

# Los Carneros Water District Water Delivery Administrative Guidelines

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Developed by the LCWD (Los Carneros Water District) Outreach Committee:

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## **Scheduling / requests for water:**

Must be made according to requirements included in the Water Delivery Ordinance (“AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LOS CARNEROS WATER DISTRICT ESTABLISHING A WATER SCHEDULING AND DELIVERY MANAGER, DEFINING ROLES AND RESPONSIBILITIES OF WATER SCHEDULING AND DELIVERY MANGER, DEFINING ROLES AND RESPONSIBILITIES OF THE LANDOWNERS WITHIN THE DISTRICT, AND ESTABLISHING PENALTIES FOR EXCEEDING MAXIMUM ALLOCATED WATER”). The Water Scheduling and Delivery Manager (the “Manager”) will prepare a water delivery request form and work towards making an on-line request procedure available.

If requests for water are received by the deadlines stated in the Water Delivery Ordinance, available water will be allocated in proportion to the parcel acres within the Los Carneros Assessment District (LCAD). All requests for water received before the deadlines will be given equal priority regardless of the order in which they were received.

## **Failure to submit timely request for water and forfeiture of water:**

According to the Water Delivery Ordinance, a Landowner or designated On-site Recycled Water Supervisor must submit a seasonal schedule at least 30 days prior to the start of that season’s water deliveries (that is 30 days before May 1st for summer delivery and 30 days before November 1st for winter delivery). In addition, a Landowner or designated On-site Recycled Water Supervisor must submit a monthly schedule at least 15 days prior to the start of that month’s water deliveries. Failure to submit a seasonal or monthly schedule will result in the forfeit of Table A water until such a time as a schedule is received by the Manager. The Manager will then use best efforts to do one of the following:

- In the event that Table A water is undersubscribed and consequently there is excess Table B water available for the month, the Manager will allow the delivery of water as if the schedule had been submitted at the correct time. This must not interfere with the water delivery of other LCAD members who met the submission timeframe.
- In the event that Table A water allocations cannot be met and there is no Table B water available, the Manager will not schedule water until the beginning of the subsequent month, beyond the one for which the deadline was missed. (E.g. there is insufficient water available to meet the full Table A demands for the LCAD users in July when the Manager receives a late request for July water on June 25<sup>th</sup>. The Manager will not schedule water for that applicant before August 1st.)

Any forfeited water for that season or month becomes Table B water and is to be allocated equally by parcel acre amongst all Los Carneros Assessment District (LCAD) users requesting water. At no point will a Landowner be allowed to exceed the 30% of total seasonal water available per month by submitting water requests only in the last 3 or fewer months of the delivery season.

## **Water use over various Ownership and Control Structures**

### **Use of water on parcels not within Los Carneros Assessment District:**

Use of recycled water delivered via the LCWD shall not be allowed on any parcel not included in the LCAD. The use of such water outside the of the LCAD may damage the legal basis for the continuation of the assessment district and, as such, is subject to an accelerated schedule of penalties compared to the Table of Penalties in section 4.04 of the Ordinance. The Manager will refer the matter to the Board for inclusion in the Agenda of the next LCWD Regular Meeting and the Third Level of Penalty (i.e. \$2000 fine and minimum 28-day water withholding) will be applied at the Board's discretion. The Board may specify additional measures it deems appropriate to prevent the continued use of water outside the LCAD.

In the event that a lot line adjustment increases the size of an LCAD parcel to include area not previously assessed, LCWD recycled water may not be used on the newly added portion of the parcel until such a time as the new acreage is added to the LCAD.

### **Contiguous parcels:**

Water Allocations may be assigned to contiguous parcels that have common ownership or control if they are currently part of the LCAD. Control shall not mean solely retaining the same management company for viticultural management but is intended to include leased parcels and other similar, long-term arrangements. A parcel owner may assign their allocation (flow rate and volume) to one or more of these contiguous parcels under common ownership or control with the provision that the assignment does not adversely affect the system hydraulics or the equitable delivery of water to the rest of the LCAD. This determination is at the discretion of the Manager and LCWD Board.

Water Allocations (flow rate and volume) may also be assigned from a parcel (Original Parcel) to an adjacent parcel (Storage Parcel) of different ownership for the purpose of temporary holding in a pond or other storage mechanism providing the following: the sum quantity of water supplied through the Original Parcel and Storage Parcel meters must not exceed the total "Table A" allowance granted for the Original Parcel and Storage Parcel combined; the water use must, to a reasonable extent, be split between the Original Parcel and Storage Parcel according to the original LCAD allocation ratio; the Original Parcel, the Storage Parcel and the storage pond or mechanism are all located within the LCAD; compensation for the water is made at the same value charged by the LCWD when initially purchased; the water must be used within the same season (12 months) as it was originally purchased; and that there is documented evidence of a long-standing relationship between the parcels such as an easement or other agreement that describes the storage and access to water from the shared pond. The Original Parcel may assign all or a proportion of its allocation to go through the water meter on the Storage Parcel. The LCWD Board must be informed by the Original Parcel's representative that they intend to enter a storage relationship with the Storage Parcel before it commences. The determination that all the conditions are met and whether the arrangement is approved is at the discretion of the Manager and LCWD Board.

In both cases, the owner of the parcel where the water is metered is responsible for scheduling deliveries with the Manager, and for water payments. A parcel owner that assigns their allocation forfeits their right to interact with the Manager regarding delivery of water for the duration of the assignment.

### **Non-contiguous parcels:**

Water Allocations may be assigned to non-contiguous parcels that have common ownership or control (transferred water) if they are currently part of the LCAD. Control shall not mean solely retaining the same management company for viticultural management but is intended to include leased parcels and other similar, long-term arrangements. A parcel owner may assign their allocation (volume only) to one or more of these non-contiguous parcels with the provision that the

assignment does not adversely affect the system hydraulics or the equal delivery of water to the rest of the LCAD. This determination is at the discretion of the Manager who will determine the appropriate delivery rate.

### **Allocation of water via a Mutual Water Company**

Parcels within the LCAD may elect to receive their water allocation through a single water meter by assigning their allocations to a Mutual Water Company if permission is received by the Board of Directors of the LCWD. This is an exception to the requirement that water may only be used on parcels that have common ownership or control.

### **Transfer or Allocation to other Ownerships or Sale of Water:**

Unless explicitly addressed elsewhere in these Administrative Guidelines, annual water allocation (volume or flow rate) may not be transferred to another parcel, nor may a parcel's allocation of water be sold, leased, or transferred to another entity without the sale, lease, or transfer of the parcel itself.

### **Winter Water:**

Winter water deliveries will not be counted against Table A or B allocation.

Winter water will be allocated by parcel acre amongst those LCWD users that requested water by the deadlines stated in the Water Delivery Ordinance.

### **Penalty Application and Sunset**

Penalties may be imposed on the Landowner as outlined in the Water Delivery Ordinance. Penalties will apply to the offending parcel (or parcels should the water allocation have been assigned to other parcels). Penalties will not be applied to other parcels under the same ownership or control should their water use be independent of each other.

The increasing penalty schedule will sunset 10 years after the last offense with the exception of the fourth offense which will remain in place for the remainder of the life of the LCAD.

Penalties applied to a parcel and associated with former owners or lessors will not transfer when parcels change ownership or control.