

***PORTERVILLE IRRIGATION DISTRICT***  
***RULES AND REGULATIONS***

Section 22257 of the California Water Code provides in part:

Each District shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the District.

These Rules and Regulations were adopted at a regular meeting of The Board of Directors of the Porterville Irrigation District held August 10, 2001.

Revised March 11, 2008

Revised April 14, 2009

Revised June 12, 2012 (Effective July 1, 2012)

Revised May 14, 2019

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## 1. GENERAL INFORMATION

Street Address: 22086 Avenue 160  
Porterville, CA 93257

Mailing Address: P.O. Box 1248  
Porterville, CA 93258-1248

Telephone: (559) 784-0716  
After hours emergency: (559) 782-1737

Business Hours: 8:00 am - 4:30 pm  
Office hours as posted.

## 2. DELIVERY PERIOD

Water will normally be available from the District during the period of March 1st through October 31st. This period may be shortened or lengthened depending on the estimated supply of water. In unusually dry years the District may schedule periods within the season during which water will not be available. The District will announce the season's projected duration in February of each year. Periodic updates will be made as supply and usage data becomes available.

District water is delivered to some users from facilities belonging to or under the control of the Lower Tule River Irrigation District. In some cases Porterville Irrigation District will be unable to deliver from these facilities should LTRID not be running water. This may be due to the excessive losses that would be suffered should the District attempt to operate the facility on its own or to the inability of the facility to deliver water to turnouts at low flow. For those water users affected by the excess loss limitation, the District has historically made a delivery to a grower if half of the water put into the distribution system can be actually delivered to the water user's turnout. The District will continue this policy, however if a water user is willing to be charged for the loss over and above the loss that the District would incur under its historic policy the District will make the delivery to the grower.

The District's supply is made up of water diverted from the Tule River and water delivered through the Friant-Kern Canal. In most instances farm turnouts within the district receive water from only one of these two sources. In some years, therefore, the irrigation season may differ slightly among turnouts depending upon the source of supply to a turnout. The District will attempt to manage these supplies to minimize the difference in periods of water availability.

## 3. ORDERING WATER

Water may be ordered by telephone, fax to the office or emailed to [portervilleid@ocsnet.net](mailto:portervilleid@ocsnet.net). Water orders (on, off or change of flow rate) must be made at least **twenty-four hours** in advance and must be received by the office **before 9:00 am** for changes effective the following day. Water orders for Sunday and Monday must be made by 3:00 pm on Friday.

A penalty, equivalent to the charge for the turnout's flow rate over a twenty-four hour period, will be charged for turning on or off without placing a valid order with the District office.

The requirement that orders be placed twenty-four hours in advance shall be waived in the case of an emergency that the District considers to be beyond the control of the water user.

#### 4. DELIVERY OF WATER

**Time of Delivery:** A District ditch tender will make the ordered change at the user's point of diversion at such time as the ditch tender arrives at the turnout. Requests for specific times cannot be accepted, although the ditch tender will cooperate with the water user so long as the efficient operation of the system is not compromised.

**Flow Rate and Duration:** Once a diversion to a water user's turnout has been initiated, the flow rate shall continue unaltered until such time as a valid order for shutoff or for a change in flow rate becomes effective. The minimum duration of delivery is twenty-four hours.

**Change in Point of Duration:** Water may be transferred to another turnout of equal flow rate with prior approval of the ditch tender.

**Liability for Delivered Water:** Control of water that has been delivered to a water user is the responsibility of the water user once the water has left the District's distribution system. The water user shall be liable for any damage caused by such delivered water.

#### 5. BILLING FOR WATER

Water ordered by a user will be billed at the then current rate, or charged against the user's available share water, commencing at the time that the water is delivered by the District to the water user's diversion point. Should the water user become unable to divert said ordered water due to a failure of the user's system or a failure of electric service an emergency off order may be made to the District. The water ordered will continue to be billed against the user until such emergency off order is rendered to the District.

No credit shall be given for ordered water delivered by the District to a user's turnout that the user does not divert except under the emergency off order provision above. Temporary failure to divert water delivered to a turnout due to failure of electrical supply or of the user's irrigation system shall not result in a credit for the water not diverted.

Irrigation water service will be billed as of the 5<sup>th</sup> of each month (billing date). If not paid **BY THE 4<sup>TH</sup> DAY OF THE FOLLOWING MONTH** (delinquent date), a 1% penalty will be applied to the outstanding charge and, thereafter, a 1% penalty per month will be added to the unpaid balance. **ALSO, WATER SERVICE WILL BE DENIED AFTER THE DELINQUENT DATE IF BILLS REMAIN UNPAID.** The billing date is noted on each monthly statement.

Prepayment of water is required by renters or lessees of property. When water is ordered, the District will verify that a deposit has been made. If the deposit on hand does not cover the estimated usage of the water order, an additional deposit will be required prior to any additional water deliveries.

## 6. LANDS DENIED WATER

The District may refuse to furnish water to lands within the district for reasons including, but not limited to, those here listed.

**Nonpayment of Assessment:** The District may refuse to furnish water to land upon which the District holds an unredeemed certificate of sale for the nonpayment of a District assessment.

**Outstanding Water Charges:** No water will be delivered to land upon which a water bill remains outstanding for 30 days or more. No water will be delivered to land upon which a water bill for a previous season has been attached to the subsequent property assessment until the first installment of the assessment is paid in full.

**Noncompliance with Contract:** No water will be delivered to land under such conditions as to cause the District to be in violation of its water repayment contract with the United States. This contract requires that the District deliver water only for agricultural uses as defined in the contract.

**Noncompliance with Rules and Regulations:** No water will be delivered to property owned or rented by a landholder not in compliance with the District's Rules and Regulations.

## 7. OPERATION OF DISTRICT DISTRIBUTION SYSTEM

All canals, ditches, conduits, pipelines and other works appurtenant thereto which are owned or operated by the Porterville Irrigation District are dedicated to public use and are under the exclusive control of the Board of Directors of the District. No one other than the authorized agents and employees of the District is authorized to operate, manipulate or alter any of said works. Any person tampering with the distribution facilities of the District shall be liable for damage done to the facilities and to other property that may be affected.

Ditch tenders employed by the District shall have the responsibility of the operation of distribution facilities owned or operated by the District. Should a water user have a conflict with a ditch tender regarding the operation of the District's system or the delivery of water, the water user may appeal to the manager of the District. Should the water user remain dissatisfied following the appeal to the manager, further appeal may be made to the Board of Directors.

All matters relating to the distribution of water and the maintenance of canals, ditches, and conduits owned or operated by the District shall be under the general supervision of the manager of the District acting under the authority of, and with the approval of, the Board of Directors.

## 8. DISTRIBUTION SYSTEM - GENERAL INFORMATION

**Rights of Way:** Rights of way and easements for canals, ditches and conduits owned or operated by the District include, in addition to the land actually occupied by the canal, ditch, or conduits, such lands on each side thereof as are reasonably necessary for maintenance and operation.

**Installation of Turnouts:** Written approval of the District must be obtained before any turnout or other structure may be installed in connection with any facility owned or operated by the District. Any installation so connected shall be designed and constructed in accordance with District requirements.

**Alteration to System:** No person shall make any alteration to the facilities owned or operated by the District without express written approval from the District. The costs to repair any unauthorized alteration shall be billed to the landowner.

**Damage to System:** Damage to the system resulting from the flow of excess irrigation water into the system shall be the responsibility of the Landowner. Any costs accrued by the District in the repair of said damage shall be billed to the landowner.

**Discharges to System:** No person or entity shall release any water, including but not limited to tail water, storm water or waste water, to any canal, ditch or conduit owned or operated by the District without the written permission of the Board of Directors of the District.

**Entry on District Property and Distribution System:** Any person entering onto District property or right of way does so at his or her own risk. Any damage to District or other property resulting from such entry shall be the responsibility of the person(s) entering onto said property.

**Encroachment on Distribution System:** No trees, vines, shrubs, corrals, fences, building, bridges or other type of obstruction shall be placed or planted in, upon, or across any canal, ditch or conduit owned or operated by the District or any right of way therefore except with the written permission of the Board of Directors of the District. Such permission shall be granted with the provision that such gates or openings as may be necessary for access by District equipment shall be provided and upon the condition that any obstruction shall be removed from any District property or right of way upon request by the District manager and at no costs to the District.

**Dumping of Debris:** No debris or waste of any sort shall be placed upon any District property or right of way. No liquid waste or by-product shall be released into any canal, ditch or conduit owned or operated by the District.

**9. ACCESS TO LANDS WITHIN THE DISTRICT**

Employees or authorized agents of the District shall, at all times, have access to all lands within the District for the purpose of inspecting, operating or maintaining any canals, ditches, conduits or other structures owned or operated by the District or for the purposes of mapping crops or determining groundwater levels or any other such activities as maybe required of the District by the United States under the District's water contract. Where the District owns a right of way or holds an easement

across privately owned land for the operation of a canal, ditch or other facility, the law provides that the District shall have certain secondary rights and easements, such as the right to enter upon said property in order to make repairs or conduct other such operations as may be reasonably necessary for the full exercise of the easement rights.

## **10. LIABILITY FOR THE FLOODING OF ROADWAYS**

All water users should be aware that any person draining water upon or permitting water to drain upon a public highway is liable for damages occasioned thereby and may be subject to prosecution.

## **11. ALLOCATION OF DISTRICT SURFACE WATER SUPPLIES AND DISTRIBUTION CAPACITY**

### **a. Allocation of District Surface Water Supplies-**

As a general rule District surface water supplies will be allocated to Landowners on a per assessed acre basis. The District will manage and allocate District water supplies to first maximize delivery into the District of available Friant water supplies and to manage Tule River water supplies to accomplish that goal.

- i. Friant Class 1 and other schedulable water will be allocated to all lands subject to the District's Proposition 218 assessment approved in 2018 with no set aside for ditch company share water obligations.
- ii. Friant Class 2 and other schedulable water will be allocated to all assessed acreage.
- iii. Ditch company share water will generally be allocated only during a Tule River delivery run.
- iv. Landowners will not be permitted to carryover District water allocations from one year to the next.
- v. To retain a District water allocation, Landowners must make payment for all allocated water by August 15 each year.

### **b. Allocation of Water Distribution Capacity**

The capacity in the water distribution facilities owned or operated by the District will be allocated on an acreage served basis for any particular water distribution system. Priority will be given to delivery of Friant Class 1 water.

## **12. WATER SUPPLY EXCHANGES**

The District may, in its sole discretion, exchange any water supply available to the District with a Banker upon its request provided such an exchange does not cause harm to the District, its landowners or water users. The District's review and terms of an exchange will consider District finances, facility operations, water quality, and other requirements necessary and proper for the management of the District.

## **13. GROUNDWATER BANKING FEES**

Fees for administration, recharge, recovery, various exchanges, and other appropriate fees, relating to implementation of the District's "Policy Principles for Porterville Irrigation District Groundwater Banking Program".

**District Fees.** A Groundwater Banker shall pay the following fees to the District to compensate the District for its services under an approved Groundwater Banking Agreement, and its costs and expenses incurred in connection with its obligations under such agreement:

- (a) An annual administration fee of \$500.00.
- (b) A recharge fee equal to \$5 per acre foot of water recharged as Recharge Water.
- (c) A recovery fee equal to \$5 per acre foot of Recoverable Water extracted from storage.

The District shall invoice a Groundwater Banker for these fees on a monthly or annual basis, as the case may be, which Groundwater Banker shall pay within 30 days of receipt.

#### 14. VIOLATION OF DISTRICT REGULATIONS

Failure or refusal to comply with the rules and regulations contained herein, or any interference with the discharge of the duties of any official or employee of the District, shall be sufficient cause for terminating the delivery of water to the offender. Delivery of water will not recommence until the offender is in full compliance with these rules and regulations.

**ADOPTED THE FOURTEENTH DAY OF MAY 2019**

**BY THE**

**PORTERVILLE IRRIGATION DISTRICT**

**BOARD OF DIRECTORS**

Eric L. Borba, President  
David E. Gisler, Vice-President  
Edwin L. Chambers, Director  
Joseph "Brett" McCowan, Director  
Timothy J. Witzel, Director

Sean P. Geivet, General Manager  
Jody A. Griswold-Bratcher, Secretary-Treasurer, Assessor/Collector