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RULES AND REGULATIONS

REGLAS Y REGULACIONES

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Copies printed in Spanish are available at the District office. Copies will be mailed upon request by calling the District office at 535-4414.

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TERRA BELLA IRRIGATION DISTRICT

RULES AND REGULATIONS

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RULES AND REGULATIONS

THE RULES AND REGULATIONS OF THE TERRA BELLA IRRIGATION DISTRICT ARE ADOPTED BY AUTHORITY OF THE STATE OF CALIFORNIA WATER CODE. THIS SET OF RULES AND REGULATIONS NULLIFIES ANY PREVIOUS DOCUMENTS, AND MAY BE REPEALED, ALTERED OR AMENDED AT ANY REGULAR MEETING OF THE DIRECTORS, OR AT ANY SPECIAL MEETING CALLED FOR THAT PURPOSE.

NUMBER 1 - CROSS CONNECTIONS

Title 17 of the California Code of Regulations, Sections 7583 through 7605 require that water suppliers in California establish a cross connection control program. TBID has had a cross connection control program since about 1983.

After reviewing the State of California document, Guidance Manual for Cross Connection Control Programs, September 1988, and updated Title 17, the TBID Board of Directors has determined that the TBID cross connection control program must be updated. The primary purpose of this update is to phase out the Double Check Valve Assemblies (DC) and replace them with Reduced Pressure Principle Backflow Prevention Devices (RP).

FERTILIZER ONLY, WITH EXCEPTIONS

Presently, it is permissible to inject only fertilizer into existing systems with an approved and tested DC. You will be permitted to continue this practice using existing approved DC's. However, should the DC require replacement, it must be replaced with an RP. Also, any newly installed cross connection prevention devices will be RP's.

The older DC that has no test ports is not permitted. Any of these types must be replaced with an RP. Please contact the office immediately if you have this type of DC.

Paragraph 7605(d) of Title 17 states "Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required."

This testing requirement eliminates any option the grower would have in moving or disconnecting an RP or DC between usage unless the District is notified and arrangements made for testing.

Fertilizers containing sulfuric acid or ammonia may only be injected with RP's installed and tested.

INJECTION OF HERBICIDES AND PESTICIDES

Should a grower also wish to inject herbicides and/or pesticides into their system an RP device must be installed and tested.

INSTALLATION, TESTING, AND MAINTENANCE

Installation, testing and maintenance of any backflow prevention device, as outlined in these regulations, will be performed by TBID or under the supervision and approval of TBID. Cost of District installation, testing, and maintenance will be reimbursed by landowner. Regular testing of these devices will be performed by TBID, but it is also the responsibility of the landowner to notify the District if a malfunction of the device is detected.

FILLING OF CONTAINERS

Protection is also required by the above quoted statutory requirements for filling any containers or vessels with water from the TBID system.

In filling said containers or vessels, such as a spray rig, an air-gap separation must be provided between the TBID water source and the container or vessel. The term "air-gap separation", as defined by the regulations, means a physical break between a supply pipe and a receiving vessel.

The air-gap shall be at least double the diameter of the water supply pipe, measured vertically above the top rim of the vessel or container, but in no case less than one inch.

ADDED PRECAUTION

No fitting, valve, pipe, or combination thereof that could possibly be used for injection will be permitted on the inlet side of any RP or DC.

PENALTIES

Violation of Title 17 Regulations, relating to cross connection, is a violation not only of the District's Rules and Regulations, but it is also a

violation of State law and may subject the violator to civil and criminal penalties. In addition, violation of these regulations will require the District, working with the State Department of Public Health, to take immediate action to determine the degree of system contamination, to flush, clear and test the system as may be required, and to take all necessary steps required to protect the public health and safety. Accordingly violation of the above stated regulations will result in a \$10,000.00 penalty and in substantial costs to the District which will be charged to the landowner in whose premises the violation occurs. Irrigation service will also be terminated until an approved RP is installed at owner's expense.

Users are specifically reminded that payment of these costs shall not in any manner excuse the violator of these provisions from the civil and criminal liabilities associated with violations of the California Health and Safety Code. In addition, the District will be indemnified by landowners violating these provisions for any liability or claims against the District made as a result of the violation of these regulations.

A copy of the Title 17 Regulations relating to cross connection is available to anyone at the TBID office.

NUMBER 2 - WATER RUN OFF

Under no condition is it permitted to allow irrigation water, or filter back flushing water to run on another person's property. Unless preventative action is taken, the District may refuse to provide water service to any person responsible for water run off.

NUMBER 3 - WATER TOLLS PAYMENT POLICY

A. Water Tolls

Water tolls shall be charged for all irrigation and domestic services by pumping zones at rates fixed by the Board of Directors of the District. "Water Tolls" shall include metered water charges, standby charges, fixed charges, hookup charges and other charges imposed by the Board for water or services under Water Code section 22280. Existing rates will be posted or otherwise available at the District office. Water bills are due and payable immediately upon presentation. Water Tolls and penalties are the responsibility of the

owner of the land receiving services, but, as a courtesy, upon direction of the landowner, water bills will be sent to an authorized water user for payment.

B. Collection of Water Tolls; Delinquency and Discontinuance of Service

- 1) Water Tolls shall be billed on the 26th day of each month (billing date), as incurred. If not paid by the 25th day of the following month (delinquent date), a basic charge in the amount of \$10 shall apply and be added to the account balance. Thereafter, and until paid in full, or until the recording of a Certificate of Lien or a Certificate of Sale, whichever first occurs, late charges shall accrue at a rate of .833% of the unpaid balance, including previously assessed Water Tolls and basic charges, per month.
- 2) The District may refuse service to any or all owner's land if outstanding Water Tolls, charges and penalties have not been paid as to any portion of such land, as follows:
 - a) Agricultural water service will be discontinued on the delinquent date if bills remain unpaid. The delinquent date is the 25th day of the month following the billing date. The billing date is noted on each monthly statement. Any unpaid delinquent Water Tolls, charges and penalties are also noted on the statement.
 - b) Domestic water service will be discontinued 60 days after the delinquent date if the bill remains unpaid. The delinquent date is the 25th day of the month following the billing date. The billing date is noted on each monthly statement. Any unpaid delinquent Water Tolls, charges and penalties are also noted on the statement.
 - c) The District shall provide written notice of the unpaid Water Tolls, charges and penalties, and of the impending discontinuation of service, to the landowner and the authorized water user, if any, at least 20 days prior to the termination effective date. The notice shall also provide that if the amount stated as due is disputed, the landowner or the authorized water user, if any, may, not later than the aforementioned 20-day period, meet with the District General Manager to discuss the disputed amounts. Notice of the impending discontinuation of service and the landowner or authorized user's right to be heard may be given as part of the monthly water bill The

General Manager may, in his or her discretion, confirm, modify, or revoke the notice of impending discontinuation of service. The General Manager's decision shall be final.

- d) A fee in an amount to be determined by the Board shall be imposed to reestablish water service that was discontinued under this Rule. The fee shall reflect all costs incurred in reestablishing service. Service will not be reestablished unless or until the District receives payment of this fee, as well as payment of all Water Tolls, charges and penalties due at the time that the service is reestablished.
 - e) Standby charges and fixed charges shall continue to accrue and be due and payable by the landowner, notwithstanding the discontinuation of service.
- 3) When Water Tolls become delinquent, they and associated charges and penalties may be collected in accordance with procedures specified in Water Code Section 25806.
- a. The obligation to pay delinquent Water tolls, charges and penalties may be secured by the District at any time by filing for record in the office of the county recorder of any county a certificate specifying the amount of the tolls, charges and penalties and the name and address of the person liable therefor. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of the filing the lien shall be extended to the real property in such county for 10 years, unless sooner released or otherwise discharged. Interest shall accrue on the lien amount as in the case of a judgment lien.
 - b. The District shall provide written notice of the unpaid Water Tolls, charges and penalties, and of the impending filing of the certificate of lien, to the landowner at least 20

days prior to the filing, and, if the amount stated as due is disputed, the landowner may, within that 20- day period, meet with the District General Manager to discuss the disputed amounts. The General Manager may, in his or her discretion, confirm, modify, or revoke the notice of impending filing of the certificate of lien. The General Manager's decision shall be final.

- 4) When Water Tolls have become delinquent, they may be collected in the manner provided for the collection of delinquent assessments in Chapter 5 (commencing with Section 26075 [Delinquency]) and Chapter 6 (commencing with Section 26225 [Redemption and its Termination]) of Division 11 of Part 10 of the California Water Code, including assessment sale, and penalties and interest shall be imposed as provided in those chapters.
- 5) A penalty will be fixed and assessed by the Board for any unauthorized use of any District meter. In addition, agricultural or domestic service may be discontinued for such unauthorized use.
- 6) The collection remedies stated in Rule Number 3, including the imposition of penalties, are cumulative: The District's election to pursue a particular remedy does not preclude it from pursuing, in addition, one or more other remedies, either concurrently or consecutively. The collection remedies stated in Rule Number 3, including the imposition of penalties, are not exclusive: The District may, in addition, pursue such other remedies as are allowed by law.
- 7) In the event that the District undertakes to collect delinquent Water Tolls, charges and penalties, as provided in Rule Number 3, it shall, in addition, recover its collection fees and expenses, including attorney fees and court costs, reasonably incurred in such efforts.

C. Establishment of Credit and Security Deposit

All service to be provided to customers seeking protection of the Bankruptcy Laws of the United States, or the California laws governing protection of assets, will be required to tender security in accordance with the following procedure:

1. All current assessments must be paid.
2. Reasonable security will be considered to be prepayment of all accounts on a monthly basis.
3. All accounts subject to the establishment of the security requirements of this rule will be required, by the first of each month, to pay the succeeding month's water bill based on estimated usage for the meters in question prior to the delivery of water for that month. Estimate of the amount of the bill shall be based on the prior years' average usage for the same meter.
4. If usage records are not available for the meters in question, then the amount of water to be used will be based on reasonable estimates of use for comparable crops in comparable zones within the District and an advance security deposit based on said estimates will be required.
5. If the monthly pre-payment is less than the actual bill based on water delivered for the month, then the under-collection shall be immediately due and payable in accordance with the District's Rules and Regulations. In the event of an overpayment, then any overpayment will be credited to the next month's water billing.
6. Any customer may, in lieu of providing payment on a monthly basis, prepay a longer period of time based on estimates to be provided by the District.
7. Failure to prepay the required security deposit or failure to pay any non-collections promptly, will result in denial of service.
8. Trustees under the bankruptcy laws, or other duly appointed custodian of assets, should contact the District immediately in order to arrange for the deposit of the properly computed security amount in order to avoid discontinuance of service. Failure to make appropriate arrangements within 20 days of notification to the District of the bankruptcy or similar action taken for relief from

creditors shall be grounds for denial of service by the District until such time as appropriate security arrangements are made.

NUMBER 4 - WATER AVAILABILITY

A. In the event of excessive water demands, equipment failures, maintenance, or power curtailment, water will be scheduled by the District to accommodate the situation.

B. During short water years, water will be allocated by the procedure outlined in the California State Water Code, Division Eleven, Part 5, Chapter 2, Article 2, Paragraphs 22250 and 22251. This method apportions water according to the last Terra Bella Irrigation District assessment against the land and permits transfer of water within the District.

All water used on lands less than five acres shall be considered M&I water, and therefore, not transferable.

C. In the event the Board of Directors determines that a water shortage exists which limits the availability of water to lands of the District, the Board may, pursuant to the provisions of Section 22252.1, and Section 22252.3 of the Water Code, prescribe a deadline date for the receipt of applications for water to be transferred. A notice shall be published in accordance with the provisions of Section 22252.2 of the Water Code and shall remain in effect for the duration of the irrigation season unless changed by subsequent notice of the Board.

D. Notwithstanding the provisions of Rule 4(B), the District reserves the right, in a water deficient year, to prorate, after the date prescribed in Rule 4(C), any uncommitted supplies of water to lands in the District otherwise requiring service, at the regular rates and charges of the District.

NUMBER 5 - WATER METERS

A. Water will be delivered only through meters installed by the District. Payment by the landowner will be due upon application for the meter. The amount of this payment will be fixed by the Board of Directors depending upon costs of material and labor.

B. The District reserves the right to regulate the size and locations of each meter. This is necessary since water delivery capability varies throughout the District. Please contact the District Manager for approval of your meter installation.

C. Booster pumps, if required, are to be installed and maintained at the owner's expense.

D. To prevent wear on the valve at the meter inlet, this valve should never be opened or closed under flow conditions. Always open the inlet valve first and the outlet valve second to start flow. Reverse this order for shutdowns. Use the outlet valve, only, for regulation.

E. The meter is the property of the District and therefore the District assumes all responsibility for replacement and repair under normal use conditions.

F. Costs for repairing damaged meters must be paid by the landowner. Damaged meters include meters damaged by frost. Each grower is responsible for meter frost protection. Frost protection by use of hay is not acceptable since wet hay accelerates corrosion.

G. Meter Changes.

1. Meter size changes requested by landowners will be done on a time and materials basis. No deposit will be required at time of application; however, a written application must be made by the property owner. The District will bill the property owner for costs involved, with water service being denied if bill is not paid within 30 days.

2. No refunds will be made for removal of meters. There will be no charge to the landholder for meter removal.

3. Actual costs for meter changes will be charged to the landowner. Credit will be given for the cost of the meter if increasing meter size becomes necessary.

4. Meter location changes will be charged on a time and material basis.

NUMBER 6 - WATER ORDERS FOR AGRICULTURAL WATER

At least 24 hours notice is required prior to turn-on or turn-off. Every effort will be made to permit turn-on at the desired time. However, during high flow conditions, a later or earlier time may be given by the District operator. Water orders will be accepted on a first come, first served basis.

Meters 1" or less are exempt from the 24-hour notice requirement.

Any water user failing to give notice of turn-on or turn-off is subject to a penalty of \$20.00 for each violation, except during the months of November, December, January, and February when the penalty will be \$100.00 for each violation when irrigation (frost) water is available and \$1,000.00 for each violation when irrigation (frost) water is not available.

NUMBER 7 - ELECTRICAL GROUNDING

The use of non-conductive material for main water lines and service lines is becoming universal throughout the District. It is therefore advised that no water lines be used for electrical grounds. It is suggested that local Building Codes be consulted for policy

NUMBER 8 - IRRIGATION SYSTEM DESIGN

To assure compatibility with District facilities, both new and redesigned systems must be reviewed by the District Manager.

NUMBER 9 - WINTER DELIVERY

Since large volumes of irrigation water cannot be guaranteed during the winter, it is the policy of the District to provide the small amount that is available on a first come, first served basis.

Any water needed for frost protection requires a water order.

NUMBER 10 - DOMESTIC WATER POLICY

A. Within Water Quality Improvement Project (WQIP).
Water service provided inside the WQIP by TBID meets the standard for potable water under applicable Federal and State laws.

The District will provide treated water service within WQIP upon application for and payment of all applicable fees, rates and charges then currently in force and effect as established by the Board of Directors. Water Service within WQIP is subject to the availability of capacity and will be provided on a first come, first served basis.

In order to reserve capacity for a limited period to acquire necessary permits, customers seeking to connect to the WQIP may request a "will serve" letter from the District that will specify whether capacity and service is available and the terms and conditions governing connection to the WQIP. No "will serve" letter issued by the District shall be valid for a period of longer than one year unless renewed by the District. Accompanying a request for service, including a "will serve" letter, potential customers must also provide a copy of the preliminary parcel map if service is to be provided to multiple parcels, a deposit of 25% of the charges due upon connection, and such additional information as may be requested by the District to consider the feasibility of service. The balance of all fees and charges required for connection to the WQIP are payable before connection to the system can be completed.

If the connection is not completed or the "will serve" letter expires, the District will return the deposit, without interest less \$500 administrative expense and the costs of any engineering expense billed to the District to review the proposal.

Capacity available within the WQIP is limited and all commitments to serve from the WQIP are subject to the availability of capacity determined and established by the Board of Directors. Customers may be required to install facilities meeting the District's specifications as necessary to receive domestic water service from the WQIP. The District will attempt to advise customers about extensions or other facilities the customers may need to install in order to take service. Final approval of customer installed facilities will not be

provided until the customer provides a site plan or other development plan to the District as required.

TBID requires a double check valve (DC) on a treated water meter when there is an untreated water source serving the same property. The check valve will be tested annually for proper functioning. The testing of the check valve is the property owner's responsibility, however, TBID provides the testing at a minimal cost to the customer.

B. Service Outside WQIP. *Water delivered outside of the WQIP by TBID does not meet Federal and State standards for drinking water.* TBID is only allowed to provide such water to dwelling units at existing parcels with instructions to the homeowner that such water is not fit for, and should not be used for, human consumption and that alternative, potable water must be obtained by the customers for cooking and drinking.

Due to the Federal Safe Drinking Water Act, enforced by the State of California, TBID is required to be in compliance with the Health and Safety Code, Sections 116275(s), 116286, 116287 and 116655, which prohibits use of TBID water within households, unless the customer can verify that approved water, meeting all Health Department standards, is used for drinking and cooking. TBID's water, outside of the treated water system, is chlorinated, but not filtered and therefore is considered non-potable water under Federal and State law. TBID has executed an agreement with the California Department of Health Services (DHS) to come into compliance with the law. The Compliance Agreement for Constructed Conveyances requires TBID to ensure that its domestic water customers have potable water for drinking and cooking. In order to comply with the agreement, each of TBID's domestic water customers receiving untreated water into their homes are required to obtain potable water for drinking and cooking from an approved water provider.

To implement the Compliance Agreement TBID will annually require an Affidavit from the customer, certifying for the DHS where the customer obtains the water used for cooking and drinking purposes. Failure to secure an acceptable water supply for drinking and cooking, or failure to sign the affidavit, will result in TBID disconnecting the domestic meter. A signed affidavit will be required annually to continue receiving non-potable water from TBID at domestic meters for household uses other than drinking and cooking.

Domestic service to dwellings outside of the WQIP may be discontinued by the District if ordered by the Health Department or if further treatment or filtration should be required in connection with the provision of such service unless financing of the costs to develop a treatment system approved by the State of California is provided by the customers or, in lieu thereof, by State or Federal authorities, or the customer installs, at customer's expense, an approved, point of entry, treatment system.

Also, please understand that there is no time during the year when TBID's water may be considered drinkable. During the winter when wells may be used as our primary water source it cannot be guaranteed that all canal water has been flushed from the system. Also, it will not be uncommon in the future for canal water to be used all year.

In order to protect TBID's status as primarily an agricultural water provider, and to avoid stringent water filtration standards required by the State of California, TBID will not provide any domestic service to new parcels created after November 3, 1987.

Proof of the date of parcel creation, based on the filing date for subdivision with the County, shall be required at the time of making application for domestic service.

Domestic service will be limited to one domestic meter per parcel, serving one single family dwelling and one subordinate dwelling not to exceed 1,200 square feet.

Application of the Board action can be illustrated by the following examples:

Example 1: Landowner "A" owns a single parcel occupied by a dwelling that he desires to split into several parcels. In connection with such parcel split, Landowner "A" requests TBID confirm that it will provide domestic service to each parcel.

Answer: The parcel on which the dwelling is located will continue to receive domestic service. The other parcels will only be eligible for irrigation service.

Example 2: Landowner "B" owns an existing parcel created prior to November 3,

1987, which is not under cultivation or occupied by a residence. Landowner "B" desires to develop the parcel for irrigated agriculture and to build a home on the parcel and applies for domestic water and irrigation water.

Answer: The District will provide domestic and irrigation service as per its rules and regulations. The restriction does not apply to agricultural use; domestic service can be provided because the parcel existed prior to November 3, 1987.

Example 3: Landowner "C" owns three parcels, which were created by a map filed prior to November 3, 1987. None of the parcels are occupied by a dwelling. Landowner "C" desires to build a single home on each parcel and applies to TBID for domestic service.

Answer: Landowner "C" will receive one domestic service to each parcel since each parcel was created prior to November 3, 1987. The District's policy is, subject to the rules and regulations of the State Department of Health Services, to provide a single domestic service to each parcel existing as of November 3, 1987. The landowner will be limited to one single family dwelling and one subordinate dwelling not to exceed 1,200 square feet per parcel.

Example 4: Landowner "D" owns a single parcel not occupied by any dwelling, that he desires to split into three parcels. In connection with each parcel split, Landowner "D" requests TBID confirm that it will provide domestic service to each parcel.

Answer: TBID will provide domestic service to only one parcel, and the

subdivision map must designate the parcel to be provided domestic service.

NUMBER 11 - DOMESTIC SYSTEM IMPROVEMENT FEES

Connection Fees (Outside WQIP):

A. Single family dwelling - \$560.00 plus all meter and pipeline installation costs.

B. Multiple family units - \$560.00 for the first unit plus \$280.00 for each additional unit under a common roof, plus all meter and pipeline installation costs.

Connection Fees (Inside WQIP):

A. Single family dwelling - \$2,718.00 plus all meter and pipeline installation costs.

B. Multi-family, commercial, industrial, institutional, public agencies and non-profit groups installations will be charged in accordance with the number of fixture units involved, as established by the Uniform Plumbing Code, 1995 Edition, at \$2,718.00 per 22 equivalent fixture units. In no case will the fee be less than \$2,718.00.

NUMBER 12 - VACUUM RELIEF DEVICES FOR FILTER TANKS

The District will not be responsible for collapsed filter tanks.

In order to protect filter tanks from collapsing during negative pressure conditions, which can occur during power failures or system de-watering, water users should install vacuum relief valve(s).

NUMBER 13 - FIRE SERVICE

The District will install fire hydrants on a time and material basis, but does not provide guaranteed fire flow rates. A TBID application for fire service is required for all fire hydrant installations.

The District does not guarantee or represent in any manner that a specific or certain minimum water pressure or volume of water will be made available for any hydrant or other fire service fixture. All water made available to such fixtures will be subject to variations of water pressure and the flow is subject to temporary shutdowns required for normal operation and maintenance of the District's irrigation system as well as to interruptions in delivery not within the control of the District. The District shall not be held responsible for any injury or damage caused by the lack of water or by insufficient pressure available at the hydrant or other fixture to maintain adequate fire flows. Any customer requesting service to a hydrant or other fire suppression fixture, agrees thereby to hold the District free and harmless from said injury or damage.

Anyone requesting service for fire suppression services will be responsible for installation of all necessary facilities, including hydrants, booster pumps, temporary storage or other facilities downstream of the District's delivery point that may be required to provide adequate fire flow protection to the satisfaction of the Tulare County Fire Protection Service and the California Department of Forestry.

NUMBER 14 - LIMITATIONS ON SERVICE

All service provided by the District is subject to variations in pressure, interruption of supply not within the control of District, and temporary shutdown of indeterminate length to perform emergency or routine repair and maintenance.

The District is not responsible for providing, nor does it guarantee, that a specific or minimum volume of water or a minimum pressure will be available at any delivery point. The District is not responsible for any injury or damage caused by lack of water or insufficient pressure to maintain service. The customer is solely responsible for installing, downstream of the District's meter, such facilities as are necessary to provide the service required by the customer, including booster pumps, alarms, automatic shutdown instrumentation, filters, or other facilities required by customer.

NUMBER 15 - INACCESSIBLE METERS

If the meter reader is unable to read your meter because of obstructions, such as fences, parked cars, trash, or dogs, your meter will not be read. Until the District is provided access to the meter, your billing will be based on the amount of consumption equal to the use for the equivalent period of the previous year, plus 100%. At such time as you permit access to the meter, any over or under collection resulting from the estimated billings will be adjusted and either billed to you, or credited to your account, as appropriate.

If you wish your meter relocated, please contact the District office and a cost estimate will be provided. All TBID charges will be actual time and material costs to be charged to the landowner.

NUMBER 16 – MASTER METERS

Terra Bella Irrigation District (TBID) Rules and Regulations Implementing Public Utility Code Section 16481.1 B Termination of Water Service to Residential Occupants Served through a Master Meter

Introduction

The District serves water to residential occupants through a master meter in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed by the District as the customer of record.

These rules and regulations establish the procedure by which the District will inform the residential occupants of their rights when the master meter account is in arrears and service to the master meter is threatened with termination.

1. Notice to Residential Occupants

Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by the District as the customer of record and the account is in arrears, the District will make every good faith effort to inform the residential occupants by means of a written notice posted on the door of each residential unit at least fifteen days prior to service termination, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each

residential unit, the District will post two copies of the notice in each common area and at each point of access to the structure or mobile home park or similar such area. The notice must be in English and to the extent practical in any other language that the District determines is the primary language spoken by a significant number of the residential occupants. The notice must be in bold type and in a large font, at least 14 pitch. A copy of the form notice to be provided is available at the District office upon request.

The notice will inform the residential customers of the following:

- a. That they have the right to become direct customers of the District to whom the service will be billed.
- b. That they can become direct customers of the District in this way without being required to pay the amount due on the delinquent account.
- c. That in order to prevent the termination of service or to reestablish service, the residents must contact the District to sign up for service as set forth below.

2. Guidelines for Residential Occupants to Become Direct Customers of TBID

Residential occupants of a multi-unit residential structure, mobile home park, or similar facility can become direct customers of the District and avoid termination of service, or reestablish service by becoming direct customers of the District. The residential occupant should contact the District at the District office located at 24790 Avenue 95 in Terra Bella, telephone number 535-4414, to request service.

The District may request the residential occupant to demonstrate creditworthiness as a condition for establishing credit with the District. Creditworthiness will be established by the residential occupant providing the District with proof of prompt payment of rent or other credit obligations which have accrued during a six-month period of time prior to application for service.

The residential occupant may also want to contact Central California Legal Aid Services located at 208 West Main, Suite U-1, Visalia, CA 93291, telephone 733-8770, which has been recommended by the Tulare County Bar Association to provide legal advice in connection with these matters.

The District is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service and meets the requirements of these Rules and Regulations. If one or more of the residential occupants, or a representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the master meter account to the satisfaction of the District, the District will make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met. A representative of the residential occupants does not include a tenant's association.

3. Liberal Construction

The District will liberally construe its Rules and Regulations to accomplish the purpose of ensuring that service to the residential occupants of a multi-unit residential structure, mobile home park or similar facility provided service through a master meter is not terminated due to non-payment unless the District has made every reasonable effort to continue service to the residential occupants.

4. Limitations on Termination of Service

Notwithstanding delinquency in the master meter account, the District will not terminate water service for non-payment

- During the pendency of an investigation by the District of a customer dispute or complaint;
- Where the customer has been granted an extension of the period for payment of the bill;
- For an indebtedness owed by the customer to any other public agency, or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the District;
- When a delinquent account relates to another property owned, managed or operated by the customer;
- When a public health or building officer certifies that

termination would result in a significant threat to the health or safety of the residential occupants or the public.

Compliance with Law

By these Rules and Regulations, the District intends to comply with the requirements imposed by Public Utility Code §16481.1. The procedures outlined in that statute, as may be amended from time to time, take precedence over these Rules and Regulations.

NUMBER 17 - TRANSFERS OF WATER UNDER THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT OF 1992 (PL 102-575)

In order to implement §3405 of the Central Valley Improvement Act of 1992 (PL 102-575), Terra Bella Irrigation District ("District") adopts the following rules and regulations governing transfers of Central Valley Project water by water users.

A. Prior District Exchange Agreements: In accordance with an existing agreement between Terra Bella Irrigation District and the Lower Tule River Irrigation District, Terra Bella Irrigation District is obligated to transfer all water that is not needed to meet the current year demands within the District to Lower Tule River Irrigation District. Under the terms of said Agreement, said water is then made available, up to an amount of 12,000 acre-feet, by Lower Tule River Irrigation District from its Friant-Kern supplies during years of drought. This Exchange Agreement has operated to provide the District a firm supply of up to 23,300 acre-feet of water in most years. The Board of Directors believe that this Agreement is critical to the continued ability of the District to cover the minimum irrigation requirements of its permanent plantings. Accordingly, no transfer by an individual landowner within the District will be authorized which would in any way interfere with or disrupt said water transfer agreement with Lower Tule River Irrigation District. In addition, given the fact that this is a pre-existing agreement providing for the exchange of water for assurance of water supply during drought years, all transfers under these rules shall be treated as transfers of water that are in excess of twenty percent (20%) of the District's water supply. The following rules apply to any transfer application for water not otherwise committed to Lower Tule River Irrigation District.

B. Eligible Transferors: Only landowners may transfer District water allocations. If a transfer is proposed by a person who is not the landowner, the written concurrence of the landowner must accompany the proposal.

C. Compliance with Laws and Regulations: Transfer proposals must comply with the provisions of the Central Valley Project Improvement Act and all applicable regulations and guidelines of the Secretary of the Interior. All transfer proposals must also be consistent with State law, including but not limited to the provisions of the California Environmental Quality Act ("CEQA").

D. Consumptive Use Limitation: Only water that would have been consumptively used (or irretrievably lost to beneficial use) during the term of the transfer may be transferred - not to exceed the transferor's allocation of project water. In the case of a proposed water transfer by fallowing crops, the water available for transfer would only be the water utilized in the year when the crops were actually fallowed. In subsequent years, said water is no longer available for transfer since it would not have been used in the particular year in which the transfer is to occur. The District reserves the right to limit transfers during specific months to the quantity of water that would have been consumptively used (or irretrievably lost to beneficial use) by the transferor during those months. If the transfer of consumptive use water during such months would have an unreasonable impact on the water supply, operations or financial condition of the District, or its users, the District may further limit the transfer.

In this regard, the District does engage in exchanges of supply to insure supply in drought years. Water necessary to such exchange agreements shall not be transferable since it would adversely affect District supplies in drought years.

No transfers will be allowed when the District is unable, with existing District supplies, supplies from Lower Tule River Irrigation District, and other available supplies of the District, to meet the minimum irrigation requirements of the permanent plantings within the District.

E. Groundwater Limitations: Given the severe groundwater limitations within the District, the District will not approve any transfer involving a substitution of groundwater because it is likely to result in significant long-term adverse impacts on groundwater conditions within the District's service area, or an unreasonable interference with pumping rates or capacities of wells within the District service area.

F. Submission of Proposals:

1. Preliminary Proposals: A transferor may submit a preliminary water transfer proposal to the District before the submission of a formal water transfer proposal. The purpose of a preliminary water transfer proposal is to provide an informal review by District staff in order to advise the transferor of possible requirements, conditions, or objections if a formal proposal is made. The response of the District to a preliminary proposal shall be deemed tentative and subject to change if a formal transfer proposal is made. The District may decline to respond to any preliminary proposal until such time as the District has received its estimate of probable water supply from the United States Bureau of Reclamation, which will be no earlier than February 15th of each year.

2. Formal Proposals: No later than the date the formal water transfer proposal is submitted to the USBR, the transferor shall submit two (2) complete copies to the District. A proposal shall be deemed complete for the purposes of District review only when it has been deemed complete by USBR and contains sufficient information for the District to determine the impact of the proposed transfer on the water supply, operations and financial conditions of the District and its water users, and compliance with CEQA. The transferor must supply any additional information requested by the District in order to enable the District to meet its responsibilities to review the proposal.

G. Hearings: The District may conduct one or more public meetings in order to determine the impact of the proposed transfer on the water supply, operations and financial condition of the District and its water users, and to ensure compliance with CEQA. The transferor, and the transferee, or their respective representatives, shall attend any such hearing if requested to do so by the District in order to respond to questions and comments regarding the impact of the proposed water transfer.

H. Future Modifications: District-approved transfers shall be subject to modification, up to and including termination, from time to time in response to:

1. Changes in applicable laws, regulations, contracts and court decisions.

2. Changed circumstances that cause a transfer to result in unreasonable impacts on the water supply, operations, or financial conditions of the District or its water users.

I. Costs: The transferor shall be responsible for all costs incurred by the District in processing the water transfer proposal and administering the water transfer itself. Such costs shall be charged to the transferor on a time-and-materials basis in accordance with generally accepted accounting practices. A deposit of \$1,000 shall accompany the proposal. If it appears to the District that the deposit will be inadequate to cover the District's costs, the District may issue a written cost estimate, or estimates, to the transferor. The transferor shall deposit with the District the funds necessary to meet such supplemental cost estimates. The District shall charge its costs against the transferor's deposits and shall render an accounting to the transferor upon request, but not more often than monthly. Any unexpended portion of the transferor's deposits shall be refunded upon completion of the transfer. If the transferor fails to deposit sufficient funds to cover the District's costs, the deficiency shall be due upon submission of an invoice from the District to the transferor. If the transferor fails to pay the invoice, the amount due may, at the District's election, be added to the transferor's property taxes or secured by recordation of a lien certificate pursuant to Water Code §25806.

J. Charges: Before any water is transferred in a given year, the transferor shall pay to the District in full:

1. All additional water rates and charges due to the Bureau of Reclamation which the District is obligated to collect on account of the approved water transfer.

2. The District's water charges and assessments for that year's water supply to the land from which the water is being transferred.

The transferor shall also pay, in advance of the transfer, any standby charges attributable to the subject land for the year of the transfer, and any delinquencies on account of past water charges, standby charges or assessments.

K. Indemnification: The transferor and transferee shall defend, indemnify, and hold harmless the District against any claims of third parties that the transfer:

1. violates the terms of that certain contract dated January 20, 2001 between Terra Bella Irrigation District and the

United States of America, Bureau of Reclamation, entitled Repayment Contract No. I75r-2446D;

2. is not a beneficial or reasonable use of water;

3. violates any law or regulation including, but not limited to, the National Environmental Policy Act ("NEPA"), CEQA, State or Federal Endangered Species acts, Water Quality statutes, and Area of Origin laws; or

4. has caused or will cause injury to any person or property, including violations of any contracts, leases, trust deeds, or water rights.

The transferor and transferee shall also defend, indemnify, and hold harmless the District from any claims that the transferor or transferee has breached any contractual or statutory duties pertaining to the transfer.

In addition, the transferor shall relinquish, for the duration of the approved transfer, the right to receive from the District the water supply that is the subject of the approved transfer. The transferor and transferee shall abide by the termination date of the transfer, unless extended in the manner provided by law, and shall not contest the return of the transferred water supply to the District's service area upon termination. In particular, the transferee shall waive any claim of dependency, detrimental reliance, or intervening public use as a basis for extending the water transfer beyond its approved term.

Prior to approval of the proposed transfer, the transferor shall deliver to the District an agreement, in a form acceptable to the District, signed by the transferor and the transferee by which they agree to conform to these Rules and Regulations, and in particular this Rule 17.

ADOPTED THE TENTH DAY OF DECEMBER 2014

BY THE

TERRA BELLA IRRIGATION DISTRICT

- BOARD OF DIRECTORS -

Edwin L. Wheaton, President
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