

**ARTICLE 19. REGULATIONS REGARDING THE APPLICATION FOR
AND USE OF MUNICIPAL AND INDUSTRIAL WATER WITHIN
WESTLANDS WATER DISTRICT**

19.1 PURPOSE

Westlands Water District has a long-term contractual entitlement to receive from the United States an annual supply of 1,150,000 acre-feet (AF) of Central Valley Project (CVP) water. The contracts between Westlands Water District and the United States allow the District to make CVP water available for municipal, industrial and domestic uses. The District may also acquire additional water supplies for these purposes. This Article establishes the rules and procedures for making application for and the use of municipal and industrial (M&I) water.

19.2 GLOSSARY OF TERMS AND DEFINITIONS

Unless specified below, the terms and definitions contained in Article 2 of these Regulations shall apply.

- A. "Ag Related M&I Use" – the use of water exclusively for purposes of commerce, trade or industry associated with the production of agricultural crops or livestock, or their related by-products, including human uses, other than housing, that are incidental to the Ag Related M&I Use.
- B. "Historic Use" – the greatest annual quantity of CVP water delivered for M&I Use to an M&I Water User at a point of delivery during the five-year period immediately preceding June 30, 2001.
- C. "M&I Use" – the use of water for drinking, cooking, bathing, showering, dish washing, and maintaining oral hygiene or purposes of commerce, trade or industry.
- D. "M&I Water Application" - an agreement in a form approved by the General Manager or his designee between the District and an M&I Water User, which describes the point of delivery for such water and the estimated quantity of water that will be made available by the District for M&I Use.

- E. “M&I Water User” - individual or entity who has executed and submitted to the District an M&I Water Application or to whom the District makes water available for M&I Use.
- F. “Proper Land Stewardship” – M&I Water User implementation of land management best practices that are customary for similarly situated water users within the District and that are intended to minimize infestations, outbreaks or spread of weeds, pests and disease that are harmful to growing crops and fire that threatens crops and irrigation and water delivery infrastructure. It shall be improper to abandon a crop in a manner or for a duration that would permit the land to become a source of any of the aforementioned conditions.

19.3 M&I WATER AVAILABILITY

- A. The General Manager shall set aside from the District’s CVP water supply or other sources deemed appropriate water for M&I Use.
- B. The General Manager or designee shall assist any M&I Water User in identifying a source of water that can be made available to the District for M&I Use; provided, that this provision shall not impose on the District or its employees an obligation to incur any expense or other obligation on behalf of such M&I Water User.

19.4 APPLICATION FOR WATER

- A. Except for M&I Use initiated before July 1, 2001, to receive water for M&I Use, a proposed M&I Water User must file at the District's Fresno office an M&I Water Application. Upon approval by the District, the M&I Water Application shall constitute a valid agreement for M&I Use until the M&I Water User notifies the District in writing that such M&I Use will be terminated. Every M&I Water Application shall identify the point of delivery and the intended use of the M&I Water.
- B. An M&I Water Application for use in excess of 5 acre-feet, or 5 acre-feet per 160 acres when such application is for a solar development covering such acreage, per year shall identify a source of water that will, at the applicant’s expense, be

made available to the District for the proposed M&I Use. Solar development resulting from land participating in the “Continued Benefits to Modified Agricultural Land” are not eligible to submit a M&I Water Application.

- C. M&I Water Applications shall require the Water User or Landowner (as necessary) to provide the District access to and necessary consent to access and inspect the parcels of land receiving the allocation, to further the intent of this Article under Water Code section 35413(b).
- D. Notwithstanding Section 19.4 B. of this Article, a M&I Water User may annually transfer into the M&I Water User’s account a quantity of water, from any source available to the M&I Water User, sufficient to satisfy any Ag Related M&I Use for the water year; provided, the M&I Water User shall acknowledge in writing that the District has no obligation to make available to the M&I Water User, in any year, a quantity of water in excess of the quantity transferred into the M&I Water User’s account.
- E. A supplemental M&I Water Application shall be filed by any M&I Water User before the quantity of water for M&I Use made available to such M&I Water User is increased (i) above Historic Use, for M&I Water Users receiving M&I water before July 1, 2001, or (ii) above the quantity stated in the initial M&I Water Application, for M&I Use initiated after June 30, 2001.

19.5 USE OF WATER

- A. The unauthorized use or taking of water for M&I Use, or the waste or unreasonable use of water, are prohibited. Water made available for M&I Use may only be used at the point of delivery and for the purpose(s) identified in the M&I Water Application. Except as provided in Section 19.5 B. of this Article, the transfer of M&I water is prohibited.
- B. M&I water identified pursuant to Section 19.4 B. of this Article or water transferred by the M&I Water User pursuant to Section 19.4 C. of this Article may be transferred within the District's boundaries. Nothing contained in this Article shall prevent an M&I Water User from changing the place of use of its M&I water within the District's boundaries.

- C. All M&I Water Users shall implement conservation measures adopted by the Water Policy Committee of the Board of Directors or its successor.
- D. Proper Land Stewardship is necessary and appropriate best practices to maximize reasonable and beneficial use of water within the District and avoid “waste” within the meaning of the District’s Water Management Plan, required by its Water Repayment Contracts with the United States and the Water Conservation Act of 2009 (SB 7X-7). Therefore, no water will be made available to a M&I Water User if, after providing notice and a 30-day opportunity to cure, the M&I Water User fails to cease the conduct inconsistent with Proper Land Stewardship, cure the identified issues and engage in Proper Land Stewardship. The failure to do so constitutes a per se waste of water authorizing the General Manager to remediate at the M&I Water User’s cost, after written notice to the M&I Water User an a 30-day opportunity to cure, provided that in the event of an emergency the District may proceed as reasonably required to ameliorate the condition.
- E. All M&I Water Users shall cooperate in the District’s efforts to comply with the terms of the Compliance Agreement between the California Department of Health Services and Westlands Water District, dated June 1, 2001.
- F. Every point of delivery for M&I Water shall be equipped with a backflow prevention device of a design approved by the General Manager.
- G. The General Manager is authorized, after written notice to the M&I Water User, to discontinue water service to any M&I Water User who violates this Article or the Terms and Conditions for Municipal and Industrial Water Service.
- H. The unauthorized using, taking or wasting of water, including, but not limited to the failure to engage in Proper Land Stewardship, is prohibited and is a violation of the Regulations that may subject the M&I Water User to the Imposition of civil remedies, including injunctive relief, penalties or criminal prosecution to the extent authorized by law.
- I. In the event the District’s water supply is insufficient to meet all demands for water, including demands for irrigation, the General Manager is authorized to reduce the

quantity of water made available for M&I Use or to impose such temporary conservation actions or other measures, as he deems necessary to protect the public health and safety.

19.6 COMPLIANCE WITH TERMS AND CONDITIONS

Each M&I Water User shall comply with the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board from time to time. Failure to comply with the Terms and Conditions for Municipal and Industrial Water Service may be grounds for termination of M&I Water Use service, and no water shall be furnished to an M&I Water User who fails to make required payments pursuant to the Terms and Conditions for Municipal and Industrial Water Service, as amended by the Board, from time to time.

19.7 MISCELLANEOUS

- A. The General Manager may do all things necessary to implement and effectuate these Regulations.
- B. An appeal from any decision made pursuant to these Regulations shall be made to the Finance and Administration Committee of the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Finance and Administration Committee may be appealed to the Board of Directors. Such appeal shall be in writing and shall be filed with the District Secretary within 15 working days after notice of the decision. The decision of the Board shall be final.
- C. The General Manager shall provide notice of any changes or revision to these Regulations to all District landowners and M&I Water Users.