

Rules & Regulations

(Adopted December 23, 1985)

Control and Operation of the Water Distribution System

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 Fresno 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 supercede those Fresno Irrigation District Rules and Regulations dated February 21, 1974. 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.

Initial distribution of these Rules and Regulations, to individual landowners/water users, shall be at the beginning of the 1986 water season. Copies of the Rules and Regulations shall be available thereafter in the District office.

CONTROL OF THE SYSTEM

Rule 1: 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 District Manager acting under the authority and direction of the Board of Directors.

OWNERSHIP OF CANAL SYSTEM

Rule 2: Certain diversion works, canals, and conduits, headgates and other structures owned by the Fresno Irrigation District were acquired by virtue of a deed from the Fresno Canal and Land Corporation to the Fresno Irrigation District dated May 16, 1921, and recorded on May 17, 1921, in Volume 107, page 1, Official Records of Fresno County, California. Others 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 Manager and staff of the District.

DUTY WATERMASTER/DITCHTENDER RESPONSIBILITIES

Rule 3: Ditchtenders will be assigned to operational areas within the District and will have the responsibility of enforcing District rules and directives. The Duty Watermaster will be responsible for the coordination of landowner/water user requests and will communicate those requests to the Ditchtender as they occur. Scheduled water deliveries to landowners/water users will be performed by Ditchtenders under the direction of the Duty Watermaster.

HANDLING OF DISPUTES

Rule 4: When landowners/water users cannot resolve differences or controversies with the Ditchtender, the Team Supervisor or the Duty Watermaster, they are expected to discuss the problem with the Manager prior to asking the Board of Directors for final determination. The Board of Directors reserves the authority to act as the final level of appeal on differences and controversies between landowners/water users and District employees.

WATER ENTITLEMENT

Rule 5: Each acre of land on water service within the District shall be entitled to a monthly minimum allotment of water consisting of .39 acre feet per month, deliverable at the rate of one cubic foot (7 ½ gallons) per second, for each ten acres of water service land for a period of 24 hours twice each month or 48 hours once each month. The District may, if operational conditions warrant, vary the time and flow rate so long as the water user is afforded a reasonable opportunity to utilize his monthly allotment of water.

WATER ENTITLEMENT EXCEPTIONS

Rule 6: Fresno Irrigation District personnel are not authorized nor are they responsible for the division of water for the lands within the Free Water County Water District which has its own separate water entitlement within the Fresno Irrigation District water rights.

Rule 7: At the start of water season each year the Board of Directors will make an allocation of water to those annexed lands that were formally Trimmer Springs, Dry Creek and Round Mountain Districts. Thereafter the water users within those annexed areas may purchase up to said allotment of water by submitting a request and paying for such water in advance. Delivery of such water shall thereafter be subject to the control of the Watermaster or his representative.

Rule 8: From time to time the Board of Directors may authorize entering into contractual agreements with entities or individuals for the delivery of water on other than a rotational basis.

ROTATION SCHEDULES

Rule 9: Rotation schedules which set forth each landowner's rate of flow, day or days of the month, and duration of delivery shall be prepared by the District staff under the direction and supervision of the District Manager. The rotation schedules shall be prepared prior to the beginning of each water season and landowners taking delivery and utilizing water from the District's canals, ditches and conduits shall be informed in writing by the Ditchtender of the delivery dates, length of time, and amount of water allocated to each landowner or group of landowners during each rotation period. The District reserves the right to revise the rotation schedule at any time during the water season.

WATER DELIVERIES

Rule 10: Water deliveries under the rotation schedules shall be made on the basis of continuous and steady use of water during all days and nights, including holidays and Sundays. It shall be incumbent upon the landowner to utilize water during his full allotted time and to relinquish the water at the end of his scheduled time period unless otherwise approved by the Ditchtender. In order to prevent waste of water and prevent breaks, it is mandatory that every water user notify the Duty Watermaster if he must discontinue the diversion of water prior to his scheduled shut off time.

Rule 11: The Ditchtender will make every effort to maintain an adequate flow of water in each lateral system to meet anticipated 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 Duty Watermaster if water is not available at the time his rotation period begins or if the flow is interfered with during the period. It is also expected that all water users will cooperate with the Duty Watermaster and/or the Ditchtender in determining the cause of the interruption and will, to the extent practical, assist in correcting the problem.

Rule 12: No additional time shall be granted to water users who fail to use the water continuously when available during the allotted time. If a water user fails, neglects, or refuses to use the water during the period assigned to him on the schedule, it shall not be a valid basis for claiming the right to use water at any other subsequent time. However, if such failure to use water is due to circumstances beyond the control of the water user, particularly if caused by the unavailability of water, the District shall endeavor to make up the lost time in so far as it can be done without unreasonably interfering with the scheduled delivery of water to other water users. Any such water user which is unable to divert his full allotment of water shall promptly notify the Duty Watermaster of his desire to divert the remainder of his entitlement.

WATER EXCHANGES AND TRANSFERS

Rule 13: Landowners may be permitted to exchange water delivery dates (water turns), within a ditch service area if authorized by the Watermaster or his designated representative, provided any such exchange does not create an operational problem or unreasonably interfere with the regular rotation schedule.

Rule 14: Landowners may be permitted to transfer water from one parcel to another, provided both parcels are entitled to receive water service and any such transfer will not unreasonably interfere with the regular rotation schedule and will not exceed the safe operating capacity of any canal, ditch or conduit as determined by the Watermaster or his designated representative. Transfer of water entitlements under this rule may be granted for only one water season and must be reapproved for any subsequent water season. Permanent transfers will not be approved. The following criteria regarding landowner status is applicable:

Different Landowners: As a general rule the transfer of water entitlement from one landowner to another landowner whether on the same lateral or on a different lateral must be approved by the Watermaster. However, short term transfers of 30 days or less on the same lateral system may be authorized by the Ditchtender for the particular lateral.

Same Landowner: Transfer of water along the same lateral need only be approved by the Ditchtender if the water entitlement belongs to the same landowner. In cases where a landowner requests to transfer his entitlement to lands served from a different lateral, approval must first be obtained from the Watermaster

DETERMINATION OF SAFE OPERATING LEVELS IN CANALS

Rule 15: It must be recognized that some lands within the District cannot be served by gravity flow and that the irrigation of such lands will necessitate the use of lift pumps. 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 Watermaster or his 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.

PUMPING FROM CANALS

Rule 16: All landowners/water users who pump from canals, ditches or conduits belonging to the District for the purpose of irrigating land that is too high to be served by gravity water shall be governed in all respects by the rules and regulations applicable to land owners and water users under gravity service. The District will not be responsible for any trash or debris which may flow or accumulate in the water or any interference or decrease in the operating capacity of any private pump installations or pipelines. Private pumping facilities must be installed on a stand offset from District facilities. The exact location and tie-in are subject to approval by the District Manager or his designated representative.

SERVICE TO PRIVATE/COMMUNITY LATERALS

Rule 17: All Ditchtenders will provide limited service to water users who receive their deliveries through private/community owned facilities by informing and advising such users of their water days and allotted time for each rotation period.

Rule 18: Water entitlements of landowners/water users who utilize private/community canals, ditches or conduits shall be delivered to the head of these facilities by the Ditchtender. It shall be incumbent on the owners and/or users to control the actions of individuals taking water from private canals, ditches or conduits. The same authority and jurisdiction granted to Ditchtenders in the operation of canals, ditches and conduits owned by the District is not applicable to those that are privately/community owned.

Rule 19: The District will not knowingly, nor is a Ditchtender authorized to, deliver water to a private/community ditch, pipeline, or other conduit that is not reasonably clean, free of leaks, obstructions and has sufficient capacity to carry the flow of water.

Rule 20: Any landowner who desires to sell his prorata share of water on a year-to-year basis or desires to purchase water from another landowner should contact the Assessor-Collector of the District for prior approval and payment. Any water sale may not be finally approved until the Watermaster determines such transaction will not interfere with the regular rotation schedule or exceed the safe operating capacity of any canal or conduit. Water cannot be permanently sold by one landowner to another, nor can it be transferred for use beyond the boundaries of the District, except to those lands which are presently entitled and which are classified as "water-rental" lands. Water entitlement cannot be sold or transferred to lands that have been annexed since September 1963.

REQUESTS FOR WATER SERVICE

Rule 21: Landowners 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 District Assessor-Collector. If the request or requests are approved by the Board of Directors during equalization sessions, the District Watermaster will make the necessary arrangements and schedule the delivery of water to the lands to be irrigated.

RIGHTS OF WAY

Rule 22: 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. Widths of easements vary with the size of the canal and other factors. Specifications and standard dimensions for easements may be obtained from the District Engineer. 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.

ENCROACHMENTS

Rule 23: 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 District 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.

ACCESS TO LANDS

Rule 24: 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 on 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 or other facilities, the law provides that the District shall have certain secondary rights, such as 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.

WELL MEASUREMENTS

Rule 25: If requested, landowners 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, in furtherance of a well measurement program begun in 1921.

TAMPERING WITH FACILITIES

Rule 26: 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 overflows, 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 Duty Watermaster.

DAMAGING FACILITIES

Rule 27: 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 Manager or his designated representative. Any such approval 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 unauthorized damage done to its system.

UNAUTHORIZED INSTALLATION

Rule 28: 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 Manager or his 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.

LANDOWNER/WATER USER RESPONSIBILITIES

Rule 29: 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 Duty Watermaster who will take appropriate action.

Rule 30: When water is delivered to a landowner/water user he shall be responsible for the water at all times after it leaves any canal, ditch or conduit owned by the District. The District will not be responsible or liable for any damage caused by negligence or careless use of water by any landowner/water user or the result of failure on his part to maintain any ditch, pipeline or other facility for which he is wholly or in part responsible. It is incumbent on all landowners/water users to prevent hazardous conditions, mosquito nuisances, or damage to the property of others.

PERSONAL LIABILITY

Rule 31: Any person entering upon District property or District right-of-way, does so at his 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.

TRASH AND DEBRIS

Rule 32: 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 blown 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 Duty Watermaster who will take appropriate action. The District reserves the right to take appropriate legal action and seek restitution in incidents of this nature.

DISCHARGES INTO CANALS

Rule 33: No person, firm, company, corporation or agency shall be permitted to pump, siphon, or drain surplus irrigation water (tail-water), storm water, waste water, or any other water, including but not limited to well water, into any District canal, ditch, or conduit on a long-term basis without the express written consent of the Board of Directors. A short-term discharge authorization may be issued by the District Manager. Any such written authorization shall include the manner, method, limitations, and terms and provisions for the District's control and regulation of the approved discharge. Any such discharges which result in pollution or contamination of District facilities shall be immediately reported to the Duty Watermaster for appropriate action.