



**RULES & REGULATIONS
GOVERNING WATER DISTRIBUTION
&
CANAL MAINTENANCE**

Originally Adopted 1920
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Board of Directors

Riley Chaney, President
Jeremy Hughes, Vice-President
Robert Motte, Secretary-Treasurer
Robert Barcellos, Assessor-Collector
Micah Combs, Director

Administration

Manny Amorelli, General Manager
Kenneth Mancini, Superintendent

Office Address

8749 Ninth Street
San Joaquin, California 93660

Mailing Address:

Post Office Box 757
San Joaquin, California 93660-0757
Telephone: (559) 693-4356
Facsimile: (559) 693-4357

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1 **AUTHORIZATION**

Section 22257 of the California Water Code states in part as follows: "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".

The Rules and Regulations set forth hereafter have been approved and adopted by the JAMES IRRIGATION DISTRICT Board of Directors and are intended to fulfill the requirements of Section 22257 of the California Water Code. Further, these Rules and Regulations cancel and supersede prior JAMES IRRIGATION DISTRICT Rules and Regulations. Refusal to comply with the requirements of or transgression of the stated Rules and Regulations may result in sanctions, including but not limited to denial of water service, being imposed by the District until full compliance has been made.

2 **DEFINITIONS**

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

Agent	Individual(s) granted Power of Attorney to act on behalf of the Landowner or Water User. Such individual(s) must file a copy of the Power of Attorney with the District. Forms are available at the District office.
Board	The Board of Directors of the James Irrigation District
Bureau	United States Department of the Interior, Bureau of Reclamation
District	James Irrigation District
Water User	The individual or entity who either owns or leases 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
Calendar Year	January 1 through December 31
Water Year	March 1 through February end-of-month

3 **CONTROL OF THE SYSTEM**

All matters relating to the distribution of water and the maintenance of the District's canals, ditches and conduits shall be under the general supervision of the General Manager acting under the authority and direction of the Board of Directors.

4 **OWNERSHIP OF CANAL SYSTEM**

Certain diversion works, canals, and conduits, head gates and other structures and associated rights-of-way owned by the JAMES IRRIGATION DISTRICT were acquired by virtue of deeds from the San Joaquin Valley Farm Lands Company and others. Other facilities and rights-of-way were acquired by prescriptive use, grants, and various forms of conveyance agreements. All are dedicated to public use and are under the exclusive control of the elected Board of Directors acting through the General Manager and staff of the District.

5 **DELIVERY OF WATER**

5.1 **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'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.

5.2 Applications

Each Water Year by March 1, and in any event prior to placing orders for deliveries, Landowners and/or 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:

- Name, mailing address and email address of Water User
- Telephone number of the Water User and telephone number of the local individuals who manage or irrigate the farm or distribute water.
- Water Users will be required to provide the following information: Turnout delivery numbers, Assessor's parcel numbers associated with each turnout, the crop and the total irrigated acreage for each turnout.
- Landowners leasing their ground must list their tenant(s) by turnout or Assessor's parcel number and the acreage being farmed by each Lessee.
- Acknowledgment that the Water User has read the Rules & Regulations and that water service will only be provided in accordance with the terms of said Rules & Regulations.
- Agricultural water service shall not be provided to any Water User who fails to provide the District at the time and in the form(s) required by the District.

5.3 Orders

Water deliveries under demand schedules shall be made on the basis of continuous and steady use of water during all days and nights, including holidays and Sundays. In order to prevent waste of water and prevent breaks, it is mandatory that every Water User notify the Superintendent or Assistant Superintendent when the delivery is/will be terminated. As a general policy, it is requested that orders for water be submitted 72 hours in advance of the requested delivery date due to power order requirements. Exceptions will be made on a case-by-case basis.

The District will allow growers to request water outside of business hours ("off-hours") by leaving a phone message on the District's main telephone. During the week, the Clerk shall check the messages, log the water requests, and confirm or deny any orders by return call. During the weekend, the supervisor on duty shall check the messages in the morning, log the water requests, and confirm or deny any orders by return call. All water requests must be confirmed by return phone call before they will be considered orders.

Ordering water outside of business hours should be limited to circumstances where the water cannot be ordered during business hours due to the 72-hour notice requirement. Growers should limit off-hours water requests to no more than two (2) turnouts.

The District reserves the right to modify, suspend, or limit the use of this off-hours order policy at any time.

5.4 Cancellation of Orders

As circumstances may develop from time to time which may cause the need to cancel orders for water, the District will make every effort to adjust to these events. In an effort to conserve water and to maintain operating efficiency, we request growers call in same-day cancellations by 8:00 a.m.

5.5 Shutoff

In the event a Water User fails to notify the District in advance of a water shutoff or a rescheduling of a water delivery, the Water User will be responsible for the water that is lost to the District as well as any property damage that may result from the failure to notify the District.

5.6 Coordination with Ditchtenders

Ditchtenders shall be assigned to operational areas within the District and shall have the responsibility of enforcing District Rules and Regulations and policies. The Superintendent shall be responsible for the coordination of Water User requests and will communicate those requests to the Ditchtender as they occur. Scheduled water deliveries to Water Users will be performed by Ditchtenders under the direction of the Superintendent. The Ditch tender will make every effort to maintain an adequate flow of water in each lateral canal to meet requested demands. However, changes in water use due to temperature variation, improper

coordination by upstream users during water changes, local runoff from precipitation, spill water from other lateral systems, canal breaks, and other emergencies may cause unavoidable fluctuations and interruptions in flow. It is expected that a Water User will notify the Superintendent if water is not available when requested or if the flow is interfered with during the period. It is also expected that all Water Users will cooperate with the Superintendent and/or the Ditchtender in determining the cause of the interruptions and will, to the extent practical, assist in correcting the problem.

5.7 Water Allocation

The District will implement water allocations when necessary for equitable distribution of water as follows. The District has for many years allocated water and capacity on individual canals based on the acreage that has timely applied for water service that Water Year, consistent with Water Code Section 22252.1, herein called "irrigated acreage."

5.7.1 Area Allocations

The conditions for determining allocations on an individual canal or area include, but are not limited to: power failure, equipment failure or any operational problem that would prevent the District from delivering water in a timely manner. The duration of allocations will be held to the minimum length of time required to return to normal operations and deliveries. Allocation amounts will be on a per-acre basis based on irrigated acreage over the affected area.

5.7.2 District-Wide Allocation

If at any time the District has insufficient supplies to supply the demands of all Water Users then eligible for and requesting service, available supplies shall be allocated on a per-acre basis based on all irrigated acres in the District.

5.8 Temporary Reductions-Maintenance & Repairs

The District may temporarily discontinue water service or reduce the amount of water to be furnished for investigation, inspection, maintenance, repair or replacement of any of the District's facilities. The District will give the Water User notice in advance of such temporary discontinuance or reduction, except in case of an emergency, in which event no notice need be given. No liability shall accrue against the District or any of its officers, directors or employees for damage, direct or indirect, because of the failure to provide water as a result of system malfunctions, interruptions in service necessary to properly operate and maintain the water distribution system or other similar causes which are beyond the District's reasonable control.

In order to maintain the integrity of the water delivery system, the District performs inspection and repair of head gates and other structures on an annual basis. This inspection is automatic and is usually conducted after the irrigation season has ended.

5.8.1 Distribution System Structures

Should repair of irrigation facilities/structures that are an integral part of the District's distribution system be required resulting from ordinary wear-and-tear, repairs will be automatically undertaken and costs will be borne by the District. Major items, such as gate replacement or repairs resulting from Water User negligence will be discussed with the Landowner and/or Water User for authorization to proceed and costs will be billed to the Landowner or Water User, as appropriate.

5.8.2 Field Diversion Structures

Field diversion structures, or those facilities installed for the convenience of the Water User which are NOT an integral part of the District's distribution system, will be repaired by the District at the direction and with the expressed permission of the Water User. Repair costs will be billed to the Water User.

5.9 Failure to Take Delivery

If a Water User fails, neglects, or refuses to use water when scheduled, it shall not be a valid basis for claiming the right to use water until rescheduled and confirmed by the Superintendent or Assistant Superintendent. In the event a head gate is opened without being ordered or rescheduled, the District reserves the right to close and lock the head gate until the problem is corrected.

5.10 Measurements

All water will be measured by the District with meters installed, maintained, and calibrated by it and such measurements shall be final and conclusive.

5.11 Liability

The District will not be responsible for the control, carriage, handling, use, disposal or distribution of water delivered to Water User outside the facilities then being operated and maintained by the District. Water User does hereby indemnify and shall assume the defense of and hold harmless the District and its officers, agents and employees from any and all loss, damage, liability, claims, or causes 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 outside such District facilities. Furthermore, Water User shall hold the District harmless from any inadvertent damages resulting from the District's duties to maintain and operate its facilities, including the application of weed control chemicals in and along District canals.

5.12 Determination of Safe Operating Levels in Canals

The water level in any District canal, ditch or conduit shall not be raised to an unsafe height for the purpose of providing gravity service to high elevation lands or delivery facilities. The Superintendent or his/her designated representative shall determine the safe levels to which water may be raised for the purpose of providing gravity service. Diversions which jeopardize the safe operations of District facilities or interfere with service to others shall not be permitted.

5.13 Irrigation Systems

5.13.1 Equipment Requirements

All irrigation pump systems shall be installed and equipped such that they will start and operate under delivery conditions and water levels. Where circumstances require, irrigation pump systems shall be equipped with primers or other similar devices. The District will not operate the water distribution system and/or adjust water levels in canals or laterals to facilitate deliveries to irrigation pump systems that are not properly equipped or maintained.

5.14.2 Design Submittal and Approval

Prior to the installation of new irrigation pump systems, the Landowner or Water User shall submit a sketch or drawing of the proposed system and its location in relation to the District's facilities and easements for review and approval. If approved, the General Manager shall provide the Landowner or Water User a Will Serve Letter for the new irrigation pump system.

5.14.3 Chemical Injection Check Valves

All irrigation pump systems with chemical injection must be equipped with check valves.

6 REQUESTS FOR NEW WATER SERVICE

Water Users within the District who are not presently receiving water from the District's distribution system, but desire to do so, shall be required to provide the necessary facilities to transport the water from the District's system to their lands. Requests for new water service must be submitted to the General Manager who will verify that no delinquencies exist.

CHARGES AND ASSESSMENTS

7.1 Establishing Charges

Charges for agricultural water and other services shall be established by the Board of Directors. The water charges shall include District operation and maintenance costs and any other costs determined by the Board to be payable as part of the water charges, including components established for the payment of all or a portion of the District's annual repaying obligation to the United States. The water charges shall also include the applicable charges required pursuant to the Reclamation Reform Act of 1982 and associated Regulations. Water charges shall be adjusted retroactively to the extent required by Federal or State law or regulations.

7.2 Due Date

As a condition of the District continuing to furnish water, all payments for water used and other related services must be received by the 22nd day of the month following the month of service. When any deadline established herein falls on a Saturday, Sunday, or holiday, it shall be extended to the next working day. Charges not paid by 5:00 p.m. on the applicable due date shall be delinquent.

7.3 Penalty

On the day following the payment due date, a penalty of two percent (2%) shall be added to the delinquent account balance and thereafter delinquent accounts shall accrue a late penalty of two percent (2%) each month. Penalties shall not, however, accrue after the delinquent charges, together with applicable penalties have been added to, and become a part of, the annual assessment levied on the land by the District as provided in Section 7.2.3. All payments and credits shall be applied to the earliest delinquent charges.

7.4 Delinquency

On the day following that in which an account becomes delinquent, all services for such lands for which payments are delinquent shall be discontinued, and services shall not be reinitiated until such delinquency is paid in full, plus applicable penalties and interest. Any outstanding orders for water for delinquent lands will be canceled; orders currently running will be allowed to finish.

If the delinquency is not cleared by the first of the following month following the date it becomes delinquent, (1) services for such delinquent lands and other lands under the same account will be placed C.O.D. (Cash On Delivery) wherein all orders must be prepaid and (2) all payments will be required to be paid by cashiers check or money order for the following twelve (12).

If the delinquency is not cleared by November 1st, the charges for such delinquent lands will be added to the landowner's assessments and will constitute a lien on that real property as provided in Section 7.3.

Following attachment, services to delinquent lands and other lands owned or leased by some or all of the same principals will be placed C.O.D. January 1st through December 31st of the following Calendar Year. Assessments with attached charges must be paid by cashiers check or money order.

Landowners wishing to be notified when their tenant(s) account(s) are past due, must submit a letter annually to the District requesting this service. Letters will be mailed no later than the 15th of the month following the delinquency date.

As an alternative to the procedure described in Section 8.3, or in addition thereto, the District may elect to file and record a Certificate of Unpaid Water Charges as provided in California Water Code Section 25806 or pursue other remedies available. This Certificate creates a lien in the amount of delinquent charges on any land owned by the Water User, irrespective of where the water was used.

The District shall also require advance payment and/or payment by cashier's check or money order when a Water User's account is determined, based on the payment history or other action of the Water User, to create a financial risk or hardship for the District or its Landowners and Water Users. Circumstances which constitute the basis for such a determination include, but are not limited to, the following: (1) instances of a Water User's check being returned unpaid, except where the Water User's bank provides evidence a check was returned because of a bank error, or (2) instances where a Water User whose account is delinquent has, in violation of District regulations, taken water from the District in an unauthorized manner.

8 ASSESSMENTS

8.1 Annual Levy

The Board of Directors shall annually levy an assessment as provided by law to, among other things, collect sufficient funds to pay costs of the District not directly related to serving water to specific users, to pay a portion of costs associated with contracting with the United States for a water supply, recognizing groundwater level improvements and other benefits associated with importation of such supplies and to pay any other costs determined by the Board to be payable as part of the assessment.

8.2 Delinquency

District assessments will be considered delinquent if not received or postmarked on or before December 20th (first installment) and June 20th (second installment). If any of the dates of delinquency fall on a Saturday, Sunday or a state holiday, the assessment installment due on that date becomes delinquent at 5:00 p.m. on the next business day. Should the assessment installment become delinquent, penalties (first installment=10%; second installment=5%) and costs of \$5.00 per parcel per delinquent installment will be added thereto as provided by law from the date the assessment installment becomes delinquent.

8.3 Penalties

As authorized by Water Code Section 25806, at the time of the filing of the District's assessment book with the Tax Collector of the District, delinquent charges, together with applicable penalties, shall be added and become a part of the assessment levied by the District on the land which received the service. The District shall give the owner of the land notice of the anticipated amount(s) prior to addition to the assessment. The amounts so added shall become a lien on the land and impart notice therefor to all persons.

8.4 Denial of Service

Service shall not be provided to any parcel of land for which the assessment is delinquent.

8.5 Returned Checks

An administrative charge of \$20.00 will be charged for all returned checks in addition to any bank or institutional charges that may have been billed to the District..

9 RIGHTS OF WAY

Rights-of-way and easements for canals and ditches owned by the District include the land actually occupied by the canal or ditch, and such land on both sides thereof, as is reasonably necessary for the maintenance and operation of such canals and ditches. Rights-of-way and easements for conduits (pipelines) which have been substituted for open canals and ditches owned by the District and which have been acquired either by voluntary agreement with the Landowner or by legal process have been recorded in Official Records of Fresno County, California.

10 ENCROACHMENTS

No trees, vines, shrubs, corrals, fences, buildings, bridges, or any other type of encroachment shall be planted or placed in, on, over or across any District canal, ditch, conduit or the right-of-way therefor except pursuant to specific written authority of the General Manager. Any such encroachment of an unusual or extraordinary nature shall be approved by the Board of Directors. Any unauthorized encroachment may be removed by the District at the expense of the encroacher.

11 ACCESS TO LANDS

The authorized agents and employees of the District shall have reasonable access at all times to all lands irrigated from the District's distribution system for the purpose of maintaining, operating, or inspecting the canals, ditches, and conduits and the flow of water therein and for the purpose of ascertaining the acreage of crops of lands irrigated or to be irrigated. If the District holds a right-of-way or easement across private land for the operation and maintenance of a canal, conduit or other facilities, the District shall have the right to enter upon the property on which the right-of-way or easement is located to make repairs and do such things reasonably necessary for the full exercise of the easement rights.

12 **PERMANENT CROPS**

12.1 **Location and Spacing**

Reasonable access to the outside of the ditch is needed for operations, maintenance, repairs and emergency response. If not properly located, permanent crops encroach on District rights-of-way and hinder or prevent District functions. Also, certain maintenance activities such as weed control may create a risk of damage to permanent crops if they are located too close to District rights-of-way. Permanent crops shall be located such that there is at least one row spacing between the trunk of the tree or vine and the outside toe of the ditch. Where required, additional reasonable space shall be required for ingress, egress, or avoidance of encroachments or other obstacles.

12.2 **Layout Submittal and Approval**

Prior to the planting of permanent crops, the Landowner or Water User shall submit a sketch or drawing of the field layout and its location in relation to the District's facilities and easements for review and approval. If approved, the General Manager shall provide the Landowner or Water User a Will Serve Letter for the new permanent crop planting.

12.3 **Access**

The tree canopy and other crop vegetation shall be trimmed to allow equipment and vehicle access to the outside of the ditch **at all times**.

13 **WELL MEASUREMENTS**

If requested, Landowners and Water Users shall be expected to allow District employees to enter upon their property and measure the depth of water in their private wells for the purpose of determining the conditions of the groundwater within the District. Measurements in selected observation wells are made and recorded by District personnel.

14 **TAMPERING WITH FACILITIES**

Landowners or Water Users who, by opening, closing or otherwise interfering with regulating gates or devices, cause any fluctuations in the flow of water in the District's distribution system or cause any overflow, breaks or damage of any kind, shall be responsible to the District for the expense and damage caused thereby and may be liable to others that may be adversely affected. Where water control devices are regulated in accordance with specific instructions from an authorized District representative or in cases of an emergency nature when immediate adjustment or other corrective action will prevent overflows, breaks, crop loss or other property damage, the person making such adjustments or taking corrective action shall not be deemed to be in violation of this rule. Any such emergency action or adjustments shall be reported forthwith to the Superintendent or Assistant Superintendent.

15 **DAMAGING FACILITIES**

No person shall make an opening, cut, plow or disc down or otherwise damage or weaken any canal, ditch or conduit owned by the District without written approval of the General Manager or his/her designated representative. Any such approvals to open, cut, plow or disc down or otherwise disturb any District canal, ditch or conduit shall contain requirements for the restoration of such canal, ditch, or conduit to its original condition or better. The District reserves the right to seek restoration and monetary damages as provided by law for any authorized damage done to its system.

16 **UNAUTHORIZED INSTALLATION**

No delivery gate, pipe, siphon or any other structure or device shall be installed or placed in any canal, ditch or conduit owned by the District without express written permission and must be in strict compliance with plans and specifications approved by the General Manager or his/her designated representative. Any such structure or device installed on a District canal, ditch or conduit without approval may be removed by the District at the expense of the owner.

17 **WATER USER RESPONSIBILITIES**

Water Users who waste water delivered by the District, either willfully, carelessly or on account of defective or inadequate privately owned ditches, conduits, or structures, or because of inadequate preparation of the land for irrigation, may be refused further services until such conditions are remedied. Any waste or other improper use of water shall be reported to the Superintendent who will take appropriate action.

18 **PERSONAL LIABILITY**

Any person entering upon District property or District rights-of-way, does so at his/her own risk and assumes all risks associated therewith and by such action accepts the responsibility for any damage to District or private property resulting therefrom.

19 **TRASH AND DEBRIS**

No tires, trash, debris, litter, garbage, prunings, brush, grass, dairy waste, dead animals, herbicides, pesticides, or any other material which is offensive to the senses or injurious to health, or which pollutes or degrades the quality of water or which obstructs the flow of water, shall be placed, emptied, discharged, thrown, or be allowed to slide, flow, wash or be flown into any canal, ditch or conduit belonging to the District. All District employees shall promptly report any violations of this rule to the District's Superintendent who will take appropriate action. The District reserves the right to take appropriate legal action and seek restitution in incidents of this nature.

20 **DISCHARGES INTO CANALS**

No person, firm, company, corporation or agency shall be permitted to pump, siphon, or drain surplus irrigation water (tailwater), storm water, waste water, or any other water, including but not limited to well water, into any District canal, ditch, or conduit, without the express written consent of the Board of Directors. Any such discharges which result in pollution or contamination of District facilities shall be immediately reported to the Superintendent for appropriate action.

21 **IMPLEMENTATION OF AB 3030 GROUNDWATER MANAGEMENT PLAN WATER TRANSFERS**

Resolution 2001-02, Supplement to District's Rules and Regulations Governing Water Distribution and Canal Maintenance and Rules and Regulations to Implement AB 3030 Groundwater Management Plan, has been repealed by the Board and a Water User is no longer permitted to transfer their allocated share of supplemental water as set forth in the Resolution.

22 **GROUNDWATER GENERALLY**

Consistent with and as otherwise provided by Water Code Section 1005.4, a Landowner's use of water supplied by the District from a non-tributary source, is declared to be a reasonable beneficial use of groundwater and shall not result in any lapse, reduction or loss of groundwater rights.

In operating its Project, the District in part relies upon pumping groundwater through, (1) exercise of Landowners overlying groundwater rights, for the benefit of the District's overlying Landowners and (2) exercising its right to pump groundwater provided for and recognized under a Deed granted to the District by the San Joaquin Valley Farm Lands Company, a corporation, dated April 22, 1920, recorded September 1, 1920, at Book 6, Page 1, et seq. of the Official Records of Fresno County, and the following additional recorded documents:

- Grant Deed from Santa Ana and Fresno Land Company, dated September 16, 1991, recorded as Instrument No. 91122531;
- Grant Deed from Hubert Beene and Sons, dated November 8, 1991, recorded as Instrument No. 91139173;
- Grant Deed from Roy Rabb Ranches, Inc., and Georgia Rabb Ranches, Inc., dated October 4, 1991, recorded as Instrument No. 91155101; and
- Stipulation and Order dated October 13, 1993, executed on behalf of John Semper, Marlita M. Ferriera and Martin N. Semper, recorded December 30, 1993;

All of said recordings being with the Fresno County Recorder's office.

Without obligating District to assume any responsibility therefore and without limiting or detracting from the obligations assumed by Water Users in this regard, District shall have the right to use of all seepage and return flow resulting from water which escapes, percolates, or is discharged beyond Water User's facilities, if any, and nothing contained herein shall be construed as an abandonment or relinquishment by District of the right to the recapture, use, and benefit of all such water.

In carrying out its conjunctive use project, the District may from time to time recharge, store and later recover imported water supplies on behalf of third parties.

23

DISPUTES

When Landowners/Water Users cannot resolve any dispute or controversies with any Ditch tender, the Superintendent or Assistant Superintendent, or any dispute concerning implementation of District policy with any employee of the District, or any other dispute concerning the District, the matter must be discussed with the General Manager prior to asking the Board of Directors for final determination. Unresolved disputes must be presented in writing to the Board of Directors. The Board of Directors will take no action until a written complaint is received. The Board of Directors reserves the authority to act as the final level of appeal on any such dispute and controversy between Water Users and District employees.

STATE OF CALIFORNIA)
 } ss.
COUNTY OF FRESNO)

I hereby certify that the foregoing Rules and Regulations were amended by the Board of Directors of the JAMES IRRIGATION DISTRICT at a Regular Meeting held July 13, 2021.



Robert Motte

Robert Motte, Secretary
Board of Directors
JAMES IRRIGATION DISTRICT