

RULES AND REGULATIONS
FOR WATER SERVICE
SOUTHERN SAN JOAQUIN
MUNICIPAL UTILITY DISTRICT

Adopted January 11, 1989, Revised September 13, 1989, February 13, 1991, February 10, 1993, January 12, 1994, March 1, 1994; Effective March 1, 2002, Revised March 1, 2013.

A. GENERAL

(1) Authority:

Article 4, Section 11885 of the Municipal Utility District Act states as follows:

The Board shall supervise and regulate every utility owned and operated by the District including the fixing of rates, rentals, charges, and classification, and the making of rules, regulations, contracts, practices, and schedules for or in connection with any service product or commodity owned or controlled by the District.

(2) Applicable Contracts with United States of America:

The District receives its surface water supply by Contract IIR-1460D with the United States from the Central Valley Project and delivers its supply through a pipeline distribution system constructed by the United States under Contracts 175r-1434 and Supplementary Contract 14-06-200-6660.

(3) Definitions:

The following definitions shall be applicable to these Rules and Regulations:

Board: The Board of Directors of the Southern San Joaquin Municipal Utility District.

Bureau: Bureau of Reclamation of the United States Department of Interior.

District: Southern San Joaquin Municipal Utility District

Schedule A & B Lands: The District no longer differentiates or classifies lands as either A or B. All land within the services area is considered equal providing the specific parcel in question has received a surface water supply from the District during the five (5) years immediately preceding.

Water User: The individual or entity who either owns, leases or in a wholesale capacity distributes water to property within the District and makes application with the District for water service, and is responsible for ordering, controlling, using and paying for water received from the District.

Water Year or Year: March 1 through the last day of February.

B. DELIVERY OF WATER

- 1) District Water Supply – General: The District sells water as a commodity only and not as a guaranteed service and will not be liable for defective quality of water, shortage of water, either temporary or permanent, or for failure to deliver water or delay in doing so. The District assumes no liability for damages to persons or property occasioned through defective works.

The District's water supply is in a raw, untreated condition, and as a result is considered to be unfit for human consumption without treatment. The District does not warrant the quality of water delivered and is under no obligation to construct or furnish water treatment facilities or maintain or better the quality of water.

(2) Applications: Each year prior to February 15, Water Users shall file on a form provided by the District, an "Application for Water" for the forthcoming Water Year. Said application shall contain the following:

- (a) Name and address of the Water User.
- (b) Telephone number of the Water User and telephone number of the local individual who manages or irrigates the farm or distributes water.
- (c) Farm or operation delivery numbers, with legal descriptions, Assessor's parcel numbers, assessed acreage, ownership,, crop, type of irrigation method and requested quantity of water, for each delivery.
- (d) If the Water Application is for leased land, the Landowner must also sign the Water Application along with the Lessee.

Unless previously paid, the Water Application shall be accompanied with a deposit of 18.00 per irrigable acre. However, if in the judgement of the General Manager, the applicant for water is a poor risk, an additional sum may be required to guarantee payment of water bills. The deposit does not represent any particular quantity of water and will be returned when the Landholder ceases to operate the lands served by the outlet. Existing deposits held by the District are considered grandfathered until the land is either sold or assessed per D(2)(a). All deposits paid after March 1, 2002 shall be made in the amount of \$18.00 per irrigable acre.

The water year begins on March 1. Applications received after the above deadline may result in a delay of water service while the application is reviewed. In any case, water deliveries will be delayed a minimum of 48 hours after the forms are received.

(3) Land Sales: If, during a year in which water is allocated, a parcel of land is sold, the remaining water, if any, allocated to that land will be assigned to the new owners. However, if the seller has used all of the water allocated to the land, the new owner will not have a water allocation until the next Water Year.

Upon sale of the land, change in a lease or other operating arrangement, both parties must notify the District within 15 days (verbally or by letter) and file new Certification forms within 30 days. However, no water will be delivered to newly acquired land until the proper forms are filed with the District. Landholders not notifying the District of a change in status will be responsible for any charges incurred until such notification is given.

If the proper forms are not filed within 30 days, any water that may have been delivered may be charged at "Full Cost" from the date of the change of status until the forms are filed.

(4) Excess Supplies/Pools: A Water User who retains his allocation with the intent to use in the current Water Year will pay for such water. A Water User who releases his remaining allocation prior to August 15 will not be charged for the water. Water released on or after said deadline, will be charged to the landholder except for the water which can be disposed of by the District.

Prior to February 15 each year, Water Users must apply on the Application for Water form provided by the District for water allocated to the District by the United States Bureau of Reclamation. In the event requests exceed allocation, Water Users requests shall be pro-rated to each eligible acre of land within the District proportionally based on the total eligible acreage within the District.

Unused requested and/or pro-rated water will be billed after the last day of February of the same Bureau water year. Unused water will be billed and not eligible to be carried over. Water may be transferred from one parcel to another parcel provided the parcels are owned or leased by the same person(s) or company. No landholder or Water User can transfer or exchange water outside the District service area.

Prior to but not later than August 15 each year, Water Users having reserved water greater than they can use on eligible land owned or

leased by them will be allowed to assign their excess water to a common pool. Pool water will be made available on a first come, first served basis to other Water Users for use on eligible lands in the District. Either Board policy or the General Manager, depending on existing circumstances, will determine the disposition of water remaining in the common pool at the end of the irrigation season.

(5) M & I Deliveries: No Water User is eligible to be delivered water for municipal or industrial uses, as defined in the District's contract with the Bureau, until it has complied with the District's M&I water policy and procedures.

(6) Place of Use: Water received under the District contracts with the United States shall not be used to irrigate or provide water to lands outside of District boundaries, except in certain circumstances as determined by the Bureau and the Board. Violators are subject to cut off of water delivery and other penalties which may be prescribed by law.

(7) Water Delivery: All adjustments and turning on and off of water deliveries, gates and pumps are performed by District personnel. Unauthorized individuals tampering with District facilities are subject to a Misdemeanor charge as prescribed by the California Penal Code.

Water delivery changes are made six (6) days a week with no changes on Sundays. Water Users desiring water shall place their water orders a minimum of 24-hours in advance. For example, to have water turned on or off on Tuesday morning, the water order must be placed with the District Dispatcher (phone 725-0610) by 9:00 A.M. Monday morning. Water orders can also be faxed to 725-2110 or emailed. Water orders are taken between the hours of 7:00 A.M. to 3:30 P.M. Monday through Friday. No orders are taken on Saturday or Sunday and orders for Monday changes must be in by close of business Friday. All orders are compiled by the Dispatcher in order to place the District water order for the next day deliveries. Water orders should not be called into the Ditchrider's homes as those orders may not be accepted by the Dispatcher the following morning.

The District has an employee designated for standby to handle emergencies during off-duty hours. During holidays and off-duty hours, Water Users must call 725-0610 and choose option 5 to report an emergency. Please do not use this emergency service for a non-

emergency use. An emergency is a broken pot, ruptured pipeline or similar failure, not an error in scheduling water. Excessive use of emergency service may result in a service charge of up to \$50.00 per call.

(8) Access: To operate the system, it is necessary to have access to valves, meters, etc. No delivery of water will be made to a Water User who blocks access to the delivery or provides an unsafe condition for District personnel.

(9) Runoff Prohibited: In addition to the reasons stated above, the District reserves the right to turn off Water deliveries in those instances of a Water User not taking care of his water and flooding roads or neighboring lands. Prior to turning off such a delivery an attempt will be made to reach by phone the responsible party causing the flooding.

(10) Carryover/Pre-use: To the extent permitted by the Bureau in administering the water supply contract between the District and Bureau, the District may carryover water allocated or acquired from the prior Water Year or to preuse water to be allocated the next Water Year, as the case may be, but carryover or preuse will not be permitted for individual water users.

(11) Responsibility After Delivery: The District assumes no responsibility for water after it passes through its meter and into a Water User's reservoir, pipeline or ditch. As a condition for water service, Water User shall indemnify and shall assume the defense of and hold harmless the District and its officers, agents and employees for any and all loss, damage, liability, claims or cause of action of every nature whatsoever, for damage to or destruction of property, including the District's property or for injury to or death of persons, in any manner arising out of or incidental to the control, carriage, handling, use, disposal or distribution of water once it has passed the District's meter.

(12) Subdivided Parcels – Additional Turnouts: Water Services shall only be provided to a single parcel through a turnout designated to serve that parcel only, the water user of which is eligible to receive water upon such lands. After April 13, 1994, the District shall not provide water service to any parcel which does not have a turnout designated to serve that single parcel, unless, and only so long as, the Manager determines that multiple parcels served by a single turnout are under common ownership and/or control. Accordingly, for any land after such date

which is further sub-divided, the owners of such land must make arrangements at their sole cost and expense for the District to install additional turnout(s), such that each sub-divided parcel has its own turnout, together with any necessary easements across other landowner's land so that water service can be provided for from a turnout located within the District's existing right-of-way. Notwithstanding the foregoing, the General Manager may, at District expense, provide for the District installing additional turnouts such that multiple parcels being served by a single turnout prior to April 13, 1994, are thereafter served by separate turnouts.

C. ALLOCATION OF WATER

(1) General: Any Water User of lands within the District eligible to receive water who has otherwise complied with these Rules and Regulations and policies of the Board, including having timely submitted an application for water service, is entitled to water service made available to the District under the Contract with the Bureau.

(2) Allocation of Class I and Class II Water: The District's annual entitlement of Class I and Class II water shall be distributed according to requests taken from water applications. During dry years, requests may be allocated proportionately to all applicants on the basis of the acreage entitled to receive water (i.e. designated nonexcess or otherwise entitled to service under reclamation law).

In any year in which the District's water supply under its contract with the Bureau is adequate to supply all applications prorate will be limited to restrictions within the delivery system.

(3) Allocation of Other Water from Bureau: Notwithstanding the foregoing, water made available by the Bureau beyond the District's contract providing for Class I and Class II water will be allocated to meet the demands of lands within the district. Such water shall include, but not be limited to, water which is non-storable, abandoned or flood flows.

(4) Allocation of Water Other than from the Bureau: In spite of the foregoing, water which the District acquires from sources other than the Bureau shall be marketed within the District to Water Users at a price which reflects the cost of acquiring such additional supplies, and shall be allocated on a "first come, first served" basis.

(5) Allocations of System Capacity: At times that there is inadequate capacity upon a particular lateral to meet the request of all Water Users requesting water service at that particular time, the District shall first reduce the quantity of water provided to each Water User's turnout to the capacity for which the system was originally designed, which was 3.74 acre-feet per day per 160-acre parcel (approximately 5.29 gallons per minute per acre), and then in the event that there is still inadequate capacity upon a particular lateral, the District shall prorate the quantity provided to each Water User requesting service at that particular time on an equal basis per acre. The Board may provide specific exceptions to the foregoing where landowners in a particular service area have funded enhancements of the system to provide a greater level of service, such as the East System Improvement Project.

D. CUSTOMER OWNED WATER

Water that is either pumped into the distribution system, transferred into the District from an outside source or water that is transferred from one customer to another from either an inside or outside source is always the first water used. It cannot be transferred outside the District but can be sold and transferred to other customers within the District. It is not refundable if the owner of the water fails to utilize all of the owned water before the declared final day of water available from the District during the same water year. Customer owned water cannot be carried over into the next water year. Customers who have their own water take all the risk and will be invoiced for all District costs incurred in handling and delivering such water.

E. PAYMENT

(1) Tolls and Charges: Payments required to be paid in order for a Water User to be eligible to receive water from the District include the following:

(a) Standby charges, annually fixed by the Board on a per acre basis for the availability of water and/or groundwater benefits, assessed to all "irrigated lands," regardless of whether eligible or capable of receiving water from the District, and collected by the County of Kern along with property taxes.

(b) Water tolls, annually fixed by the Board on a per acre-foot basis, and paid for by Water Users in the manner set forth following. The Board shall fix a basic Water Toll to cover District costs attributable to providing water service to all Water Users, including, but not limited to, the following costs: Water, District operation and maintenance, administration, debt service (to the extent not covered by the standby charge) and reserve accounts. In addition thereto, Water Toll surcharges shall be charged for each lift through a District pumping plant based on the estimated power cost to pump an acre-foot of water through each plant.

(c) Bureau charges, including cost of service charges, Friant surcharge, and restoration fund payments, fixed by the Bureau and added to water tolls as applicable, and paid by Water Users in the manner set forth following. The District may impose an administrative charge in addition to such Bureau charges.

(d) Non-contract water, such as water purchased from outside the District or groundwater put into the District's distribution system, will not be charged the charges in (b) and (c) above. However, a service charge will be fixed to cover District costs attributable to delivering such water, including, but not limited to, the following costs: District operation and maintenance, administration, debt service, Bureau of Reclamation charges for use of federal facilities and surcharges for each lift through District pumping plant based on the estimated power cost to pump an acre-foot of water through each plant.

The District reserves the right to deny any request for delivery of such water if it may create capacity, water quality problems, endangering public safety or during a bona fide emergency event.

(2) Payment Schedule: The water service contract with the Bureau requires the District to prepay for all water prior to delivery to the District and, therefore, the following regulations will apply:

(a) Payments of monthly water bills are due and payable on or before the 20th of each month for water used the prior month. Payments not received on or before the 20th will be assessed a 10% penalty plus interest at 1-1/2% per month, and if not paid by 8:30 A.M. on the 26th of the month, the water will be shut off on the 27th of the month, and no water orders will be accepted until payment is made in full. An

additional deposit totaling \$28.00 per assessed acre will be required before water service is resumed if a bill is delinquent sixty (60) days after date of penalty. If the aforementioned steps have been imposed on a Water User and the General Manager believes noncompliance will persist, that Water User may, at the discretion of the General Manager, be required to submit a monthly schedule for water delivery and pay for said water by cash or cashier's check thirty (30) days in advance of delivery.

(b) Lands or parties which are in arrears in payment to the District of any assessments, standby charges, water tolls, penalties or interest, will not receive District water until payment in full is made as set forth above. Water will be delivered in accordance with Contract IIR-1460D with the United States... "The Contractor shall not furnish water made available pursuant to this contract for lands or parties which are in arrears in the advance payment of water rates levied or established by the Contractor." (Art. 22(b))

(3) Means of Payment: For payment of bills by check, other than those signed by the Water User and applicant, the District requires the name of the account being paid. Checks which do not identify the account being paid will be returned. When paying two or more accounts, the District requires a separate check for each account being paid in order that a true and exact audit trail can be made. Checks received paying for more than one account will be returned. Penalties and interest will be assessed if the account becomes delinquent.

(4) NSF Checks: Checks returned for non-sufficient funds will be charged an additional \$50.00 service charge. All accounts paid by such check will be delinquent and assessed penalties as above.

(5) Delinquencies: As prescribed by California Public Utilities Code Section 12811.1, any fees, tolls, rates or other charges which become delinquent, together with interest and penalties thereon, shall become a lien on the real property within the District for which the services were provided upon the District filing a certificate with the County Recorder, which lien shall have the same force, effect and priority as a judgment lien. This remedy is in addition to other remedies provided by law. In order to partially recover the District's costs incurred in processing said lien, added to said lien will be a service charge of \$100.00.

F. ENFORCEMENT OF RULES AND REGULATIONS – APPEALS – AMENDMENTS

(1) The General Manager of the District is authorized to perform all acts necessary and proper to enforce these Rules and Regulations. Failure of a Water User to comply with any of these Rules and Regulations shall be sufficient cause for the termination of water service, and water service will not again be furnished to such Water User until full compliance has been made with all the requirements as herein set forth; PROVIDED, HOWEVER, that Water User in no way be relieved of any responsibility for payment of any charge or obligations by reason of such termination of water service. When it is practicable to do so, advance notice of any such termination of water service will be furnished to Water User. In no event shall any liability accrue against the District or any of its officers, agents or employees, for damage, direct or indirect, arising from such terminations of water service. Non-enforcement of any provision of these Rules and Regulations does not constitute a waiver of the District's right of enforcement at any time.

(2) In the event a Water User disagrees with a decision made by the General Manager in carrying out the enforcement of these Rules and Regulations, he/she shall have the right of appeal to the Board. Appeals should be submitted in writing no less than five (5) days prior to a regular meeting of the Board in order to be considered at that meeting, and shall specifically set forth the decision being appealed and shall give the reasons for said appeal.

(3) These Rules and Regulations shall become effective March 1, 2013, and may be added to, amended or repealed at any time by resolution of the Board of the District.

G. HELPFUL INFORMATION

- Water Applications are due in the Office by February 15 each year. (pages 3)
- Return of excess water is due by August 15 each year. (pages 4 & 5)
- Payments are due by the 20th of each month. (Page 9 & 10)
- To place an order for water. (page 5)
 - By Phone: 725-0610 between 7 a.m. & 3:30 p.m. Monday through Friday.
 - By Fax: 725-2110
 - By email.
 - In person.
- To report an emergency, call 725-0610, choose option 5. (page 6)

*Roland Gross, General Manager/Secretary
Connie Rising, Office Manager/Treasurer
John Bonkosky,, Field Superintendent
Connie Andrade, Bookkeeper/Dispatcher*

Southern San Joaquin Municipal Utility District
11281 Garzoli Avenue, Delano, CA 93215

Mailing Address: P. O. Box 279, Delano, CA 93216

Phone: (661) 725-0610
FAX: (661) 725-2110

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Web Address: www.ssjmud.org



Southern San Joaquin Municipal Utility District

RULES AND REGULATIONS

FOR WATER SERVICE

Effective March 1, 2002

Updated March 1, 2014

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TABLE OF CONTENTS

	<u>Page</u>
A GENERAL	
(1) Authority	1
(2) Applicable Contracts	1
(3) Definitions	1-2
B. DELIVERY OF WATER	
(1) District Supply	2-3
(2) Application for Water Service	3-5
(3) Land Sales	4
(4) Excess Supplies	5
(5) Municipal & Industrial	5
(6) Place of Use	5
(7) Placing an Order & Reporting Emergencies	5-6
(8) Access to Property	6
(9) Runoff	6
(10) Carryover and Pre-use	6
(11) Responsibility After Delivery	6
(12) Additional Turnouts	6-7
C. ALLOCATION OF WATER	
(1) General Information	7-8
(2) Class I & Class II Water	7
(3) Other Water from Bureau of Reclamation	7
(4) Non Bureau Source Water	7
(5) System Capacity	8
D CUSTOMER OWNED WATER	8
E. PAYMENT	
(1) Tolls and Charges	8-9
(2) Payments and Penalties	9-10
(3) Means of Payment	10
(4) Returned Checks	10
(5) Delinquencies	10
F. ENFORCEMENT of RULES and REGULATIONS - Appeals & Amendments	11
G. HELPFUL INFORMATION	12