

Los Carneros Water District water delivery Administrative Guidelines

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). Failure to submit a seasonal or monthly schedule will result in the forfeit of water until such a time as a schedule is received by the Manager. The Manager will then allocate water accordingly, starting at the beginning of the subsequent monthly period. 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 late submission of water requests.

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 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 (\$2000 fine and 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 section is added to the LCAD.

Contiguous parcels:

Water Allocations may be assigned to contiguous parcels that have common ownership or control. 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 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.

The owner of the parcel where the water is eventually metered is responsible for scheduling deliveries with the Manager, and payment for water. A parcel owner that assigns their allocation gives up right to interact with the Manager regarding delivery of water for the course of the assignment.

Non-contiguous parcels:

Water Allocations may be assigned to non-contiguous parcels that have common ownership or control (transferred water). 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 in parcels that have common ownership or control.

Transfer or Allocation to other Ownerships or Sale of Water:

Annual water allocation of water (volume or flow rate) may not be transferred to another parcel that is not under common ownership or control nor shall the sale of a land owner's allocation of water be allowed to another LCAD user.

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 offence with the exception of the fourth offence which will remain in place for 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.