

REGULATION NO. 14

RAW WATER SERVICE

14.01 Raw Water Service

It is the intent of the District to offer potable water to its customers. The District's historic ditch conveyance system serves many purposes including supplying water to the District's water treatment plants; serving agricultural customers; offering recreational opportunities; contributing to a wetland and water quality enhancement and offering wildlife habitat.

14.01.1 Existing Service

Raw water service may be granted where a measuring device exists to serve the property requesting service and the District's requirements are met as stated in these regulations.

14.01.2 New Service

Raw water service may be granted provided the applicant meets the District's general requirements as stated elsewhere in these regulations and:

1. Water is available in the District's ditch or raw water pipe.
2. The size of the service is approved by the District; and
3. The applicable District connection charges have been paid.

The District shall install the measuring device at the sole expense of the applicant. If the property to which the water is to be applied is not adjacent to a District ditch or raw water pipe, a recorded easement for conveying water across other affected properties must be obtained by the property owner requesting water service, and a copy of the easement must be provided to the District.

Raw water service for residential properties will be approved only if there is an alternate source of potable water to the property, such as public treated water service or an approved groundwater well.

14.01.3 Raw Water Service Not for Human Consumption

Raw water service is not provided for or intended or offered for human consumption including drinking, cooking or bathing. Any such use shall constitute a misuse of the water and will be grounds for the District's discontinuance or disconnection of such water delivery. The District shall have no liability for any illness, injury or harm resulting from such use of water.

14.02 Responsibilities of Raw Water Customers

Water must not be used wastefully. Any customer may be refused water until conditions causing waste of water or injury to others is remedied. Customers shall not place any obstructions, diversions or foreign materials into the raw water system. Including but not limited to petroleum products, hazardous waste, liquids or toxic materials.

All orders for irrigation service from the District's ditch system or shut off are to be placed through the District's phone (209-532-5536), between the hours of 7:00 a.m. and 11:00 a.m., weekdays only. Orders for delivery or shut-off must be made at least twenty-four (24) hours before the delivery or shut-off is to be made.

14.02.1 Customer Conduit System

Customer Responsibilities

Before water is turned into a conduit not owned by the District, the conduit shall be in proper condition to receive water. All such conduits must be kept free from weeds and other obstructions and shall be of sufficient capacity and be properly constructed and maintained to carry the head of water applied for without danger of breaks, overflow, or undue seepage. If said conduit is obstructed or not maintained, the Operations Manager may refuse or shut off the delivery of water thereto. The Operations Manager may order any such conduit cleaned, repaired, and reconstructed if necessary, before water is made available. Failure to comply with the order of the Operations Manager shall relieve the District of any liability or responsibility for not delivering water. Nothing herein shall be construed as an assumption of liability on the part of the District, its Directors, officers or employees for any damages occasioned by reason of improper construction, maintenance, or use of any private conduit or by reason of permitting the flow of water or turning water therein. The District is not responsible for maintenance of conduits it does not own.

District Cleaning, Etc.

The District's cleaning, repair and maintenance of its ditch system may require the removal of material from the canal and re-depositing it on or along the berm-side.

14.02.2 Customer Pipe System

1. Responsibility. All water facilities on the water customer's side of the meter or vent riser are the responsibility of the customer. In cases where the customer has a day tank, pump, or other related facilities on the District's side of the meter, the customer shall be responsible for the operation, maintenance and liability of these facilities. The District is not responsible for loss of water or damage that might be caused by excessive pressure, loss of pressure or any lack or failure of any District conduits, valves, regulators or other facilities. It is the customer's responsibility to install and maintain safety devices to protect against hazards.
2. Customer Facility Repairs. The District assumes no responsibility for any repairs beyond the water customer's meter or other measuring device. Responsibility for making on-the-spot repairs to privately owned systems rests with the water customer.

14.03 Pumping From District Ditch or Water Pipe

Pumping from a District Ditch is strictly prohibited except by permit issued at the sole discretion of the District.

- A. Any applicant for a permit to pump directly from the ditch shall submit plans and specifications for the proposed installation to the District. Irrigation customers pumping water from District facilities shall be responsible for any damage to their pump(s) resulting from the absence of water in said facilities. All private pumps should be equipped with low-water cut out switches (pressure, float, etc.).

14.04 Customer Private Pipelines

A water measuring device/meter will be installed by the District on District's facility at the point where the private line is attached. Near the measuring device, a valve will be installed by the District to allow for water to be turned off in the event of a pipeline breakage. If the private line is not attached, a water box would be installed. In gravity flow situations, a vertical pipe riser shall be installed to act as a vent mechanism to maintain a gravity flow condition. Said vent pipe shall not be closed or sealed in any way. New private lines shall not serve more than one party. It is recommended that private parties using one existing common pipeline have a maintenance agreement, which includes a response plan in the event of breakage. In the event of breakage, water loss is charged to the customers. Therefore, it is incumbent upon customers receiving District water through their privately owned pipelines to keep them in good repair, have a rapid response plan in case of breakage, and have an agreement among them that clearly spells out who is responsible for liability.

14.05 Control of District Facilities

No fence shall be built, or trees or vines or other obstruction placed in or on any District canal or pipeline right of way or easement, or on other property belonging to the District without written permission of the District. Any permitted fence shall require a main gate to be installed for access by District personnel. Meters and vent pipes must not be obstructed by structures, planting of trees, shrubs and other vegetation. Suitable access for the meter reader shall be maintained by the property owner. If, after notice to the property owner, the obstruction is not removed, the District may remove the obstruction or the meter at the expense of the property owner, who shall pay such cost upon billing. Easements and rights of way for District canals, ditches, pipelines, and access trails include sufficient width on either side of said canal, ditch, pipeline and berm to accommodate necessary equipment and personnel. The District's operations require that unobstructed access along the canal and berms be maintained by the District in order to inspect, maintain, clean and operate the canal, and to safely and efficiently transport equipment and personnel. Crossings or culverts are allowed to be constructed within the District's right of way. All crossings or culverts shall be at the expense of the interested landowners and to the District's specifications. District encroachment permits for such work shall be obtained from the District prior to commencing such work.

The District may shut off water at any time for making repairs or improvements or for other purposes. Except in the case of an emergency or disruptions in service beyond the District's control, the District will attempt to give a minimum 48-hour notice by telephone to customers who might be affected by the temporary absence of water in a ditch. The annual ditch outage notice will include the beginning time and estimated length of the shut off. Except for routine maintenance (e.g., repair of minor leaks, ditch cleaning by hand or with a small backhoe, repairing existing flumes, repairing existing siphons, etc.), customers will be notified by telephone, mail, or publication in the local newspaper a minimum of three days in advance when major repair or improvement projects are planned for raw water system facilities within the boundaries of their property. The notification will inform owners of the extent of the work proposed. Outages may last seven or more consecutive days and it is recommended that a ditch customer have adequate storage for a minimum of a fourteen-day water supply.

Only District employees have authority to open, close, or adjust diverting valves and gates in District works. Diverting gates, valves and meters may be equipped with locks, and the keys shall

be under the control of the District. The operation and control of the works of the District are under the exclusive management and control of the General Manager and no person other than authorized District employees shall do any of the following:

1. Change, disturb or tamper with any District works or make any opening therein or change any setting of control devices.
2. Place, construct or install any opening, take out pipe, siphon, pump, culvert, bridge, dam wall or other obstruction or structure in any District conduit or works, without the express approval of the Operations Manager or the ditch tender in charge.
3. Take or divert water from District works or from conduits supplied by the District without permission of the Operations Manager or ditch tender in charge.
4. Use a District conduit as an irrigation service ditch.

14.06 Untreated Supplemental Water Accounts

Supplemental Water is that quantity of untreated raw water estimated annually to be in excess of the District's otherwise anticipated water delivery requirements. Effective January 1, 2016, Supplemental Water is not available to new users. Any new users will obtain raw water as either a metered or unmetered raw water user. All users of supplemental, metered, or unmetered raw water are subject to the terms and conditions of the Water Rules and Regulations which may be amended from time to time.

Supplemental Water may be available annually to grandfathered Supplemental Water Accounts meeting the criteria listed below for a time span from April 15th to October 15th, or such other timeframe authorized by TUD. Supplemental Water is not intended, nor is it offered or provided, for human consumption including drinking, cooking or bathing. Any use of Supplemental Water for these purposes shall constitute a misuse of Supplemental Water and will be considered grounds for the immediate and permanent discontinuance or disconnection of such water delivery.

The availability and delivery of Supplemental Water shall have the lowest priority for delivery as compared against other classes or types of waters delivered by the District. Supplemental Water availability and delivery shall not interfere with or impair the availability and distribution of higher priority water supplies furnished by the District. The availability of Supplemental Water shall be determined in the sole and absolute discretion of the District.

The District does not guarantee the delivery of Supplemental Water to the applicants, but will make reasonable effort to deliver the amounts of water which it estimates to be available. The delivery of such water to an applicant in one or more years does not guarantee nor represent any assurance that the District will determine that such water will be available in following years. The District, its agents, and employees shall not be held responsible for any claim of damage, injury or death arising out of or in connection with the delivery or failure of delivery of water, including Supplemental Water, or the failure to deliver water in amounts and/or at flows less than those agreed upon or requested. Nor shall the District, its agents or employees be responsible for any claim of damage, injury or death arising out of or in connection with the control, custody, conveyance, distribution or use of such water beyond the point of delivery as defined herein.

The District shall endeavor, by posting on the District's website and/or by other means determined by the District, to notify public users on or about April 15th of each year of the availability of Supplemental Water as determined or estimated by the District. Such notification

shall include an estimate of the amount and timing of availability of such water for the remainder of the irrigation season.

Supplemental Water shall only be made available to Grandfathered Supplemental Water Customers who have met the following criteria:

1. Customers that have on file with the District an executed Application and Annual Agreement for Supplemental Water Service (hereinafter Application) prior to December 31, 2015.
2. Customers that have put the allocated quantity of Supplemental Water to beneficial use at least one season in three not counting years where water was unavailable due to conditions imposed by the District and that were beyond the customer's control.
3. Customers that have maintained continuous payment of supplemental water account without delinquency exceeding six months.

Effective December 31, 2015, the following properties identified by Assessor Parcel Number are grandfathered by operation of this provision to qualify to receive Supplemental Water if available in each year, subject to each of the conditions, restrictions and limitations hereinbefore described in this Section 14.06.

Ditch Supplementals as of 1/1/2016

Ditch	Outlet No.	APN	Amount
Algerine		59-290-17	1 MID
Algerine		59-290-60	1 MID
Algerine		59-290-63	1 MID
Algerine		96-200-18	1 MID
Phoenix	Spillway	52-060-48	41 AF
Phoenix	G	59-070-73	60 MID
San Diego	F-67	32-090-27	1/2 MID
Section IV	D-86	40-100-27	3/4" Meter
Shaw's Flat	H-76	33-160-87	60 AF
Shaw's Flat	H-48	33-230-02	1/2 MID
Shaw's Flat	G-14	44-090-10	1 MID
Shaws Flat	H-94	44-192-04	3/4" Meter
Shaws Flat	H-160	44-380-21	1 MID
Soulsby Low	D-39	89-160-12	60 AF
Soulsby Low	D-102	89-260-20	1/2 MID
Table Mt	I-26	39-350-12	1 MID
Table Mt	I-121	39-350-19	1/2 MID
Table Mt	I-9 C	58-020-31	1/2 MID

The point of delivery for water delivered from the District's distribution system to the Applicant shall be at the Applicant's normal conveyance point or as identified on a map attached to the application, or as otherwise specified or approved by the District. Applicant will be responsible for conveyance; custody and control of all water passing beyond the District's point of delivery. Applicant will be responsible for compliance with all laws, ordinances, and regulations, applicable to the conveyance, use, custody and/or control of Supplemental Water beyond the point of delivery. All costs of connecting to District's point of delivery, including mainline extensions and measuring devices shall be borne by the water customer. By making Supplemental Water available, the District shall not be obligated to construct, add or extend any facilities to provide

delivery of said water other than the service connection and related facilities at the point of connection, all at the sole cost of the applicant.

All water made available by the District shall be provided individually through measuring device(s) as determined necessary by the District at the sole cost of Applicant. The District shall attempt to locate such device(s) as near to the point of delivery as it determines practical. Final determination of type and location of such measuring device(s) shall be at the sole discretion of the District. The District shall take ownership of such measuring device(s) upon their installation and shall thereafter be solely responsible for their maintenance and replacement.

The price for the delivery of Supplemental Water is set forth in Exhibit B.

14.07 Agricultural Use of Raw Water

1. Agricultural use of raw water is subject to the existing conveyance capacity and water availability. This water is to be only used for Agricultural purposes.
2. Agricultural purposes are defined as those Qualifying Uses for Commercial Agriculture included in Rule 8A of the Tuolumne County Regulations for Implementing the California Land Conservation Act (Resolution 106-04). For any questionable use, the District, in consultation with the Tuolumne County Agricultural Commissioner, will determine if the water is or is not for agricultural purposes. Commercial agriculture shall not include general landscaping improvements or property beautification or recreation facilities on private property.
3. All new water services shall be metered.
4. The Water Supply Capacity fee for agricultural use of raw water shall be as shown in Exhibit B.14. The minimum Water Supply Capacity fee for establishment of a raw water service for agricultural purposes shall be based on the provision of 10 acre-feet of raw water per irrigation season. Additional supply capacity may be purchased in 10 acre-foot blocks.
5. The service shall be paid in accordance with Exhibits B.2.1 and B.2.2 based on meter size and consumptive use.
6. Agricultural use of raw water is available from April 15th to October 15th.
7. Water may be available outside of the dates listed above, at the sole discretion of the District, for previously existing account holders of at least 12 months continuous duration at the then prevailing rates, plus additional costs incurred by the District to provide the water. For purposes of this section a new account holder is considered to have held an active account for less than 12 months.
8. All current and future District monthly base and water consumptive rates shall apply.
9. Water purchased for agricultural purposes cannot be converted to any other use in the future.
10. Raw water purchased for agricultural purposes shall be set aside for such agricultural uses, subject to availability of supply and the District's authority to adopt and amend rules and regulations for the distribution of the available water supply.
11. At the District's request, the purchaser of the raw water must prove the water is being used for an approved agricultural purpose as specified in Section 14.07. If at any time the water is no longer being used for an approved agricultural purpose, the District may

request payment of the current full water supply capacity fee (minus the amount already paid) or the service may be terminated.

14.08 Conversion of Unmetered Raw Water Accounts to Metered Raw Water Accounts

It is the District’s intent, over time, to convert unmetered raw water accounts to metered raw water accounts. All raw water services established after January 1, 2016 shall be metered. The conversion of current unmetered raw water services to metered water services will be undertaken by the District at its sole and absolute discretion.

Conversion from water service based on miner’s inches to a service based upon meter size will be determined in accordance with the following table:

Miner's Inch Contract	Acre-Feet per Irrigation Season	Acre-Feet per Year	Constant Flow Rate (gpm)	Recommended Meter Size based on 24 hr/day Constant Flow assuming a minimum 2 psi static pressure at meter*
0.50	4.5	9.0	5.6	1"
1.00	9.1	18.1	11.2	1.5"
1.50	13.6	27.1	16.8	1.5"
2.00	18.1	36.2	22.4	1.5"
2.50	22.7	45.2	28.1	1.5"
3.00	27.2	54.3	33.7	2"
3.50	31.8	63.3	39.3	2"
4.00	36.3	72.4	44.9	2"
4.50	40.8	81.4	50.5	3"
5.00	45.4	90.5	56.1	3"

*The meter size required will be determined by the District Engineer on a case-by-case basis.

14.09 Unlawful Acts - Ditch System

No person shall cause any damages or injury to works of the District or shall allow, participate or permit any of the following to be done:

- a. Permitting livestock, poultry, or waterfowl to go on or in District conduits.
- b. Burning or otherwise injuring or destroying works of the District.
- c. Dumping or flowing into District conduits rubbish, soil, filth, or other substances that would pollute or impede the flow of water therein.
- d. Erecting signs, fences or other structures on or across or otherwise obstructing District rights-of-way without written permission of the District.
- e. Shutting off or reducing the flow of water from a District conduit into a private conduit or field without giving reasonable prior notice of such proposed action to the General Manager or ditch tender in charge.

- f. Grading on ditch banks, or any grading near the ditch that may undermine the integrity of the ditch or cause subsequent erosion that may affect the ditch.

Such persons shall pay to the District all costs incurred by District in repairing the damage or removing the obstructions described above.

Under the Penal, Water, and Health and Safety Code Sections set forth below; it is unlawful to do any of the following without authority of the District:

- a. Take water from a District conduit with intent to defraud.
- b. Disturb any facility for the control of measurement of water.
- c. Cause to be emptied or placed into any District conduit any rubbish, filth or pollutant, or obstruction to the free flow of water.
- d. Willfully and maliciously cut, break, injure, or destroy any bridge, dam or District conduit.

14.09.1 California Penal Codes

The following sections of the California Penal Code, as they may be amended from time to time, are incorporated into these rules and regulations by this reference.

Section 347 Penal Code:

“(a) Every person who willfully...places any poison or harmful substance in any spring, well, reservoir, or public water supply, where the person knows or should have known that the same would be taken by any human being to his or her injury, is guilty of a felony punishable by imprisonment in the state prison...”

Section 498 Penal Code:

“(b) Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge therefore, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, abets any of the following shall be guilty of a misdemeanor:

- 1. Diverts or causes to be diverted utility services, by any means whatsoever.
- 2. Prevents any utility meter from accurately performing its measuring function by tampering or by any other means.
- 3. Tampers with any property owned by or used by the utility to provide utility services.
- 4. Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization of consent of the utility.
- 5. Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized

connection existed at the time of that use, or that the use of receipt water otherwise without the authorization or consent of the utility.”

Section 588 Penal Code:

“Every person who...sprinkles, drains, diverts or in any manner permits water from any sprinkler, ditch, canal, flume, or reservoir to flow upon or saturate by seepage any public highway, which act tends to damage such highway or tends to be a hazard to traffic thereon, shall be guilty of a misdemeanor.”

Section 592 Penal Code:

“(a)“Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating, generation of power, or domestic uses is guilty of a misdemeanor.”

Section 594 Penal Code:

“Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own is guilty of vandalism.”

- (a) Defaces with graffiti or other inscribed material
- (b) Damages
- (c) Destroys

Section 607 Penal Code:

“Every person who willfully and maliciously cuts, breaks, injures, or destroys, or who, without the authority of the owner or managing agent, operates any gate or control of, any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp, overflow, tide, or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or willfully or maliciously makes, or causes to be made, any aperture or plows up the bottom or sides in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same is guilty of vandalism under Section 594. Nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any water course, reclamation ditch, or drainage ditch for the purpose of mining.”

Section 624 Penal Code:

“Every person who willfully breaks, digs up, obstructs, or injures any pipe or main for conducting water, or any works erected for supplying buildings with water, or any appurtenances or appendages connected thereto, is guilty of a misdemeanor.”

Section 11418 Penal Code:

“(b)(3) Any person who uses a weapon of mass destruction in a form that may cause widespread damage to or disruption of the food supply or ‘source of drinking water’...shall be punished by imprisonment in the state prison.”

Section 116985 Health and Safety Code:

No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him or her, in a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

Section 116990 Health and Safety Code:

No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any stream, pond, lake, or reservoir, in a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

Section 116995 Health and Safety Code:

No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of livestock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this state.

14.10 Unlawful Acts - Phoenix Reservoir

Swimming, bathing, and other water body contact activities, washing of clothes, or the use of motorized boats, or houseboats is prohibited in or at Phoenix Reservoir. This prohibition is in accord with state law provisions that includes the following:

- a. No person shall bathe, except as permitted by law, or wash clothes in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this state, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir. (See Health and Safety Code § 117000 and 117010.)
- b. Every person who violates, or refuses or neglects to conform to the regulations prescribed by the Department of Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor. (See Health and Safety Code § 117015.)
- c. Violation of these regulations may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the Department of Health. (See Health and Safety Code § 117030.)
- d. Anything done, maintained, or suffered, in violation of any of the provisions of these regulations is a public nuisance, dangerous to health, and may be summarily abated as such. (See Health and Safety Code § 117035.)