

**DURHAM IRRIGATION DISTRICT  
POLICY DOCUMENT  
WATER SERVICE**

**1 RULES AND REGULATIONS**

These rules and regulations have been adopted by the Board under the authority of the Water Code of the State of California, are part of the law governing the District, and may be amended as required for the operation of the District. All records of the District are open to the public in accordance with the Public Records Act during the hours when the District offices are open. Information concerning the affairs of the District will be furnished in accordance with statutory procedures and requirements. Reproduction of any documents shall be at a copy fee set by the Board.

Failure or refusal of any landowner or water user to comply with the rules and regulations of the District, or any interference by any such landowner, water user, his servants or employees, with the rights, duties, or obligations of the District, or its employees, or any tampering with meters, valves, or other District works and installations shall entitle the District to discontinue the service of water to such owner or user until the landowner or water user shall furnish satisfactory proof to the Board of intention to comply with the District's rules, regulations, policies, and procedures.

**2 OWNERSHIP OF WATER**

All water and water rights belonging to the State within the District have been dedicated and set apart for the uses and purposes of the District. No purchaser of water from the District acquires any proprietary right therein or any right to resell such water, or to use it on premises or for a purpose other than stated in the written request to the District for service. The District asserts the rights to recapture, reuse, and resell all water that passes from the premises of the person to whom the water was sold, or from the premises stated in the request to the District for services. All water introduced into the District by District works or other outside sources is District water, and is subject to diversion, re-diversion, and use by the District. All such water intercepted and used or impounded will be charged to the person using or impounding it at the rates established by the District.

**3 ANNEXATION OF LANDS TO THE DISTRICT**

Property must be annexed to the District prior to receiving water service. Annexations shall occur in accordance with the District's Annexation requirements. No water service will be supplied to parcels that are not annexed to the District unless previously approved by the Board.

The applicant will be informed of the requirements for receiving service, including any negotiated and/or mitigating issues and the costs associated with the annexation process. Thereafter, if the applicant wants to proceed with annexing their property, they must

deposit funds equal in amount to the total of the District's processing fee and any other fees as described in the Recordable Annexation Agreement. Calculation of the District's annexation fee and when it becomes payable to the District will be as described in the Recordable Annexation Agreement.

#### **4 EASEMENT ABANDONMENT**

Abandonment by the District of its interest in public utility, irrigation, and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board. Staff shall prepare a detailed analysis and recommendation for consideration by the Board. Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board.

#### **5 APPORTIONMENT OF WATER**

In the event of water shortage conditions, the District will endeavor to equitably apportion the water to the land and/or customers entitled thereto in accordance with emergency measures adopted by the Board. The decision of the Board as to the need for and method of apportioning the water shall be conclusive. No water user shall permit the waste of water which is under their control. The District reserves the right to refuse delivery of water when it appears to the satisfaction of the Board that the proposed use or method of use will require such excessive quantities of water that will constitute waste.

#### **6 WATER SERVICE**

The District provides domestic and irrigation water from District wells, through the District's piped distribution system.

The agents of the District shall have access at all times to the property being supplied with water from the District's system for the purpose of examining the lands, the flow of water thereon, the District works and water facilities and any private pipelines or facilities for the delivery of water. No fence or structure shall be built, or trees or other obstruction maintained prohibiting reasonable District access on any right-of-way or easement or other property belonging to the District without the permission of the Board in writing and signed by the Chairman of the Board. No meter shall be fenced in or made inaccessible without District approval. No material of any sort will be placed or allowed to collect on any land belonging to the District. No trespassing is permitted on District land so posted or fenced. Violators of the rule shall be subject to prosecution.

No person or persons shall install or place any pipeline, valve, meter or other structure or device in any works of the District except in pursuance of plans adopted or orders made by the Manager and approved by the Board; nor shall any person divert or take water from the works of the District or under its control or make any opening therein, or change, molest, disturb or interfere with any works of the District without permission of the Manager and approval by the Board.

## 6.1 Applying For Service –

Any person desiring a new service connection shall apply for service at the District office as far as possible in advance, in order to afford the District time to make the connection.

Requests for new water service (property normally not previously serviced), shall be made by the property owner or his designated agent. To open an account for new water service, a signature is required. A transfer of existing water service requires a copy of the property owner's recorded deed. Applications for service are taken at the business office of the District. The District's requirements for the type of service desired must be met before a request will be approved. Service charges begin when a meter is installed.

All requests for water service shall be subject to staff review. Requests for service from a water main not contiguous to the subject property, or from a water main with insufficient capacity to serve additional demands, will be subject to additional review and may be subject to special conditions of approval.

Special conditions of approval include, but are not necessarily limited to, providing proof of recorded easement(s), execution of a Future Pipeline Agreement, or construction of a pipeline extension project. Additional District costs for legal review, document preparation, etc. (over and above the costs associated with a meter order that does not have special conditions of approval), will be billed to the applicant and payment shall be received before service will be provided.

If any part of the property to be served does not physically touch an existing District main with sufficient capacity to provide additional service ("non-contiguous), or if these premises are outside the District's boundaries, or if unusual conditions exist, the applicant will be advised of terms and conditions which must be met before a request for service may be accepted, including the possibility of Board approval. In determining whether the portion of an applicant's premises lying directly along a main constitutes principal frontage, the District's decision shall be final. It is the intent of the language contained herein, to minimize the number of multiple service lines which, in the judgment of the District, detracts from the present and future orderly development of the District.

Continuance of service is dependent on compliance with the District's regulations governing service.

## 6.2 Service Connections –

All new pipelines and service facilities to supply water to new developments shall be installed at the full cost and expense of the owners of such developments and shall be installed in accordance with the District's Pipeline requirements.

### A. Existing Service Connection

Service may be granted where a complete service connection for the premises exists provided the District's requirements are met as stated in these regulations, including copies of legal property documentation substantiating ownership or change in ownership. During normal business hours, if a minimum forty-eight (48) hour advance notice is furnished to the District, the service will be continued or turned on at the meter on the date requested by the customer. After hours service requests will be subject to additional charges.

#### B. Service Connection Does Not Exist

When an application is received for service to premises where a service connection does not exist, service may be granted provided the applicant meets the District's general requirements.

### 6.3 Pipeline Installations –

Pipeline installations shall be in accordance with the District Pipeline requirements.

The State's Attorney General has opined that, in certain circumstances, construction of facilities for provision of public utility service, with the understanding and agreement that said facilities will be turned over to the District for ownership, operation, and maintenance at the conclusion of construction, may be subject to the prevailing wage laws of the State of California. It is the developer's responsibility to determine if the Attorney General's opinion affects the wages paid by him to workers employed on water facilities constructed for their project. However, should it be determined that the prevailing wage laws of the State (Labor Code 1770, et seq.) apply to the work performed for the project, then the developer will be required and shall agree to defend and hold the District harmless from any liability, claims, damages, or costs in any way associated with said determination by the State. Further, the developer shall take all necessary and appropriate action, including payment of back wages, and any associated penalties which may be required, due to enforcement of the prevailing wage law in connection with construction of the water system.

The District will not represent or advise the developer in connection with this matter except to advise them of their potential liability. The developer should not rely upon any opinion or information of the District in making their determination in connection with the payment or nonpayment of wages.

### 6.4 Continuity of Service –

After water service has been installed, the appropriate charge will continue for all installed meter accounts until written notice from the property owner is given to the District to permanently discontinue service. In those cases where the meter had been removed and a ready to serve status remains in effect, the customer shall retain applicable rights and privileges of those customers with an installed meter.

The property owner may request their meter to be removed. Such discontinuance of service is permanent. Reestablishment of service shall be on the same basis and conditions as any other request for new service with the exception that the owner shall retain the capacity provided to that parcel and capacity fees will only apply if the new service requires more capacity than the removed meter.

A service charge for temporarily sealing and reactivation to normal service shall be fixed from time to time by the Board and be available on request at the District business office.

#### 6.5 Service Interruptions –

The District may shut off the water at any time for the purpose of making repairs and improvements to its pipelines and works or for other purposes and the District shall not be responsible nor liable in any manner for any inconvenience, loss, or damage caused by any service interruption. Whenever possible, proper notice will be provided to the customers impacted by the service interruption.

Water users requiring continuous water supply for any reason are advised to provide an auxiliary supply or storage facility sufficient to supply their needs during any such interruption period.

#### 6.6 Limits of District Liability –

The District will not be liable for any damage of any kind or nature resulting directly or indirectly from any private distribution or service pipeline, or the water flowing therein, or by reason of lack of capacity therein, or due to emergency interruption of water supply, or for negligent, wasteful or other use or handling of water by the consumers there from. 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 temporarily or permanently, or failure to deliver such water.

Pumping by consumers of District water is done at the consumer's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of water quality or shortage or excess of water or other causes.

The District assumes no liability for damages to persons or property occasioned through defective pipelines, meters, pressure relief valves, or any other part of the system.

### **7. CUSTOMER SERVICE LINES**

#### 7.1 Condition of Customer Service Pipelines Beyond District Meters –

Before water is turned on for a customer service pipeline, the pipeline shall be in suitable condition to receive water. Failure to comply with this policy shall be sufficient cause for refusal to turn water into such pipelines. Nothing herein shall be construed as an

assumption of liability on the part of the District, its Directors, officers or employees for any maintenance, or use of any customer pipeline or by reason of permitting the flow of water or turning water therein.

## **8 RELOCATION OF DISTRICT SYSTEM**

The cost of relocating meters, hydrants, pipelines, or any other portion of District's system shall be borne by the requesting party or the party benefiting from the relocation. Relocation fees shall be labor plus fifty (50%) percent, material, and equipment charges.

## **9 FINANCIAL RESPONSIBILITY FOR COST OF EXTENDING MAINS**

It is the District's policy to allow reasonable extensions of District water mains to serve the growing community, but not to unfairly burden existing customers with the costs of extending service to new customers. The developer of a project or the owner of a lot that wishes to connect the project or lot to the District's system ("Developer") may request an extension of a District main and appurtenant facilities to serve the project or lot. The Developer will initially bear the entire cost of extending the main and will also bear the costs of installing the private service lines to its project or lot(s). The District, in its sole discretion, may elect to use its own forces to install the extension, in which case the Developer will be required to deposit with the District the entire estimated cost of the extension; otherwise, the Developer will be responsible for constructing the extension to the District's specifications. The District will not be responsible for any of the costs associated with the Developer's extension of the main.

### **9.1 Reimbursement Agreements –**

The Developer will initially bear the entire cost of extending the water main. Prior to the District's acceptance of the extended main, the Developer may request a Reimbursement Agreement with the District, under which the District will attempt to collect the Pro Rata Contributions from benefitted lot owners and disburse them to the Developer. The District will not be liable, financially or otherwise, if its collection efforts are unsuccessful. Reimbursement Agreements will have a maximum term of ten years, at the conclusion of which the District will cease collection efforts and make a final disbursement to the Developer.

### **9.2 Reimbursable Costs –**

Reimbursable costs are limited to those construction costs that are directly and solely related to the extension of the main. The calculation of such costs is subject to District approval. Costs incurred by the Developer for right-of-way acquisition, retention of engineers or other consultants for planning or design purposes, or for construction of improvements that do not benefit properties other than the Developer's will not be reimbursable. If there is a future extension of the main built off of the Developer's extension, lots benefitted by the future extension will not be liable for any Pro Rata Contribution for the Developer's extension.

## 10 FIRE HYDRANTS

### A. Usage and Operations –

The District accepts and acknowledges ownership of all District water system fire hydrants and is responsible for the installation, repair, and maintenance of fire hydrants. The County requires the developers to meet fire flow requirements for all new developments with the cost of the materials and installation to be borne by the developer and/or the County. The District may operate hydrants for flushing, flow testing, draining, filling, or other District purposes.

### B. Construction Water –

Application for a meter to provide construction water from fire hydrants or other outlets may be made at the District's business office. Except on a case-by-case basis for Public Works projects, which will benefit the community, no construction water may be taken or used outside District boundaries. All construction water delivered from fire hydrants shall be protected by a backflow device and measured and delivered through a meter. If a meter is temporarily unobtainable by the District, the Manager may, until such meter is available, arrange unmetered delivery and estimate the amount of water delivered for billing purposes. Hydrant meter deposits, service charges, and water rates shall be as fixed from time to time by the Board and be available upon request at the District business office.

## 11 METERS

### 11.1 General –

All water delivered to customers on metered services must be measured and delivered through a meter, which shall be read on a monthly basis. As it is not always practicable to read meters at equal intervals, the period between reading dates may vary by a few days.

Where water is served, at least one meter shall be established for;

- A. Each separately deeded parcel, or
- B. Contiguous parcels in identical ownership.

A parcel shall be that which is identified by a County Assessor's parcel number. An exception to this policy may be granted by the Manager for landscape irrigation service to street medians or parkways, which are contained within a public or private street right-of-way and are not defined as a separate deeded parcel. The applicant for water service to a parcel not identified with an assessor's parcel number shall submit a description of that parcel and water service to that parcel shall be subject to all other applicable provisions herein.

Notwithstanding the previous paragraph, one or more meters may serve a mobile home park or multiple-unit residential complex wherein the park or complex is comprised of a collection of separately deeded and contiguous parcels including parcels owned in common by an Association of the separate owners. The association shall be the District's customer and shall be responsible to receive and pay all water bills.

#### **11.2 Ownership and Size –**

The District shall retain ownership of all meters and connecting service pipe to the meter and reserves the right to regulate the size, character, and location of each meter for service. Water meters have operating ranges and characteristics which need to be compatible with water service demands to provide appropriate service.

#### **11.3 Replacement –**

The District may at the request of a property owner, and if in the opinion of the Manager such a change is reasonable, replace an existing meter with a larger or smaller meter. In the event that a meter is incorrectly sized for the flow demand at the point of service, the District may, at its option, replace the meter with a meter of the correct size.

An increase in meter size shall result in the requirement for the customer to pay the then current difference in capacity fees between the existing meter size and the new meter size. The customer is also responsible for the labor, materials, and equipment charges to undertake and complete the work.

If the meter size is reduced, the former capacity size is retained for the property. In the future, the customer shall be credited the difference of the then current capacity fees in the event there is additional meters, the original size is restored, or a larger meter is installed on the property. The Customer is responsible for the labor, materials, and equipment charges to undertake and complete the reduction in meter size.

If the existing meter is too small for the flow demand, the meter size shall be increased and the customer shall pay the applicable installation fee and the additional service capacity fee. If the customer refuses to pay all the appropriate fees for a larger meter, the District will install a flow restrictor at the meter to limit the flow to the rated capacity of the meter.

#### **11.4 Active Meters –**

All meters are classified as “active” unless sealed upon request of the landowner or by reason of conversion to the “discontinued service” category. All former “temporarily removed meters” were converted to one of the following categories:

- A. Active meters
- B. Ready to Serve meters



### C. Discontinued Service meters

Meters may only be moved from one location to another for the property being served upon request or as required to protect the meter. The cost of such relocation shall be borne by the requesting party or the party benefiting from the relocation. Meters remain with the property and may not be transferred to any other parcel even if under the same ownership.

“Discontinued Service” meters will not pay a monthly service charge, but the service line to the meter will not be replaced if it is found to leak, or if the District replaces the mainline that previously served the property.

Meter installation and relocation charges shall be fixed from time to time by the Board and be available upon request at the District business office.

#### 11.5 Capacity Fee –

A capacity fee has been established and charged to customers to provide funds to build certain facilities needed for growth within the District. The capacity fee calculation takes into consideration both the value of the existing system, as well as anticipated alternative water supplies needed to supply new connections. A capacity fee schedule for new meters and changes in meter size shall be fixed from time to time by the Board and be available upon request at the District business office.

#### 11.6 Construction/Hydrant Meters –

Construction/Hydrant meters will be available, unless restricted due to water supply conditions.

#### 11.7 Building/Construction Meters –

Building/Construction meters for new construction shall be the same as any other regular active meter except that they shall be eligible for the lowest “service” charge for the first six months or until the building is transferred or occupied.

#### 11.8 Estimated Meter Readings –

Bills for service will be based on an estimate if a meter fails to register the volume of water consumed or cannot be read. In estimating consumption, due consideration will be given to fluctuations in usage caused by seasonal changes or known service interruption. Where a meter cannot be read without undue difficulty because of obstruction, the customer will be notified and requested to correct the condition.

### 12 **CUSTOMER PRESSURE REGULATING & RELIEF VALVE RESPONSIBILITY**

It shall be the responsibility of each water service customer to install pressure regulating and pressure relief valves within the customer's private water pipe system in accordance with the Health and Safety Code and applicable building codes.

### **13 CROSS-CONNECTION AND BACKFLOW CONTROL**

The District is required by the State of California to maintain a cross-connection control program (California Administrative Code, Title 17, Chapter V, Section 7583-7622, inclusive, as amended), insofar as the regulations are applicable to the protection of the District's water supply. Cross-connection and backflow control applications shall occur in accordance with the District's Standards. In accordance therewith, the District will maintain no water connection to any property unless the public water supply is adequately protected.

Water service by the District may be refused or discontinued to any premises upon which there is found to be another source of water (such as private well), cross connection, fire system, pressurized septic, construction activities, or any potential hazard that may pollute or contaminate the public drinking water system as determined by the District Water System Operator, after due notice is given thereof by the District to the consumer or owner of said premises. Such service shall not be established or restored until District approved backflow prevention assembly(s) has/have been installed. All costs to install such assemblies shall be borne by the customer. Installation of such assemblies may be installed by others at Owner's (contractor, owner) cost, or by the District at a Labor, Equipment, Material and Overhead cost basis. Backflow prevention assemblies are required to be inspected and tested annually by a private tester approved by the District. Costs for testing and maintenance of backflow prevention shall be borne by the Owner.

The protective assembly required shall be Reduced Pressure Principle Assembly (RP) regardless of the application of the water service connection other than fire system requiring a Reduced Pressure Principle Detector Assembly (RPDA):

- A. Double check valve assemblies (DC or DCDA), may continue to be used if they are an existing protection device. All DC assemblies must be upgraded to RP upon failure of annual or any other required testing. The cost to upgrade the DC assembly shall be borne by the Owner as described in this policy.
- B. An air gap separation may be required if such hazard is identified by the District Cross Connection Control Specialist, to be present on any parcel(s) where water service is requested or exists.

### **15 PRIVATE WELLS**

The District discourages private wells within its service area. The Board must approve all private wells within its service area. The Board of Directors can restrict all private wells. All private wells will be required to have a meter installed, and the District shall have access to the meter to monitor the restrictions associated with the private well.