Indemnity; Effect of Waiver of Breach.



to the Customer. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

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## Part 6 Charges

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### 6-1 General Provisions

All charges for water furnished to Canal Water customers will be made as set forth in the Rate Schedules established from time to time by the Board of Directors of the Coachella Valley Water District. See Appendix A-1 and A-2 for Current Rate Schedules.<sup>28</sup>

### 6-2 Water Rates

The rate structure for CVWD's monthly Canal Water Service charge has two Customer classes – Class 1 and Class 2 – and is comprised of three components – a Gate Charge; a Volumetric Charge; and an Outside ID1 Surcharge.<sup>29</sup> CVWD also makes Canal Water available upon request to Persons who request water for construction purposes, subject to the payment of Canal Water Service Charges.<sup>30</sup>

#### 6-2.1 Class 1 – Agricultural Water Customers

All Canal Water Customers who use Colorado River (canal) water for direct potable water production or commercial agricultural activities – e.g., Customers who use Canal Water for producing an agricultural commodity for commercial purposes including growing crops and raising animals for the commercial production and/or sale of food, fiber, fuel and other products.<sup>31</sup>

#### 6-2.2 Class 2 – All Other Canal Water Customers

All other Canal Water customers – e.g., Customers who use Canal Water for groundwater replenishment including CVWD's Replenishment Fund, landscape irrigation, recreation, and other activities, including, but not limited to, golf courses, hunting clubs, polo fields, and CVWD's Nonpotable Water Program.<sup>32</sup>

#### 6-2.3 Construction Water Customers

Canal Water Customers who receive Canal Water for temporary construction purposes and pay for the additional cost of delivering that water through the distribution system. Construction water service will be limited to 180 days after which a new application will be required or service may be terminated.<sup>33</sup>

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<sup>28</sup> See Ord. 958 §5 (1964)

<sup>29</sup> See Ord. 1428 (2016)

<sup>30</sup> See Ord. 1429 (2016)

<sup>31</sup> See Ord. 1428 (2016)

<sup>32</sup> See Ord. 1428 (2016)

<sup>33</sup> See Ord. 1429 (2016)

#### 6-2.4 Outside ID1 Customers

Water Rates for Colorado River Water Outside ID1 shall be a Contracted Water Rate calculated in accordance with Part 5.

#### 6-3 **Volumetric Charges**

See Appendix A-1.

##### 6-3.1 Irrigation Water Commodity Charge

The Commodity Charge is designed to recover costs for basic Canal Water Service, such as operation costs, Customer billings and collections, pumping costs, and water supply costs.<sup>34</sup>

##### 6-3.2 Quagga Mussel Mitigation Surcharge

This surcharge is designed to recover CVWD's costs of monitoring and preventing the colonization of Quagga mussels in the Coachella Canal and pipeline distribution system.

##### 6-3.3 Water Supply Surcharge

The Water Supply Surcharge funds the cost of Quantitative Settlement Agreement (QSA) water purchases and is charged to Class 2 and Construction Meter Customers.<sup>35</sup>

#### 6-4 **Miscellaneous Charges**

See Appendix A-2 for Miscellaneous Charges.

##### 6-4.1 New Account Establishment Fee

The New Account Establishment fee applies to new irrigation water service accounts.<sup>36</sup>

##### 6-4.2 Return Payment Charge

A Return Payment Charge will be assessed for all checks and other forms of payment, or otherwise, that are returned unpaid by a financial institution.<sup>37</sup>

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<sup>34</sup> See Ord. 1428 (2016)

<sup>35</sup> See Ord. 1428(2016)

<sup>36</sup> See Ord. 958 (1964), Amended (2016)

<sup>37</sup> See Regulations Governing Domestic Water Service §5-13.5 (2017)

### 6-4.3 Gate Charges

These are fixed charges designed to recover CVWD's costs of providing gate services. The Gate Charge is imposed for each scheduled water order (i.e., a CVWD visit to open, close, or otherwise modify a gate position) and each unscheduled water order requested by a Property Owner or Customer.<sup>38</sup>

### 6-4.4 City of Coachella Utility User Tax (UUT) <sup>39</sup>

A tax imposed by the City of Coachella on Canal Water Customers who reside within the city limits.

### 6-4.5 Outside of ID1 Surcharge

See Appendix A-1 for Outside ID1 Surcharge.

The Outside of ID1 Surcharge will be imposed only on Customers located outside of the boundaries of ID1. The Outside of ID1 Surcharge is designed to recover costs incurred by CVWD to serve these Customers, but whose costs are not otherwise defrayed by the ad valorem property tax revenues paid by ID1 Customers.<sup>40</sup>

### 6-4.6 Unauthorized Operations Charge

The Unauthorized Operation, changing, modifying, tampering with or interference by the water user or any of his/her employees or agents with the operation or control of District facilities including the main turnout valve, canal turnouts, valves, or meter shall immediately subject the water user to a surcharge of \$1,000 per incident and termination of water service.<sup>41</sup>

## 6-5 **Irrigation Water Availability Assessment**

See Appendix A-2 for the IWAA formula and rate.

### 6-5.1 Background

The purpose of the Irrigation Water Availability Assessment (IWAA) is to fund the ongoing operation and maintenance costs of the Water System. The IWAA is assessed where canal irrigation water is available, whether used or not, pursuant to the Uniform

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<sup>38</sup> See Ord. 1428 (2016)

<sup>39</sup> Per Ordinance 1017(2010) approved by voters of City of Coachella in June 2010

<sup>40</sup> See Ord. 1428 (2016)

<sup>41</sup> See Ord 1303 (2003)

Standby Charge Procedures Act commencing at California Government Code Section 54984. These charges are to be placed only on lands located within ID1.<sup>42</sup>

IWAA is subject to all Parcels of land five (5) acres or larger within ID1 at a rate equal to 3.8 times the Irrigation Water Commodity Charge or “canal rate” currently in effect. The said charge as fixed herein shall not apply to any Parcel of land less than five (5) acres in size held in separate beneficial ownership and not constituting a part or portion of another Parcel of land, unless the total or aggregate size of said Parcels equals or exceeds five (5) acres.<sup>43</sup>

The IWAA shall apply whether the irrigation water is actually used or not.<sup>44</sup> The District shall mail to the Owner of each Parcel of land eligible to receive District water, and to which District water is available, a statement covering the IWAA determined by this Part of this Ordinance. Such statement shall be mailed to each such Owner as soon as practical after June 30 and as disclosed by information and records in the possession of the District. In calculating the number of acres owned by any Person, any fraction of an acre in excess of the integral number owned shall be disregarded.<sup>45</sup>

The IWAA shall be paid and/or satisfied as follows:

1. Paying the full amount by any of the District's currently allowable means; or
2. Paying irrigation water service charges for services rendered to any 40-acre Parcel of land or portion thereof, for the fiscal year period of July 1 through June 30, a total sum of money equal to or in excess of said IWAA against the involved land; or
3. In the event the total sum paid to the District as irrigation water service charges, as in subparagraph (2) of this Part provided, is less than the amount of the IWAA applicable to the involved land, by paying to the District that amount of money constituting the difference between the total sum paid as irrigation water service charges and the IWAA. Any sum paid as irrigation water service charges cannot be applied in satisfaction of the IWAA against any land to which water has not been made available, but will be applied only in satisfaction of the IWAA against the land to which water is made available.<sup>46</sup>

If a Property Owner elected to have IWAA removed from their Property they may elect to apply for irrigation water service and pay the current IWAA as well as the IWAA not paid in arrears.<sup>47</sup>

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<sup>42</sup> Per State Water Code §31031

<sup>43</sup> See Ord. 1396 §1 (2012)

<sup>44</sup> See Ord. 1396 §2 (2012)

<sup>45</sup> See Ord. 1396 §3 (2012)

<sup>46</sup> See Ord. 1396 §5 (2012)

<sup>47</sup> Customer Letter Dated October 28, 2015; Subject: Removal from the Irrigation Water Availability Assessment; File: 0032.1, 1072.

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6-5.2 Irrigation Water Availability Assessment Penalty

Any IWAA remaining unpaid after July 15<sup>th</sup> shall have a penalty fee per Appendix A-2 added thereon, and the unpaid balance with penalty shall be added to and become a part of the annual tax levied upon the land for which the IWAA is unpaid was available, and the same shall constitute a lien on that land.<sup>48</sup>

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<sup>48</sup> See Ord. 1396 §6 (2012)

## **Part 7      Billing, Termination, and Renewal of Service**

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### **7-1      Billing**

#### **7-1.1    General Provisions**

The Property Owner is liable for payment of bills, costs, loss, damage, penalties, charges, or fees regardless of user or use for water or other services provided to the Property under the appropriate Class for all Canal Water Service from the acquisition date of the Property until such time as the Property is transferred to new ownership. The Property Owner is responsible to provide CVWD with a notice to stop Canal Water Service in a form and manner determined by the CVWD in accordance with this Part.<sup>49</sup>

#### **7-1.2    Rendering of Bill**

The charges may be billed monthly. If CVWD also provides services other than Canal Water Service, a single bill may be rendered for all CVWD services. The bill may also include charges collected for other agencies.<sup>50</sup>

#### **7-1.3    Canal Water Service Information on Bill**

The bill may show one or more of the following charges: Irrigation Water Commodity Charge, Quagga Mussel Mitigation Surcharge, Scheduled and Unscheduled Gate Charges, Water Supply Surcharge, Account Establishment Fee, Returned Check Charges, Miscellaneous Charges, any applicable city taxes due, and Total Amount Due. In addition, the bill will show the Customer's account number, Meter Number, account information and water use history. Information shown on Customer's bill may change at the General Manager's discretion<sup>51</sup>

#### **7-1.4    Person to be Billed**

Charges will be the responsibility of the Property Owner. The Property Owner may authorize in writing that a second party, such as a Tenant, may establish service in their name as provided for in Part 3-1.1. The Property Owner shall be held responsible for payment of all amounts due for Canal Water Service, including all bills, costs, loss, damage, penalties, charges, or fees regardless of user or use. The Property Owner may request for a copy of the bill to be sent to the Owner's mailing address as well. The Property Owner shall notify CVWD of any change in the ownership or tenancy of the

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<sup>49</sup> See Regulations Governing Domestic Water Service §3.05.280 (2017), Amended by Ord. 1399.12 § 6-2

<sup>50</sup> See Regulations Governing Domestic Water Service §3.05.280 (2017), Amended by Ord. 1399.12 § 6-2

<sup>51</sup> See Regulations Governing Domestic Water Service §3.05.280 (2017), Amended by Ord. 1399.12 § 6-2



Property prior to such change.<sup>52</sup> Any unpaid charges may result in a lien or property tax transfer in accordance with this Part.<sup>53</sup>

### **7-1.5 Payment**

The payment for Canal Water Service is due and payable fifteen (15) days after it is rendered.<sup>54</sup>

### **7-1.6 Adjustment of Bill**

The Customer may request, in a manner deemed acceptable by CVWD, an adjustment to the Canal Water Service charges billed for one of the following reasons:

1. Estimated meter reading – is a bill based upon an estimated meter reading and may be adjusted at the Customer’s request and as approved by CVWD. Billing adjustments related to an estimated meter reading will be limited to the period for which the meter reading was estimated.<sup>55</sup>
2. Water meter accuracy – when a meter is found to be inaccurate or broken, CVWD will replace it with a new accurate meter free of charge.
3. When the meter is broken or plugged, the Zanjero may estimate the flow to the Customer using either a baffle stand weir or a private Overflow Stand weir, if accessible.

## **7-2 District Initiated Billing Adjustment**

If CVWD discovers that a billing error has been made related to meter reading against a Customer’s account, CVWD will immediately take all reasonable steps to correct the billing. If the Customer has been under-billed, CVWD reserves the right to go back twelve (12) months to recalculate the amount due and payable and the General Manager may provide for reasonable payment arrangements for the balance due to be paid. If CVWD has over-billed the Customer, CVWD shall go back no longer than twelve (12) months to recalculate the amount of over-billing refund due to the Customer.<sup>56</sup>

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<sup>52</sup> See Regulations Governing Domestic Water Service (2017); added for consistency with §6-2.2

<sup>53</sup> See Canal 6-3.1

<sup>54</sup> See Ord. 958 §6(a) (1964)

<sup>55</sup> See Regulations Governing Domestic Water Service §6-2.4 (2017)

<sup>56</sup> See Regulations Governing Domestic Water Service §6-3 (2017)

### **7-3 Delinquent Account**

The bill for Canal Water Service shall be delinquent if not paid within forty (40) days from the date it is rendered.<sup>57</sup>

If charges billed are not paid by the 50<sup>th</sup> day from the date it is rendered, CVWD may discontinue service until such charges are paid in full<sup>58</sup>.

When delinquency occurs, CVWD will provide to the Customer notice of delinquency and impending denial of Canal Water delivery at least ten (10) days prior to the proposed denial by means of a notice mailed to the Customer to whom Canal Water Service is billed.<sup>59</sup>

If the manner of payment of the delinquent amount is not accepted by the paying bank for any reason, Canal Water Service may be denied immediately without further notice. Canal Water Service will not be restored until all outstanding charges are paid in full, including a return payment charge as applicable in Part 6-4.2.<sup>60</sup>

#### **7-3.1 Liens and Property Tax Transfer**

CVWD may file Liens and/or initiate a property tax transfer against the Property or any properties owned by the delinquent Customer within the State of California to enforce collection of unpaid water and other services as provided in the California Water Code Section 31701.5.<sup>61</sup>

#### **7-3.2 Late Charges**

Late Charges of one and one half (1 ½) percent per month will be charged on all delinquent Canal Water Accounts.<sup>62</sup>

### **7-4 Denial of Canal Water Delivery**

#### **7-4.1 CVWD Initiated**

CVWD has the right to deny Canal Water delivery for any Property on which the Customer fails to comply with these Regulations. In addition, if the Customer receives and fails to pay for other CVWD services or fees, CVWD has the right to deny Canal

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<sup>57</sup> See Regulations Governing Domestic Water Service §6-4 (2017)

<sup>58</sup> See Ord 1127 (1980)

<sup>59</sup> Current practice

<sup>60</sup> See Regulations Governing Domestic Water Service §6-4 (2017); this provision has been modified to enable CVWD to transfer delinquent RAC Accounts to Canal Accounts

<sup>61</sup> Current process as adopted by annual Board resolution

<sup>62</sup> See Regulations Governing Domestic Water Service §6-4.2, no minimum balance

Water delivery. Under such circumstances, CVWD will make a reasonable effort to notify the Customer and Property Owner.<sup>63</sup>

a) Denial of Canal Water delivery procedures are as follows:

1. Prior to denial of Canal Water delivery, notice is not required when the illegal non-compliance (i.e. tampering), violation or infraction of these Regulations by the Customer results, or is likely to result, in dangerous or unsanitary conditions on the Property or in the Water System or elsewhere. In such cases, CVWD may order immediate denial of Canal Water delivery for the Property in question.<sup>64</sup>

b) Denial of Canal Water delivery may also be initiated by CVWD under the following circumstances:

1. When conditions of use have changed materially to the point where new or additional fees or charges are due or other charges in the Canal Water Service are required or appropriate, but the Customer refuses to agree to the additional fees or charges in the Canal Water Service, CVWD may terminate the Canal Water Service; or

2. Where excessive demands by one Customer may result in inadequate Canal Water Service to others; or

3. To protect itself against fraud or abusive conduct on the part of the Customer; or

4. As otherwise provided in these Regulations.<sup>65</sup>

#### **7-4.2 At Customer's Request**

A Customer may have Canal Water Service terminated by notifying CVWD at least forty-eight (48) hours in advance of the desired date of termination and by paying any applicable charges imposed under these Regulations. CVWD may require the notice to be in the form of writing, either electronic or paper. Canal Water Service will only be terminated during CVWD's normal working hours and working days unless approved by CVWD in advance.<sup>66</sup>

### **7-5 Restoration of Canal Water Service**

#### **7-5.1 General Provisions**

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<sup>63</sup> See Regulations Governing Domestic Water Service §7-1.1 (2017)

<sup>64</sup> See Regulations Governing Domestic Water Service §7-1.1 (2017)

<sup>65</sup> See Regulations Governing Domestic Water Service §7-1.1 (2017)

<sup>66</sup> See Regulations Governing Domestic Water Service §7-1.3 (2017)

A Customer who has been denied Canal Water Service may have service restored by completing an application and by paying all charges and fees in whole as provided in Appendix A-1, A-2, A-3.<sup>67</sup>

#### 7-5.2 Unauthorized Restoration

No Unauthorized Person shall turn on water at the meter or valve once service has been denied. No Unauthorized Person shall interfere with, or remove or cut the lock, or remove meter from any Service connection.

If the Customer turns on the meter valve or permits or causes it to be turned on after water has been denied by CVWD, CVWD may lock off the meter. An additional charge, as provided in Appendix A-2, shall be collected before any water is delivered to the Property in question.<sup>68</sup>

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<sup>67</sup> See Regulations Governing Domestic Water Service §7-2.1 (2017)

<sup>68</sup> See Regulations Governing Domestic Water Service §7-2.1 (2017)

## **Part 8 Canal and Irrigation Water Infrastructure**

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### **8-1 General**

Canal and Irrigation Water System Infrastructure (Infrastructure) generally includes the Coachella Canal, irrigation distribution system, all pumping stations, reservoirs, and other facilities and/or appurtenances required to provide Colorado River Water to a Customer.

Infrastructure may be designed and constructed by either CVWD or the Customer.

### **8-2 Design and Construction**

All new Infrastructure shall be designed and constructed in accordance with CVWD's Development Design Manual and Standard Specifications.

#### **8-2.1 Design**

All plans, designs, and construction drawing(s) must be reviewed and approved by CVWD at the Customer's expense. This includes, but is not limited to, a hydraulic analysis to identify hydraulic impacts associated with the proposed work and available capacity as necessary. Construction inspection will be performed by the District at the Customer's expense.

#### **8-2.2 Construction<sup>69</sup>**

A Construction Encroachment Permit is required for each entity/Contractor installing:

1. Any improvement within United States Bureau of Reclamation fee-owned land or easement; or
2. Any improvement within CVWD fee-owned land or easement; or
3. Improvement involving CVWD facilities within CVWD easement if CVWD facilities are at risk.

All construction shall be performed under direct CVWD inspection.

### **8-3 Facility Ownership**

All irrigation Infrastructure was originally constructed by the United States Bureau of Reclamation (USBR) and CVWD operates and maintains the system. The USBR conducts periodic review of the Canal and Irrigation distribution system. All new

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<sup>69</sup> Per CVWD Developer Design Manual (2009) - revised by Board Resolution 2013-133 approved in August 2013

pipelines shall be paid for by the Customer and turned over to CVWD/USBR once construction is complete and accepted by CVWD.<sup>70</sup>

#### **8-4 Infrastructure Location**

All Infrastructure will be located within USBR or CVWD rights-of-way. CVWD rights-of-way shall be in the form of easements provided to CVWD by the Customer, easements obtained by CVWD, or Property deeded in fee to CVWD.

#### **8-5 Use of Rights-of-Way, Pipelines, and Structures**

The Coachella Canal, protective works, and distribution system are within USBR rights-of-way, (fee-owned or withdrawn lands and/or easements), according to easements granted by landowners for construction of laterals and turn-out structures on or across their Property. Generally, landowners reserve the right to cultivate, occupy and use said premises for any purpose consistent with the rights and privileges that will not interfere with or endanger any of the structures or equipment of the United States.<sup>71</sup> Landowner's activities or encroachments that do damage USBR or CVWD facilities may be held responsible for all costs to repair or replace the damaged facilities. In addition, the easement of the pipeline shall be confined to lands within five (5) feet of either side of the line and shall not be laid with less than three (3) feet of earth cover over the pipe. No fences or other obstructions should be constructed, which would interfere with normal operation and maintenance of main laterals.<sup>72</sup>

When an Encroachment Permit is requested from CVWD regarding any project (except Agricultural Cultivation) that will or may encroach upon the Canal Water System Facilities (ROW), or any other CVWD facility, in addition to any requirements of USBR when applicable, CVWD's General Manager, or his/her representative, shall evaluate the potential adverse impacts that will or may result from the proposed encroachment and shall determine the mitigation required to reduce the potential impacts to an acceptable level. The implementation of said determination to the satisfaction of the General Manager or his/her representative shall be made a condition of the issuance of the USBR Agreement and/or CVWD Encroachment Permit.

Per California Government Code 4216 all Persons planning to perform excavation work shall contact Dig Alert before they dig. Failure to do so may result in a fine.

When an Agricultural Cultivation encroachment is requested or discovered by CVWD that will or may encroach upon the Canal Water System Facilities (ROW), or any other CVWD facility, in addition to any requirements of USBR when applicable, CVWD's General Manager, or his/her representative, shall evaluate the potential adverse impacts that will or

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<sup>70</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

<sup>71</sup> See Ordinance 958 §3.10.070 (1964)

<sup>72</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

may result from the proposed encroachment and shall determine the mitigation required to reduce the potential impacts to an acceptable level. The implementation of said determination to the satisfaction of the General Manager or his/her representative shall be made a condition of the issuance of the USBR Agreement or CVWD Agricultural Noninterference Review Letter (Ag NIRL) with USBR consent. The Ag NIRL is a letter acknowledging that Agricultural Cultivation encroachments interferes with USBR's easement rights, but that CVWD and USBR are willing to permit the improvements with the condition that if CVWD operation and maintenance activities result in damage or removal of the Agricultural Cultivation Improvements, CVWD and USBR will not be responsible for their repair or replacement or any other damages or injuries.

The General Manager, or his/her representative, is authorized to require the appropriate level of mitigation to protect and preserve CVWD and/or USBR Facilities ranging from the following options:

1. No mitigation;
2. Facility relocation;
3. Facility replacement;
4. Dedication of additional ROW;
5. Other ROW mitigation;
6. No encroachment allowed.

This should not be construed as giving permission to farm, fence or make installations of any kind on the Right-of-Way along the open canal which might interfere with the travel of maintenance equipment along same.

The roads on the main canal are not public roads, but are to be used only for the operation and maintenance of the canal system.

Swimming in any of the Water System facilities is strictly forbidden.

The structures and lines of CVWD system shall not be used for the application of fertilizer or any other uses which might either damage or interfere with the operation of the system. Open irrigation ditches or reservoirs are not to be constructed on top of CVWD pipe lines.<sup>73</sup>

#### 8-5.1 Air-Gap Separation<sup>74</sup>

**Per the California Code of Regulations an** Air-Gap Separation (AG) shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe; however, in no case shall this separation be less than

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<sup>73</sup> See BAI Rescinding Resolution 2007-100 and Adopt Revised Canal Water System Right-of-Way Encroachment Policy (2016)

<sup>74</sup> California Code of Regulations: Title 17 §7602.

**one (1) inch.** If the supply line is at ground level, then the back-flow prevention device must be installed.

#### **8-5.2 Customer Back-Up Water Supply**

Canal Irrigation Service is interruptible. When new service is requested on land unirrigated for the last 10 years consisting of 35 acres or more, a back-up water supply or groundwater-pumping well shall be required. A back-up water supply is recommended for all other users. An onsite back-up water supply provides the Customer with flexibility to irrigate on their own irrigation schedule, and provides the means to store water in case of an emergency outage or for periodic system maintenance. An onsite back-up water supply also provides increased flexibility throughout the Irrigation Distribution System, helping to ensure a more consistent water delivery.

#### **8-6 Canal and Irrigation System Operation**

Please refer to the Service Area or ID1 maps and canal and distribution system exhibits found in Appendix A-4.

Colorado River water is delivered to agricultural lands, golf courses, polo grounds, fish farms, duck clubs, and irrigated landscaping. It is also used to replenish the local groundwater aquifer.

#### **8-7 Procedure for Construction of New Canal Distribution Laterals to Lands within ID1**

If a land owner within Improvement District 1 (ID1) files a written application with CVWD for an extension of a distribution lateral pipeline to their lands, they shall adhere to the following process:

1. CVWD shall first determine if it is feasible to construct the lateral extension; then
2. If CVWD staff determine it is found not feasible, the application will be denied by the Board of Directors; or
3. If the application is found to be feasible and approved by the Board of Directors, then the lateral shall be constructed by CVWD under the following terms and conditions:
  - a. Applicant shall deposit 50% of estimated construction costs with the District within 15 days after construction. The Applicant shall pay the remaining 50% of construction.
  - b. Construction shall include design, construction costs and any right of way.
  - c. No water shall be delivered until the construction costs have been paid in full.
  - d. In lieu of CVWD constructing the said pipeline, the Applicant may secure three bids from local contractors to perform the pipeline construction. The bid shall be presented to the District, who will choose the lowest bid.
  - e. Upon completion of the pipeline title of the pipeline and easement shall be turned over to CVWD through a bill of sale.

All moneys paid for CVWD upon completion CVWD shall pay landowner 50% of water tolls and fees on a bi-annual basis (January and July) for 20 years or until half of the construction cost has been repaid.



## **Part 9     Drainage Water Service Infrastructure**

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### **9-1     General**

The CVWD Drainage System includes a system of twenty-one (21) miles of open channel agricultural drains and 166 miles of underground drain pipeline, which convey agricultural subsurface drainage water from on-farm subsurface drainage systems to the Coachella Valley Stormwater Channel and/or the Salton Sea.

### **9-2     Design and Construction**

All new drainage infrastructure shall be designed and constructed in accordance with CVWD's Development Design Manual, Standard Specifications and construction drawing(s) prepared by the Customer. All plans, designs, and drawing(s) must be reviewed and approved by CVWD at the Customer's expense. Construction inspection will be performed by CVWD at the Customer's expense. A construction Encroachment Permit is required for each entity/contractor installing:

1. Any improvement within CVWD fee-owned land; or
2. Improvement involving CVWD facilities within CVWD easement if CVWD facilities are at risk.<sup>75</sup>

### **9-3     Facility Ownership**

All Drainage Water Service Infrastructure was originally designed and constructed by CVWD. CVWD owns all drain structures and easements.<sup>76</sup>

### **9-4     Infrastructure Location**

New Drainage Water Service Infrastructure will be located within CVWD Right-of-Way, easements provided to CVWD by the Customer, easements obtained by CVWD or Property deeded in fee to CVWD.<sup>77</sup>

### **9-5     Use of Rights of Way, Pipelines, and Structures**

According to easements granted by landowners to CVWD for construction of drain collection sumps and drain pipeline structures on or across their Property, landowners generally reserve the right to cultivate, occupy and use said premises for any purpose

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<sup>75</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

<sup>76</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

<sup>77</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

consistent with the rights and privileges that will not interfere with or endanger any of the structures or equipment of CVWD. In addition, the easement of said pipe shall be confined to lands within twenty-five (25) feet of either side of the line. No fences or other obstructions should be constructed which would interfere with normal operation and maintenance of drainage pipelines.

This should not be construed as giving permission to farm, fence or make installations of any kind on the Right-of-Way along the open channel which might interfere with the travel of maintenance equipment along same.<sup>78</sup>

## **9-6 Connection to CVWD Drainage System**

All connections to the existing drainage facilities will be made by the Customer, developer or the Customer's Contractor under the direction of CVWD. All associated costs of the replacements and connections to existing CVWD facilities shall be at the sole expense of the Customer. CVWD requires a Permanent Encroachment Permit for the operation and maintenance of the tie-in point between the private and CVWD drainage facilities. Concurrently, the Customer's Contractor will be required to apply for and obtain a Construction Encroachment Permit from CVWD to install the tie-in point.

If the Customer is connecting to a federally owned drainage facility (e.g. Avenue 64 Evacuation Channel) then the Customer will be required to obtain a Right-of-Use Permit (ROU) from the United States Bureau of Reclamation (USBR). Once the USBR issues the ROU, the Customer's Contractor will be required to apply for and obtain a Construction Encroachment Permit from CVWD to install the tie-in point.<sup>79</sup>

## **9-7 Regulatory Impacts to Drainage System**

CVWD drainage facilities were designed and constructed to receive subsurface agricultural drainage. CVWD will consider use of these drainage facilities for urban drainage if: (1) the surface and subsurface drainage facilities can physically handle the new urban drainage, (2) the drainage area is incorporated into the National Pollutant Discharge Elimination System permit and Waste Discharge Requirements for the discharge of stormwater in the Whitewater River Watershed, which is known as the Municipal Separate Sanitary Sewer System (MS4) Permit, and (3) the drainage area is annexed into a future district(s) for recovery of capital and operation/maintenance costs associated with the new urban drainage system.<sup>80</sup>

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<sup>78</sup> See BAI Rescinding Resolution 2007-100 and Adopt Revised Canal Water System Right-of-Way Encroachment Policy (2016)

<sup>79</sup> Per CVWD Developer Design Manual (2009) revised by Board Resolution 2013-133 approved in August 2013

<sup>80</sup> Per Municipal Separate Sanitation Sewer System "MS4" Permit

## Part 10 Beneficial Use of Water

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### 10-1 Beneficial Use – Waste of Water

Colorado River water is diverted with the express stipulation by the Customer that water delivered will be restricted to an amount that can be beneficially used within the confines of the Property described in the application. Water will be delivered only to lands eligible to receive and use Colorado River Water.<sup>81</sup>

CVWD may refuse or restrict water service to any landowner or water user where wasting of water occurs that is the responsibility of the Property Owner. Waste of water includes, but is not limited to the following:

1. When delivered water flows in an uncontained manner overland from the Property described in the application to another Property, except when CVWD over-delivers; or
2. When delivered water flows into CVWD facilities or surface water (e.g., Coachella Valley drainage channels, Coachella Valley Stormwater Channel, and Salton Sea) without first percolating through natural sediments to facilities designed to receive subsurface drainage located within the confines of the Property described in the application.

Beneficial Use is the actual or reasonable potential use that may be made of waters including, but not limited to Domestic, Municipal, Agricultural and Industrial Uses.<sup>82</sup>

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<sup>81</sup> See Ord 958 §8 (1964)

<sup>82</sup> USBR Definition – Code of Federal Regulations 43 Part 417

## **Part 11 Conditions of Canal Water Service**

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### **11-1 General Provisions**

#### **11-1.1 Interruption of Canal Water Service**

Colorado River Water deliveries may be interrupted at any time due to flood, drought, earthquake, any other act of God or at the discretion of the Colorado River Water Master of the United States Department of the Interior, Bureau of Reclamation (USBR). It is recommended that all Canal Water Customers have a back-up source of water to use in case of an interruption. Water service can be interrupted at any time. CVWD must exercise a shortage contingency plan when supply does not meet demand. Water service may also be interrupted in the case of planned inspection and maintenance or an emergency repair to the canal or distribution system.

#### **11-1.2 Maintenance of Canal Water Service**

CVWD will exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of water to the Customer and to avoid any shortage or interruption of delivery of same. CVWD is not liable for interruption, shortage, insufficiency of supply or any loss or damage occasioned thereby, if same is caused by accident, act of God, fire, strike, riot, war, emergency maintenance, or any other cause not within its control including decisions made by the USBR.<sup>83</sup>

#### **11-1.3 Suspension of Canal Water Service**

CVWD will use all reasonable efforts to complete delivery of Canal Water as soon as practicable, subject however, to Colorado River water availability. CVWD may cause interruptions of Canal Water Service due to scheduled maintenance, equipment malfunctions, and natural disasters creating an emergency condition. CVWD shall use all reasonable efforts to give Customers advance notice of any scheduled maintenance, which would interfere or interrupt Canal Water delivery to Customer, but shall not be liable to Customer for any reason whatsoever for failure to give such notice.

#### **11-1.4 Responsibility**

The USBR owns and CVWD operates and maintains the distribution system to the valve past the meter. The Property Owner is responsible for all appurtenances thereafter. Water users are not to adjust any gates or valves on the Canal and Irrigation System Right-of-Way. CVWD is not responsible for the delivery of water through private

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<sup>83</sup> See Regulations Governing Domestic Water Service §9-1.1, “emergency maintenance” has been added

pipelines or any damage resulting from the operation of same. No Unauthorized Persons shall be on the canal.<sup>84</sup>

The Customer shall, at their own risk and expense, furnish, install and keep in good and safe condition all of the equipment on the Customer's side of the meter that may be required for receiving, controlling, applying and utilizing water. CVWD is not responsible for any loss or damage caused by improper installation of such equipment, negligence, want of proper care or wrongful act of the Customer or of any of its Tenants, agents, employees, contractors, licensees or permittee in installing or maintaining, using, operating or interfering with such equipment.

#### **11-1.5 Liability**

The Customer waives any and all claims of any nature against CVWD, except those related to gross negligence on the part of CVWD, and releases CVWD from any liability for damage to the Customer's system, Property and appliances from any cause whatsoever resulting from other than gross negligence on the part of CVWD. The Customer further waives any and all claims of any nature against CVWD and releases CVWD from any liability for losses or damage to the Property receiving Canal Water Service, which may involve quantity, quality, foreign material, time or occasion of the delivery of Canal Water by CVWD.<sup>85</sup>

#### **11-1.6 Quality of Water**

CVWD does not warrant the quality of Colorado River water delivered to the Customer and is under no obligation to construct or furnish water treatment facilities to maintain or improve the quality of water. Colorado River water shall be delivered without treatment of any kind and without any warranty whatsoever by CVWD as to the quality or fitness of such water.<sup>86</sup>

#### **11-2 Change in Water Usage**

A Customer making any change in a Class of Service to a Property originally described on the Canal Water Service application shall immediately give CVWD a written notice of the nature of the change. Any such changes must then be approved by CVWD and/or modifications must be made at the Owner's expense and in conformance with CVWD requirements. Failure to notify CVWD of such change or failure to comply with these

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<sup>84</sup> See Regulations Governing Domestic Water Service §9-1.4 (2017); See Ord. 1089 Interference by Unauthorized

<sup>85</sup> See Regulations Governing Domestic Water Service §9-1.5 (2017)

<sup>86</sup> This section moved from Part 5 Water Use Outside ID1 because it applies to all Canal Water Service.

Regulations is considered an unauthorized use of Canal Water and may result in costs and penalties as provided for in Appendix A-2.<sup>87</sup>

### **11-3 Communication**

#### **11-3.1 To Customer**

Notifications from CVWD to a Customer will normally be given in writing, outbound phone call, or e-mail to the Person(s) described in the application for service. In cases where the Property Owner has authorized another party, such as a Tenant, to be billed, CVWD will also provide a copy of the notice to the Property Owner upon request.<sup>88</sup>

#### **11-3.2 To CVWD**

Any notifications from the Customer to CVWD may be given and accepted by any appropriate means of delivery, including but not limited to, electronically, by phone call, by mail or in Person.

### **11-4 Resale of Water**

No Person shall enter into any contract or agreement to resell Canal Water it receives from CVWD. No Person shall deliver or cause to be delivered Canal Water acquired from CVWD, to any Property other than that described in the Application for Canal Water Service. Discovery of such action by CVWD may be cause for immediate termination of service without additional notification.<sup>89</sup>

### **11-5 Unauthorized Operation or Use of Canal Water**

Any action taken by a Person to provide any unauthorized use of water to the Parcel(s) in question will be considered tampering with CVWD equipment. Tampering or unauthorized uses of canal facilities shall include, but are not limited to:

1. Preventing any Canal Water Service meter, or other device used in determining the charge for Canal Water Services, from accurately performing its measuring function by tampering or by any other means;
2. Tampering with any Property owned by or used by CVWD to provide Canal Water Service;

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<sup>87</sup> See Regulations Governing Domestic Water Service §9-2 (2017)

<sup>88</sup> See Regulations Governing Domestic Water Service §9-3.1 (2017); removed language regarding “emergency notification for schools, hospitals, etc.”

<sup>89</sup> See Regulations Governing Domestic Water Service §9-5 (2017)

3. Making or causing to be made any connection with or reconnection with Property owned or used by CVWD to provide Canal Water Service without the authorization or consent of CVWD;
4. Using or receiving the direct benefit of all or a portion of Canal Water Service with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of CVWD;
5. Adding any chemicals at the meter stand.

If Unauthorized Operation or use of Canal Water or System or a wrongful or unauthorized act is committed by the Owner, its Tenants, agents, employees, or contractors or if vandalism is determined, CVWD shall not be held responsible for loss or damage to any life, Property, crop, structure, equipment or environment. The Property Owner will be held responsible for all loss and/or damage to surrounding life, Property, crops, structures, equipment, or environment.

In addition to assessing a \$1,000 penalty provided for in Appendix A-2, CVWD may seek criminal prosecution, as authorized by Section 498 of the California Penal Code for which any Person who, with intent to obtain for himself or herself Canal Water Service without paying the full lawful charge.

#### **11-6 Unused Connection**

Unused Canal Water Service meters shall remain intact until the new user applies for water service. The meter cannot be removed due to the fact that it is an integrated part of the irrigation system. The meter will be tested and valves serviced by CVWD crews upon an application from a new user.<sup>90</sup>

#### **11-7 Damage**

Any Person who is determined by CVWD staff to have violated the provisions of this Part shall be subject to a penalty as provided in Appendix A-2, termination of Canal Water Service, removal or locking out of CVWD facilities, and filing of a civil action by CVWD to recover damages as authorized by Water Code Sections 31080 and 31102.<sup>91</sup>

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<sup>90</sup> See Regulations Governing Domestic Water Service §9-8 (2017)

<sup>91</sup> See Regulations Governing Domestic Water Service §9-11 (2017)

## Part 12 Canal Water Shortage Contingency Plan<sup>92</sup>

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### 12-1 Background

The Colorado River is CVWD's most reliable supply of imported water. The Colorado River water supplies consist of the following volumes of water based on allocation from the Law of the River and Transferred Water through various agreements such as the Quantitative Settlement Agreement (QSA).

The various water allocations on an annual basis are:

1. The base Priority 3(a) Allocation is 330,000 acre-feet;
2. The 1988 Metropolitan Water District (MWD) and Imperial Irrigation District (IID) agreement is 20,000 acre feet;
3. The QSA IID to CVWD transfer ramps up from 5,000 acre feet in 2003 to 103,000 acre feet in 2026;
4. Lastly, CVWD can take delivery of 35,000 acre feet annually from MWD at either the Imperial Dam or through the Colorado River Aqueduct to the Whitewater Groundwater Replenishment Facility.

The three main deductions to CVWD water supply:

1. Prior Perfected Rights – 3,000 acre feet annually;
2. San Diego County Water Authority Transfer – 21,500 acre feet annually;
3. San Luis Rey Parties Settlement Transfer – 4,500 acre feet annually.

Both All American and Coachella Canal system losses are approximately 17,000 acre feet annually.

The US Bureau of Reclamation, Colorado River Water Master, will make determinations as to shortage amounts and duration on the Colorado River. Currently, there is no foreseeable reduction to the delivery of CVWD Customers at this time. The Board of Directors shall make all determinations as to the water shortage to CVWD Customers.

### 12-2 Priorities

Water reductions to users would be implemented in the following order:

1. Groundwater Replenishment Inside and Outside ID1
2. Non-agricultural and Mid-Valley Pipeline Customers outside ID1

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<sup>92</sup> This section is a placeholder for Board policy adoption



3. Agricultural Customers outside ID1
4. Non-agricultural or Class II Customers inside ID1
5. Commercial Agricultural inside ID1

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## Part 13 Golf Course and Other Non-Agricultural Water Service

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### 13-1 Background

It is in the best interest of CVWD and the Customer to protect the aquifer in order to ensure the long term economic health of the region. One way to protect the aquifer is to promote the use of Nonpotable Water sources such as Canal Water in place of groundwater, for golf course and landscape irrigation.<sup>93</sup>

CVWD has embarked upon a long-term water management plan that encourages the use of alternative nonpotable sources of water, thus protecting valuable groundwater resources for potable uses, such as domestic consumption.<sup>94</sup>

CVWD operates the Coachella Branch of the All American Canal and the Mid-Valley Pipeline and associated distribution pipelines, which serve Canal Water to golf courses and other non-agricultural water users, as defined herein. Imported Canal Water may be beneficially used for golf course and/or landscape irrigation in place of groundwater.<sup>95</sup>

California Water Code Section 32600-32603 requires the use of Nonpotable Water source(s), including recycled water, for irrigation of cemeteries, parks, highway landscaped areas, new industrial facilities and golf courses, if a suitable Nonpotable Water source is available and it is of suitable quality, available at a reasonable cost, and meets all conditions of these foregoing Parts and other applicable laws.<sup>96</sup>

Customers desiring to use such Nonpotable Water provided by CVWD for golf course and other non-agricultural use at its Property, shall sign a Nonpotable Water Agreement. Customer's irrigation water shall be from the following sources in the indicated order of priority and up to the available amounts of each:

1. Canal Water; and
2. Groundwater, to the extent available and subject to the terms of the Nonpotable Water Agreement.<sup>97</sup>

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<sup>93</sup> See Nonpotable Water Agreement §II

<sup>94</sup> See Nonpotable Water Agreement §III

<sup>95</sup> See Nonpotable Water Agreement §IV

<sup>96</sup> See Nonpotable Water Agreement §V

<sup>97</sup> See Nonpotable Water Agreement §VI

### **13-2 Back-up Supply**

The Customer understands that CVWD's Nonpotable Water supply is subject to interruption and at times the Customer may be required to meet its irrigation demands with groundwater, either solely or in conjunction with CVWD's available supply of Nonpotable Water. For that reason, the Customer shall have a back-up supply available (such as groundwater) equal to one-hundred percent (100%) of its peak irrigation water demands in "ready" status, and Customer's irrigation system shall be capable of operating in tandem with CVWD's facilities in order to augment CVWD deliveries as and when required. Customer hereby waives and releases CVWD from any claim, loss, damage, or action that it may have against CVWD for failure to deliver irrigation water, including, but not limited to, damages, loss of business, loss of profit or inconvenience.<sup>98</sup>

CVWD will use all reasonable efforts to complete delivery of the Nonpotable Water source(s) as soon as practicable, subject, however, to Nonpotable Water availability. CVWD may cause interruptions of Nonpotable Water service due to scheduled maintenance, equipment malfunctions, and natural disasters creating an emergency condition. CVWD shall use all reasonable efforts to give the Customer 48 hours' notice of any scheduled maintenance which would interfere or interrupt Nonpotable Water delivery to the Customer, but shall not be liable to Customer for any reason whatsoever for failure to give such notice. CVWD shall use reasonable efforts to minimize any interruption relating to maintenance and shall, at all times, make a good-faith effort to facilitate the delivery of Nonpotable Water to the Customer. The scheduling and advance notice of any maintenance, which would interfere or interrupt Nonpotable Water delivery to the Customer, shall be determined by CVWD pursuant to the applicable rules and regulations and as said scheduling and notice may be revised from time to time.<sup>99</sup>

### **13-3 Primary Source of Water**

Nonpotable Water shall be the Customer's primary source of irrigation water and shall be used to the maximum extent practical, subject, however, to the requirement that in the irrigation of golf courses and related landscaping, at least eighty percent (80%) of said irrigation in a fiscal year shall be with Nonpotable Water.

The requirement to use eighty percent (80%) Nonpotable Water recognizes that the Customer may use up to twenty percent (20%) potable and/or groundwater for purposes determined necessary by the Customer. If the Customer meets the eighty percent (80%) Nonpotable requirement, CVWD considers this to have met the maximum extent practical condition.<sup>100</sup>

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<sup>98</sup> See Nonpotable Water Agreement §III(A)

<sup>99</sup> See Nonpotable Water Agreement §V(B)

<sup>100</sup> See Nonpotable Water Agreement §III(B)

#### **13-4 Secondary Source of Water**

Groundwater shall be the secondary source of irrigation water and subject to Part 13-5 below.<sup>101</sup>

#### **13-5 Conservation Charge**

There will be a Conservation Charge invoiced to the Customer for any year wherein the gross annual water use of Nonpotable Water for golf course and landscape irrigation does not equal or exceed eighty percent (80%) of the total water for golf course and landscape irrigation. This Conservation Charge revenue will be used by CVWD to fund conservation programs designed to protect the aquifer, in keeping with the intent of the Nonpotable Water Agreement. CVWD will determine the total number of acre-feet of Nonpotable Water used below eighty percent (80%) by the Customer in the fiscal year. The fiscal year shall be from July 1 to June 30. CVWD will provide an update on the Customer's performance in meeting this eighty percent (80%) requirement. The Conservation Charge will be calculated by multiplying the number of acre-feet below eighty percent (80%) by one-half of the Nonpotable Water Charge. An invoice will be sent to the Customer within sixty (60) days of the end of any fiscal year where the Customer used less than eighty percent (80%) Nonpotable Water.

If CVWD interrupts service of Nonpotable Water as described in Part 13-2 above; for example, such interruption will be considered in the calculation to determine whether or not the requirement to use eighty percent (80%) Nonpotable Water has been met.<sup>102</sup>

#### **13-6 Canal Water Shortage**

In the event of a shortage of available Canal Water, irrigation water use shall conform to CVWD's Colorado River Water Shortage Contingency Plan, referenced in Part 12. Only during such periods of shortage, irrigation water for Customer shall be supplied entirely by non-CVWD owned wells.<sup>103</sup>

#### **13-7 Water Production Metering Agreement**

Prior to the initiation of water service, Customer shall execute a Well Metering Agreement.<sup>104</sup>

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<sup>101</sup> See Nonpotable Water Agreement §III(C)

<sup>102</sup> See Nonpotable Water Agreement §VIII(C)

<sup>103</sup> See Nonpotable Water Agreement §III(D)

<sup>104</sup> See Nonpotable Water Agreement §III(E)

### **13-8 Groundwater Protection**

The California State Water Resources Control Board (SWRCB) adopts statewide requirements to protect State waters. These requirements include the Recycled Water Policy and the Irrigated Lands Regulatory Program.

There are many sources of salts and nutrients in surface and groundwater, including water soluble inorganic and organic constituents in imported water, leaching of naturally occurring salts in soils as a result of irrigation and precipitation, animal wastes, fertilizers and other soil amendments, municipal use including water softeners, industrial wastewater, and oil field wastewater.

SWRCB's Recycled Water Policy requires local water and wastewater entities together with other stakeholders who contribute salt and nutrients to a groundwater basin or sub-basin, to fund and develop Salt and Nutrient Management Plans to comprehensively address all sources of salts and nutrients.

The Salt and Nutrient Management Plan for the Colorado River Basin Regional Water Quality Control Board (RWQCB), when adopted, will determine stakeholder responsibilities in order to protect the Beneficial Uses of groundwater and surface waters in the Coachella Valley. The RWQCB is authorized to adopt Basin Plan amendments to enforce water quality implementation plans to control discharges of salt and nutrients in region. Customer is considered a stakeholder and will participate in the Salt and Nutrient Management Plan, and be subject to applicable provisions of Basin Plan amendments to control discharges of salt and nutrients as required.

The RWQCB uses conditional prohibitions, conditional waivers, and waste discharge requirements to implement provisions of the State Irrigated Lands Regulatory Program. Discharges of Canal Water may be subject to one or more of the RWQCB requirements governing irrigated lands. Customer shall abide by RWQCB provisions applicable to irrigated lands.

### **13-9 Cross-Connection Prevention**

Customer shall abide by CVWD's Domestic Water Ordinance 1399 and California Code of Regulations Title 17's Auxiliary Water Supply requirements to prevent an unprotected actual or potential connection between the potable Water System and the Customer's Nonpotable Water distribution system as described in the following CA Title 17 Regulations:<sup>105</sup>

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<sup>105</sup> See Ord. 1399 and CA Code of Regulations Title 17

**Type of Backflow Protection Required:**

**Degree of Hazard**

**Minimum Type of Backflow Prevention**

**(b) Auxiliary Water Supplies**

(1) Premises where there is an unapproved Auxiliary Water Supply which is interconnected with the public Water System. A RP or DC may be provided in lieu of an AG if approved by the health agency and water supplier

AG

(2) Premises where there is an unapproved Auxiliary Water Supply and there are no interconnections with the public Water System. A DC may be provided in lieu of a RP if approved by the health agency and water supplier.

RP

**13-10 Construction of Backflow Preventers**

**13-10.1 Air-Gap Separation (AG)**

Per the California Code of Regulations an Air-Gap Separation (AG) shall be at least double the diameter of the supply pipe, measured vertically from the flood rim of the receiving vessel to the supply pipe; however, in no case shall this separation be less than one (1) inch.

**13-10.2 Double Check Valve Assembly (DC)**

A required Double Check Valve Assembly (DC) shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28, 1978 for Double Check Valve Type Backflow Preventive Devices which is herein incorporated by reference.<sup>106</sup>

**13-10.3 Reduced Pressure Principle Backflow Prevention Device (RP)**

A required Reduced Pressure Principle Backflow Prevention Device (RP) shall, as a minimum, conform to the AWWA Standard C506-78 (R83) adopted on January 28,

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<sup>106</sup> AWWA Standard C506-78

1978 for Reduced Pressure Principle Type Backflow Prevention Devices which is herein incorporated by reference.<sup>107</sup>

## **13-11 Location of Backflow Preventers**

### **13-11.1 Air-Gap Separation (AG)**

An Air-Gap Separation shall be located as close as practical to the user's connection and all piping between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by the water supplier and the health agency.

### **13-11.2 Double Check Valve Assembly (DC)**

A Double Check Valve Assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance.

### **13-11.3 Reduced Pressure Principle Backflow Prevention Device (RP)**

A Reduced Pressure Principle Backflow Prevention Device shall be located as close as practical to the user's connection and shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance.<sup>108</sup>

## **13-12 Type of Protection Required**

The type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP) and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the water supplier. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard, are given in Part 13-9. Situations not covered in this Part shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the water supplier or health agency.<sup>109</sup>

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<sup>107</sup> AWWA Standard C506-78

<sup>108</sup> State of CA Code of Regulations Title 17

<sup>109</sup> State of CA Code of Regulations Title 17

## Part 14 Enforcement and Appeals

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### 14-1 General Provisions

Any Person found to be violating any provision of these Regulations or the terms and conditions of the Applicant's service agreement, permit or any and all applicable federal, state, or local statutes, regulations, ordinances or other requirement shall be served by CVWD with written notice that 1) states the nature of the violation, 2) provides a time limit to correct and 3) refers to Part 14-4 of these Regulations as describing the hearing and appeals procedures for Customers wishing to contest a notice of violation.<sup>110</sup>

### 14-2 Corrective Action

The Customer shall, within the time limit stated in such notice, permanently correct the violation. Failure to do so within the time stated may result in termination of Canal Water Service by CVWD.

CVWD has the right to terminate Canal Water Service immediately if the violation impacts CVWD's obligation to protect public health.

Canal Water Service will not be restored until such conditions or defects are corrected. A charge will be made for the restoration of service as provided for in accordance with Part 11 of these Regulations.<sup>111</sup>

### 14-3 Appeals

A Customer may appeal a decision, enforcement of a policy or procedure, rate, fee, charge, or penalty by submitting a written appeal to the General Manager of the District. However, the appeal rights set forth in this Part shall not apply to termination of service for non-payment of a Canal Water bill. An appeal must be made in writing and submitted to the General Manager within five (5) business days of the effective date of service termination, or within thirty (30) days of the effective date of any other enforcement action or decision. Any such appeal shall include the specific decision, policy, procedure, rate, charge, or penalty being challenged, a detailed description regarding the nature of the challenge, evidence supporting the challenge, and the remedy requested. The hearing on the Customer's appeal will be conducted by the District's General Manager, or his or her designated representative. The hearing shall be held as soon as reasonably possible. If service has been terminated, reasonable efforts should be made to hold the hearing within five (5) business days of receipt of the written appeal and the Customer shall be promptly

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<sup>110</sup> See Regulations Governing Domestic Water Service §13-1 (2017)

<sup>111</sup> See Regulations Governing Domestic Water Service §13-2 (2017)



notified of the date, time and place of the hearing. At the hearing, the Customer shall be given a reasonable opportunity to present information in support of the Customer's appeal. District staff will be given the opportunity to reply. Absent extenuating circumstances, written notice of the decision by the General Manager, or his or her designated representative, should be given to the Customer within five (5) business days of the close of the hearing. The decision by the General Manager or his or her designated representative, will be final.<sup>112</sup>

#### **14-4 Suspension of Enforcement**

In the event a Customer submits an appeal under the procedures set forth in Part 14-4 above, enforcement of the violation shall be suspended until written notice of the decision by the General Manager or his or her designated representative has been submitted to the Customer. The notice of the decision shall be deemed to be submitted to the Customer upon the District depositing it in the U.S. mail. Termination for non-payment of a water bill is not subject to appeal and as a result, such enforcement will not be suspended.

#### **14-5 Exhaustion of Administrative Remedies**

A failure to file a timely appeal in accordance with this Part shall be deemed a waiver of the right to appeal and will be considered a failure to exhaust administrative remedies, which may impact any attempt by the Customer for any judicial review.<sup>113</sup>

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<sup>112</sup> See Regulations Governing Domestic Water Service §13-3.1 (2017)

<sup>114</sup> This section was moved from Part 5 Water Use Outside ID1 and modified to apply to all Canal Water Service

## Part 15    Validity

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These Regulations are subject to all applicable provisions of the existing contracts, as amended, between CVWD and the United States for delivery of Colorado River water. There shall be no conflict between these Regulations and existing contracts between CVWD and the United States. In the event of any conflict, however, the contracts between CVWD and the United States shall prevail.<sup>114</sup>

If any portion of these Regulations or the application thereof to any Person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations or the application of such provision to other Persons or circumstances.

The Board hereby declares that in the event that a court of competent jurisdiction determines that any provision of these Regulations to be unconstitutional or otherwise invalid, it would nevertheless have adopted the remaining provisions.<sup>115</sup>

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<sup>114</sup> This section was moved from Part 5 Water Use Outside ID1 and modified to apply to all Canal Water Service

<sup>115</sup> See Regulations Governing Domestic Water Service §14-1 (2017)

## **Part 16 Repeals**

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These Canal Irrigation and Drainage System Rules and Regulations shall be treated and considered as a new original comprehensive ordinance which shall supersede all other Ordinances pertaining to CVWD Canal, Irrigation, and Drainage Systems, including, but not limited to, Ordinance Nos. 860, 865, 868, and 871, as well as any other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance.

Effective Date: This Ordinance shall become effective on the first day of July 1, 2019.

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## Appendix A-1 Canal Water Service Rates (as approved by the Board in April 2016 but adjusted annually as part of the budget process)

All charges for water furnished and other Miscellaneous Charges to a water user will be made as set forth in the Rate Schedules established from time to time by the Board of Directors of the Coachella Valley Water District.

Volumetric Rates				
Type of User	Description	Irrigation Commodity Water Charge <sup>116</sup>	Water Supply Surcharge <sup>117</sup>	Quagga Mussel Mitigation Surcharge <sup>118</sup>
Class 1	All Canal Water Customers who use Colorado River (canal) water for commercial agricultural activities – i.e., Customers who use Canal Water for the production of agricultural commodities for commercial purposes, including growing crops and raising animals for the commercial production/sale of food, fiber, fuel and other products.	\$34.32	\$0	\$2.78
Class 2	All other canal Customers – i.e., Customers who use Canal Water for: groundwater replenishment, including the District Replenishment Fund; drinking water production; landscape irrigation; recreation; and other activities, including, but not limited to, golf courses, hunting clubs, polo fields and the District Nonpotable Water Fund.	\$34.32	\$67.80	\$2.78
Construction	Temporary use for construction purposes	\$47.41	\$67.80	\$2.78
Outside ID1		Contracted Water Rate		

<sup>116</sup> Rates are per acre-foot, which is equal to 325,850 gallons

<sup>117</sup> Rates are per acre-foot, which is equal to 325,850 gallons

<sup>118</sup> Rates are per acre-foot, which is equal to 325,850 gallons

## Appendix A-2 Miscellaneous Charges

Other Consumptive & Miscellaneous Charges <sup>119</sup>	
Scheduled Gate Charge	\$16.66 per occurrence
Unscheduled Gate Charge	\$33.32 per occurrence
Irrigation Water Availability Charge	3.8 x CWCC <sup>120</sup> Rate per acre times the number of acres in the Parcel
IWAA <sup>121</sup> Penalty Charge	6% of unpaid balance
Account Establishment Fee	\$30
Return Payment Charge	\$25
Unauthorized Operations/Tampering Fee	\$1,000 per incident
Outside ID1 Surcharge	\$3.69 per acre per month

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<sup>119</sup> Rates as of July 1, 2017

<sup>120</sup> CWCC – Canal Water Commodity Charge

<sup>121</sup> IWAA – Irrigation Water Availability Charge

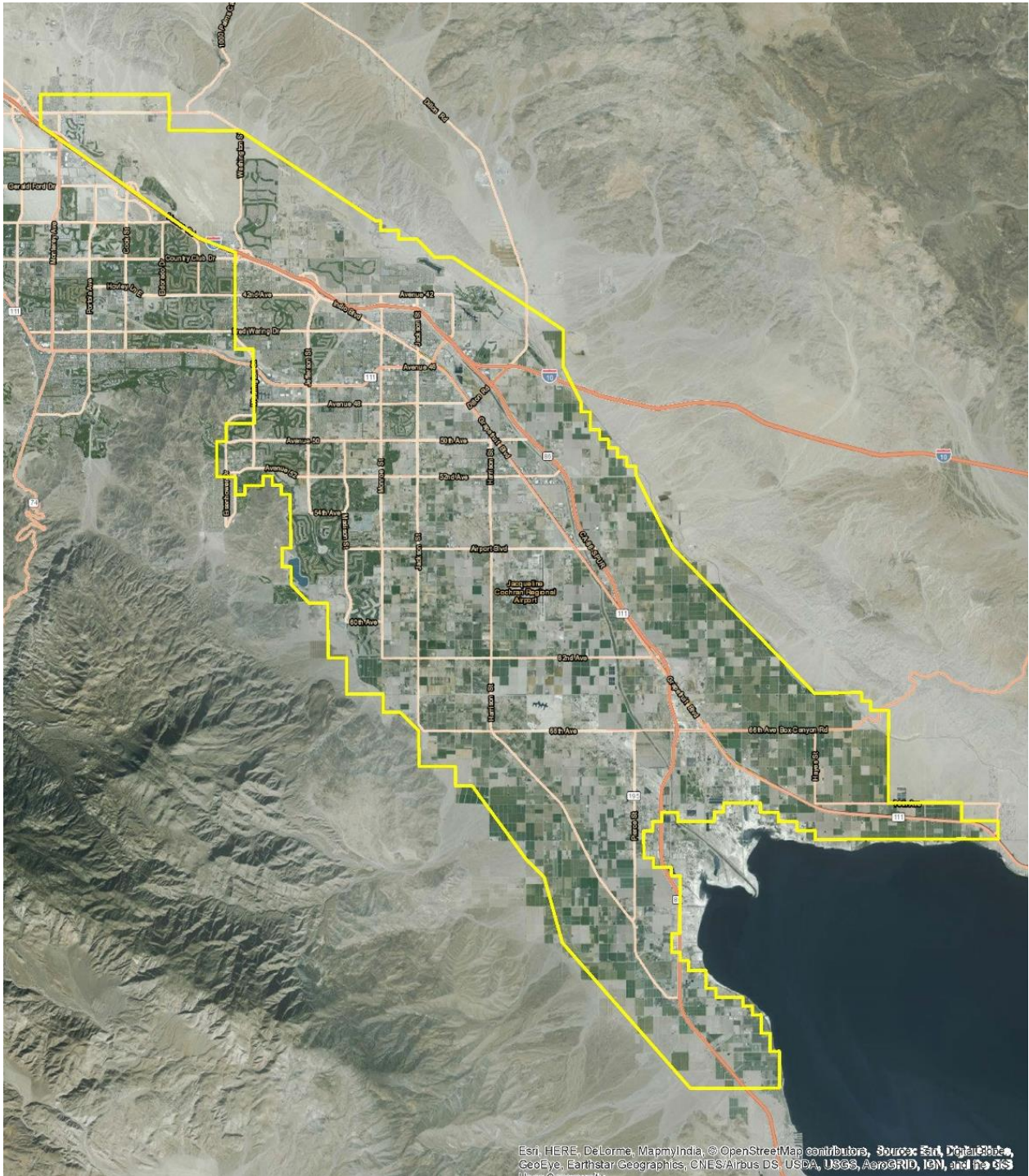
**Appendix A-3 Deposit for Canal Water Service Charges for Construction Meters Effective July 1 of Each Fiscal Year**

A deposit may be required from a Canal Water Customer requesting to receive Canal Water for temporary construction purposes.

<b>Installation Type</b>	<b>Deposit Required</b>
CVWD Supplied Meter	\$2,500

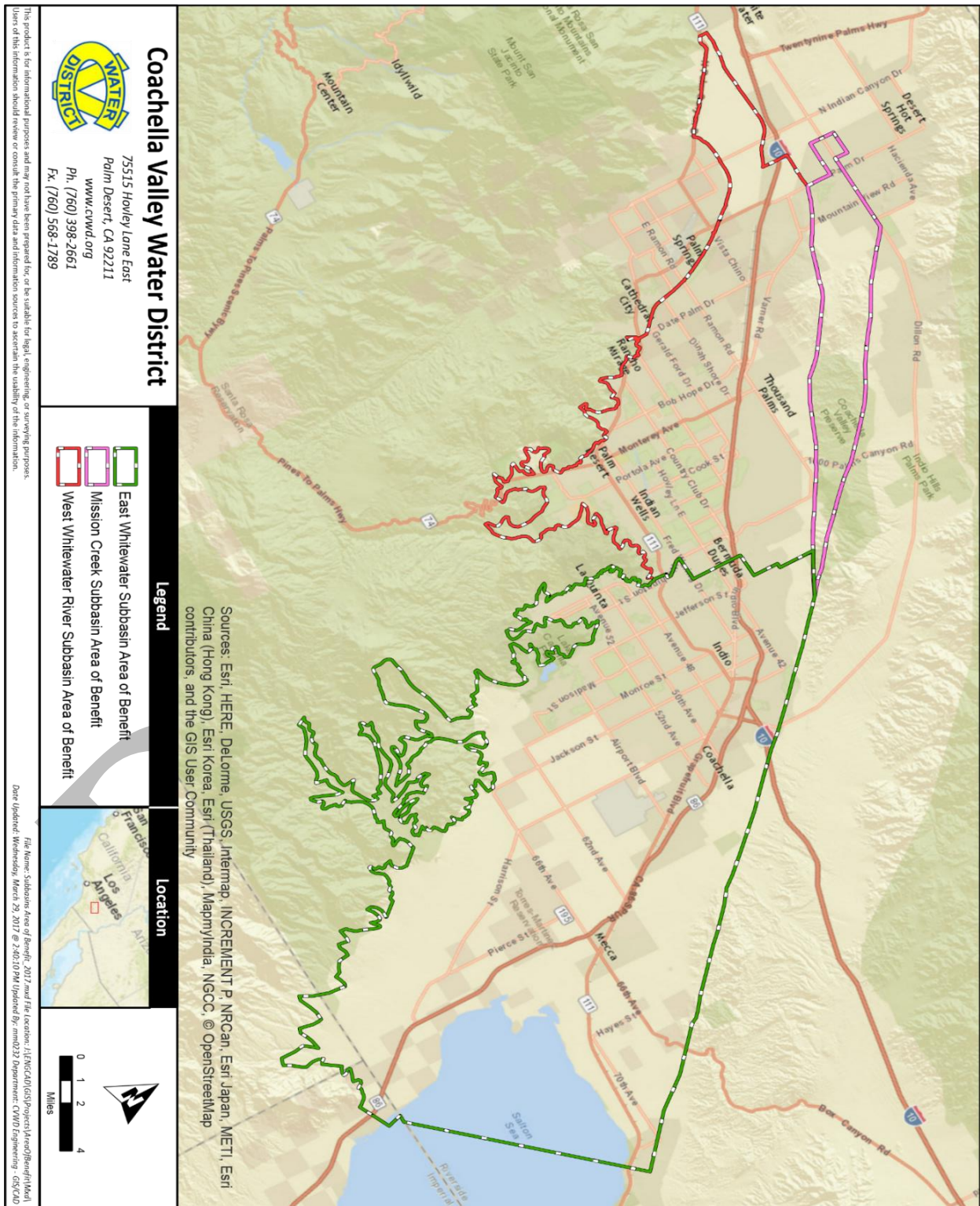
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# Appendix A-4 ID1 Boundary Map





# Appendix A-5 Groundwater Replenishment Assessment Charge Areas of Benefit





# Appendix A-6 Code of Federal Regulations 43 Part 417

## Bureau of Reclamation, Interior

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storing entity is a party as of December 31 of the prior calendar year.

(b) *How the Secretary accounts for diverted and stored water.* The Secretary will account for water diverted and stored under Storage and Interstate Release Agreements in the records maintained under Article V of the Decree.

(1) The Secretary will account for the water that is diverted and stored by a storing entity as a consumptive use in the Storing State for the year in which it is stored.

(2) The Secretary will account for the diversion and consumptive use of ICUA by a consuming entity as a consumptive use in the Consuming State of unused apportionment under Article II(B)(6) of the Decree in the year the water is released in the same manner as any other unused apportionment taken by that State.

(3) The Secretary will maintain individual balances of the quantities of water stored under a Storage and Interstate Release Agreement and available to support the development of ICUA. The appropriate balances will be reduced when ICUA is developed by the storing entity and released by the Secretary for use by a consuming entity.

### Subpart C—Water Quality and Environmental Compliance

#### §414.5 Water quality.

(a) *Water Quality is not guaranteed.* The Secretary does not warrant the quality of water released or delivered under Storage and Interstate Release Agreements, and the United States will not be liable for damages of any kind resulting from water quality problems. The United States is not under any obligation to construct or furnish water treatment facilities to maintain or improve water quality except as may otherwise be provided in relevant Federal law.

(b) *Required water quality standards.* All entities, in diverting, using, and returning Colorado River water, must:

(1) Comply with all applicable water pollution laws and regulations of the United States, the Storing State, and the Consuming State; and

(2) Obtain all applicable permits or licenses from the appropriate Federal, State, or local authorities regarding water quality and water pollution matters.

#### §414.6 Environmental compliance and funding of Federal costs.

(a) *Ensuring environmental compliance.* The Secretary will complete environmental compliance documentation, compliance with the National Environmental Policy Act of 1969, as amended, and the Endangered Species Act of 1973, as amended; and will integrate the requirements of other statutes, laws, and executive orders as required for Federal actions to be taken under this part.

(b) *Responsibility for environmental compliance work.* Authorized entities seeking to enter into a Storage and Interstate Release Agreement under this part may prepare the appropriate documentation and compliance document for a proposed Federal action, such as execution of a proposed Storage and Interstate Release Agreement. The compliance documents must meet the standards set forth in Reclamation's national environmental policy guidance before they can be adopted.

(c) *Responsibility for funding of Federal costs.* All costs incurred by the United States in evaluating, processing, and/or executing a Storage and Interstate Release Agreement under this part must be funded in advance by the authorized entities that are party to that agreement.

### PART 417—PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Sec.

417.1 Scope of part.

417.2 Consultation with contractors.

417.3 Notice of recommendations and determinations.

417.4 Changed conditions, emergency, or hardship modifications.

417.5 Duties of the Commissioner of Indian Affairs with respect to Indian reservations.

417.6 General regulations.

## §417.1

**Authority:** 45 Stat. 1067, 1069; 43 U.S.C. 617; and Supreme Court Decree in "Arizona v. California," 376 U.S. 340.

**Source:** 37 FR 18076, Sept. 7, 1972, unless otherwise noted.

### §417.1 Scope of part.

The procedures established in this part shall apply to every public or private organization (herein termed "Contractor") in Arizona, California, or Nevada which, pursuant to the Boulder Canyon Project Act or to provisions of other Reclamation Laws, has a valid contract for the delivery of Colorado River water, and to Federal establishments other than Indian Reservations enumerated in Article II(D) of the March 9, 1964, Decree of the Supreme Court of the United States in the case of "Arizona v. California et al.," 376 U.S. 340 (for purposes of this part each such Federal establishment is considered as a "Contractor"), except that (a) neither this part nor the term "Contractor" as used herein shall apply to any person or entity which has a contract for the delivery or use of Colorado River water made pursuant to the Warren Act of February 21, 1911 (36 Stat. 925) or the Miscellaneous Purposes Act of February 25, 1920 (41 Stat. 451), (b) Contractors and permittees for small quantities of water, as determined by the Regional Director, Bureau of Reclamation, Boulder City, Nev. (herein termed "Regional Director"), and Contractors for municipal and industrial water may be excluded from the application of these procedures at the discretion of the Regional Director, and (c) procedural methods for implementing Colorado River water conservation measures on Indian Reservations will be in accordance with §417.5 of this part.

### §417.2 Consultation with contractors.

The Regional Director or his representative will, prior to the beginning of each calendar year, arrange for and conduct such consultations with each Contractor as the Regional Director may deem appropriate as to the making by the Regional Director of annual recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River

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water, and to the making by the Regional Director of annual determinations of each Contractor's estimated water requirements for the ensuing calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective Boulder Canyon Project Act contract or other authorization for use of Colorado River water.

### §417.3 Notice of recommendations and determinations.

Following consultation with each Contractor and after consideration of all relevant comments and suggestions advanced by the Contractors in such consultations, the Regional Director will formulate his recommendations and determinations relating to the matters specified in §417.2. The recommendations and determinations shall, with respect to each Contractor, be based upon but not necessarily limited to such factors as the area to be irrigated, climatic conditions, location, land classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders, and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the water users, amount and rate of return flows to the river, municipal water requirements and the pertinent provisions of the Contractor's Boulder Canyon Project Act water delivery contract. The Regional Director shall give each Contractor written notice by registered or certified mail, return receipt requested, of his recommendations and determinations. If the recommendations and determinations include a reduction in the amount of water to be delivered, as compared to the calendar year immediately preceding, the notice shall be delivered to the Contractor or timely sent by registered or certified mail, return receipt requested, so that it may reasonably be delivered at least 30 days prior to the first date water delivery would be affected thereby, and shall specify the basis for such reduction including any pertinent factual determinations. The recommendations

and determinations of the Regional Director shall be final and conclusive unless, within 30 days of the date of receipt of the notice, the Contractor submits his written comments and objections to the Regional Director and requests further consultation. If, after such further consultation, timely taken, the Regional Director does not modify his recommendations and determinations and so advises the Contractor in writing, or if modifications are made but the Contractor still feels aggrieved thereby after notification in writing of such modified recommendations and determinations, the Contractor may, before 30 days after receipt of said notice, appeal to the Secretary of the Interior. During the pendency of such appeal, and until disposition thereof by the Secretary, the recommendations and determinations formulated by the Regional Director shall be of no force or effect. In the event delivery of water is scheduled prior to the new recommendations and determinations becoming final, said delivery shall be made according to the Contractor's currently proposed schedule or to the schedules approved for the previous calendar year, whichever is less.

**§417.4 Changed conditions, emergency, or hardship modifications.**

A Contractor may at any time apply in writing to the Regional Director for modification of recommendations or determinations deemed necessary because of changed conditions, emergency, or hardship. Upon receipt of such written application identifying the reason for such requested modification, the Regional Director shall arrange for consultation with the Contractor with the objective of making such modifications as he may deem appropriate under the then existing conditions. The Regional Director may initiate efforts for further consultation with any Contractor on his own motion with the objective of modifying previous recommendations and determinations, but in the event such modifications are made, the Contractor shall have the same opportunity to object and appeal as provided in §417.3 of this part for the initial recommendations and determinations. The Regional Di-

rector shall afford the fullest practicable opportunity for consultation with a Contractor when acting under this section. Each modification under this section shall be transmitted to the Contractor by letter.

**§417.5 Duties of the Commissioner of Indian Affairs with respect to Indian reservations.**

(a) The Commissioner of Indian Affairs (herein termed "Commissioner") will engage in consultations with various tribes and other water users on the Indian Reservations listed in Article II (D) of said Supreme Court Decree, similar to those engaged in by the Regional Director with regard to Contractors as provided in §417.2 of this part. After consideration of all comments and suggestions advanced by said tribes and other water users on said Indian Reservations concerning water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water, the Commissioner shall, within the limits prescribed in said decree, make a determination as to the estimated amount of water to be diverted for use on each Indian Reservation covered by the above decree. Said determination shall be made prior to the beginning of each calendar year. That determination shall be based upon, but not necessarily limited to, such factors as: The area to be irrigated, climatic conditions, location, land classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders, and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the tribes and water users on each reservation, the amount and rate of return flows to the river, municipal water requirements, and other uses on the reservation. The Commissioner of Indian Affairs shall deliver to the Regional Director written notice of the amount of water to be diverted for use upon each Indian Reservation for each year 60 days prior to the beginning of each calendar year and the basis for said determination. The determination of the Commissioner shall be final and

conclusive unless within 30 days of the date of receipt of such notice the Regional Director submits his written comments and objections to the Commissioner of Indian Affairs and requests further consultation. If after such further consultation, timely taken, the Commissioner does not modify his determination and so advises the Regional Director in writing or if modifications are made by the Commissioner but the Regional Director still does not agree therewith, the Regional Director may, within 30 days after receipt of the Commissioner's response, appeal to the Secretary of the Interior for a decision on the matter. During the pendency of such appeal and until disposition thereof by the Secretary, water deliveries will be made to the extent legally and physically available according to the Commissioner's determination or according to the Commissioner's determination for the preceding calendar year, whichever is less.

(b) Modifications of said determinations due to changed conditions, emergency or hardship may be made by the Commissioner, subject, however, to the right of the Regional Director to appeal to the Secretary, as provided in the case of an initial determination by the Commissioner. During the pendency of such an appeal, water deliveries will be made on the basis of the initial determination.

**§417.6 General regulations.**

In addition to the recommendations and determinations formulated according to the procedures set out above, the right is reserved to issue regulations of general applicability to the topics dealt with herein.

**PART 418—OPERATING CRITERIA AND PROCEDURES FOR THE NEWLANDS RECLAMATION PROJECT, NEVADA**

**GENERAL PROVISIONS**

- Sec.
- 418.1 Definitions.
- 418.2 How Project water may be used.
- 418.3 Effect of these regulations on water rights.
- 418.4 Prohibited deliveries.
- 418.5 Responsibility for violations.

- 418.6 Fallon Paiute-Shoshone Indian Reservation.

**CONDITIONS OF WATER DELIVERY**

- 418.7 Who may receive irrigation deliveries.
- 418.8 Types of eligible land.
- 418.9 Reporting changes in eligible land.
- 418.10 Determining the amount of water duty to be paid.
- 418.11 Valid headgate deliveries.
- 418.12 Project efficiency.
- 418.13 Maximum allowable limits.

**MONITORING DIVERSIONS**

- 418.14 Recordkeeping requirements.
- 418.15 Operations monitoring.

**OPERATIONS AND MANAGEMENT**

- 418.16 Using water for power generation.
- 418.17 Truckee and Carson River water use.
- 418.18 Diversions at Derby Dam.
- 418.19 Diversions from the Truckee River to the Truckee Division.
- 418.20 Diversions from the Truckee River to Lahontan Reservoir, January through June.
- 418.21 Diversion of Truckee River water to Lahontan Reservoir, July through December.
- 418.22 Future adjustments to Lahontan Reservoir storage targets.
- 418.23 Diversion of Rock Dam Ditch water.
- 418.24 Precautionary drawdown and spills from Lahontan Reservoir.
- 418.25 Water use for other than Newlands Project.
- 418.26 Charges for water use.
- 418.27 Distribution system operation.

**ENFORCEMENT**

- 418.28 Conditions of delivery.
- 418.29 Project management.
- 418.30 Provisions required in future contracts.

**WATER MANAGEMENT AND CONSERVATION**

- 418.31 Conservation measures.
- 418.32 Cooperative programs.

**IMPLEMENTATION**

- 418.33 Purpose of the implementation strategy.
- 418.34 Valid headgate deliveries.
- 418.35 Efficiencies.
- 418.36 Incentives for additional long term conservation.
- 418.37 Disincentives for lower efficiency.
- 418.38 Maximum allowable diversion.

**APPENDIX A TO PART 418—CALCULATION OF EFFICIENCY EQUATION**

**AUTHORITY:** 43 U.S.C. 391, et seq.; 43 U.S.C. 373; 43 U.S.C. 614, et seq.; 104 Stat. 3289, Pub. L. 101-618.