

# STOCKTON EAST WATER DISTRICT

## Rules and Ordinances

*A Comprehensive Reference for District Customers*



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Monday–Thursday, 8:00 a.m. – 5:00 p.m.

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## Section 1: Definitions and Interpretation

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This section establishes the definitions and rules of construction that apply to all District rules and regulations.

### **Rule 3: Construction and Interpretation of All Subsequent Rules** | *Adopted: March 30, 1964*

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For the purpose of construction and interpretation of all subsequent rules adopted by the Board, the following definitions apply:

- I. Unless otherwise provided, any word defined by Chapter 1775 of the Statutes of 1963 shall have the meaning set forth in that Chapter.
- II. "Act" means Chapter 1775 of the Statutes of 1963.
- III. "Board" means the Board of Directors of the Stockton and East San Joaquin Water Conservation District.
- IV. "District" means the Stockton and East San Joaquin Water Conservation District, organized pursuant to the Water Conservation Act of 1931 and Chapter 1775 of the Statutes of 1963.

### **Rule 100: Definitions and Rules of Interpretation** | *Adopted: June 20, 1972*

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For the purposes of construction and interpretation of all subsequent rules adopted by the Board, the following rules are adopted:

- A. Definitions in Act. Unless otherwise provided, any word defined by Chapter 819 of the Statutes of 1971 shall have the meaning set forth in Chapter 819 of the Statutes of 1971.
- B. Act. "Act" means Chapter 819 of the Statutes of 1971.
- C. Domestic Water Producing Facility. "Domestic Water Producing Facility" means a water producing facility which produces water used solely upon a parcel of two (2) acres or less.
- D. Continuation of Prior Rules. The provisions of any rule adopted by the Board, insofar as they are substantially the same as provisions contained in a prior or existing rule, are restatements and continuations of such existing rule or rules and not new enactments.

## Section 2: District Operating Policies

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This section sets forth the fundamental operating policies governing the District's management of the Calaveras River System and surface and groundwater supplies.

### **Rule 4: Operating Policies** | *Adopted: March 30, 1964*

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The Board recognizes all valid water rights of surface water diverters within the District. The following Operating Rules apply to the Calaveras River System within the District:

- (1) Water necessary for the satisfaction of all valid rights to divert water from the surface water sources within or accruing to the District;
- (2) Water from the New Hogan Project necessary to supplement the flows of the Calaveras River System to provide a full surface water irrigation supply, without restrictions other than those required to prevent the waste of water, within the limits of the District's financial and other abilities to obtain water from said project;
- (3) Equal availability of surface water for all surface water diverters from the Calaveras River System within the District, having water producing facilities registered with the District, subject to allocation in critical dry periods;
- (4) The apportionment and delivery of water available during critical periods on an equitable basis;
- (5) Maximum net replenishment of the District's underground water supply obtainable from the waters of the Calaveras River and its tributaries under New Hogan Project operation and surplus to the requirements for surface water diversion.

C. The existence and duration of critical dry periods shall be determined by the Board, from time to time, as such occur. During any critical dry period, water shall be apportioned in the manner determined by the Board to be in the best interests of the entire District.

D. The flows resulting in the Calaveras River and its distributaries within the District pursuant to Paragraphs 2 and 5 of the Operating Rules are considered to exceed the flows required for satisfaction of all concurrent diversions made pursuant to valid riparian rights and also valid appropriative rights prior to the appropriative rights acquired by the District.

E. Water available for storage in New Hogan Reservoir shall be controlled and released for maintenance of surface irrigation diversions from the Calaveras River System within the District.

F. The maintenance of flows in the Calaveras River System resulting from the District's past or future operations shall not be interpreted as recognition by the District of any right on the part of diverters to take water from the Calaveras River System.

G. Supplemental water supply obtainable by purchase from New Hogan Project under District's contract with United States Bureau of Reclamation will be considered property of District and subject to District's control.

**Rule 113: Maintenance of Live Stream** | *Adopted: June 20, 1972*

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In its operation of the Calaveras River and its distributaries, to the extent of its jurisdiction and control, the District shall observe the following policies:

- A. No water shall be diverted to storage in New Hogan Reservoir at any time when a live stream does not exist in Mormon Slough from Bellota to the Stockton Diverting Canal.
- B. Diversions of water into the Old Calaveras River Channel at Bellota shall be limited to times when a live stream exists in Mormon Slough from Bellota to the Stockton Diverting Canal.
- C. The application of Paragraphs A and B above shall be subject to modification when necessary for purposes of repairs, maintenance, and construction.

## Section 3: Registration and Surface Water Diversion Requirements

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This section covers the registration of water producing facilities within the District, operator identification requirements, and the rules governing surface water diversion including mandatory notification procedures and flashboard dam operations.

### Registration

#### **Rule 1: Water Producing Facilities Within District – Registration** | *Adopted: September 23, 1964*

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Irrespective of size or other distinction, all water producing facilities within the District that existed on September 20, 1963 shall be registered with the District on forms provided by the District not later than 12:00 o'clock Midnight on March 21, 1964.

Any water producing facility constructed or re-established within the District after September 20, 1963 shall be registered with the District, on forms provided by the District, not later than thirty (30) days after the construction or re-establishment of such a facility.

#### **Rule 13: Operating a Water Producing Facility** | *Adopted: November 2, 1965*

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"Operator" means the person or persons operating a water-producing facility. The owner thereof shall be conclusively presumed to be such operator unless satisfactory showing is made to the Board of Directors that such water-producing facility is actually operated by some other person or persons. If an operator fails to do any act required of him and is other than an owner, the owner shall do the act in the same manner, within the same time, and subject to the same penalties as an operator is required to do so.

On or before the first day of May of any year, any owner or owners of a water producing facility within the District must make satisfactory showing to the Board of Directors that such facility is actually operated by some other person or persons if such is the case. Failure to make such showing by May 1 shall give rise to the conclusive presumption that the owner is the operator for purposes of the Act.

### Surface Water Diversion Requirements

#### **Rule 9: Water Diversion Compliance Requirements** | *Adopted: August 3, 1965*

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A. No person shall divert water from the Calaveras River or any of its natural or artificial distributaries within the District unless such diversion is in full compliance with each of the following requirements:

1. Oral notice shall be given to the District at its office by telephone or in person at the District office or elsewhere to any regular member of the District staff at least seventy-two (72) hours prior to the start of a diversion and such notice shall include the estimated

irrigation time, the number of acres to be irrigated, the crop or crops to be irrigated, and the capacity of the pumping plant to be used.

3. After January 1, 1966, no diversion shall be accomplished by "gravity means" and all diversions shall be accomplished by means of a pumping plant with an intake at a level approved by the Secretary-Manager of the District subject to the review of the Board.

B. If any diversion contrary to, or not in compliance with, the provisions of Paragraph A, above, is commenced, the diverter shall be orally requested, and as soon as feasible, ordered in writing, by the Secretary-Manager or Watermaster of the District to cease diversion until there has been full compliance with the provisions of Paragraph A, above.

C. A written report of each failure to comply with the provisions of Paragraph A, above, known to the staff of the District stating the particulars thereof and the action of the diverter after receipt of the oral request and the written order specified in Paragraph B, above, shall be given to the Board at its next special or regular meeting following such a failure.

D. If the Board determines that it is necessary in order to secure compliance with this Rule by any diverter or group of diverters, the Board shall then direct the Secretary-Manager of the District to seek appropriate legal remedy, with the assistance of the attorneys of the District, so as to obtain full enforcement of this Rule.

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### **Rule 120: Mandatory Required Notice to District by Owner of Diversion of Stream Delivered Water** | *Adopted: Revised April 2, 2019*

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**Note: This rule incorporates and supersedes Rule No. 132 (Stream Diversion Call-In Rule) and Rule No. 139 (Regulating Waste of Surface Water).**

A. Mandatory Notification Required. Any person desiring to divert surface water provided by the District shall first inform the District at its office (6767 East Main Street, Stockton, California), at least forty-eight (48) hours prior to the start of such diversion. The District will receive such notice 7 days a week at the following numbers: Monday through Friday (8:00 a.m. to 5:00 p.m.) 209-948-0333; all other times, 209-469-3335 or online at [www.sewd.net](http://www.sewd.net). The following information must be provided: name, phone number, pump ID number, diversion rate, beginning date/time, end date/time and run time.

B. The objective of Paragraph A is to avoid waste of water, which will cause loss of a valuable resource in limited supply, affecting the District and all other agricultural irrigators in the District. The District may send a warning notification and/or send a notification failure and impose a fine in the amount anywhere between \$100.00 to \$500.00 and possible lock-off water service, as determined by the Board of Directors in their sole discretion.

C. For the first such notification failure by any person, such person will be charged \$100, and such amount will be added to such person's account with the District.

D. For the second such notification failure by any person, that person will be charged \$200, and such amount will be added to such person's account with the District.

E. The Board may, at its discretion, lock off customer's water service upon 3rd and any subsequent violation. Water service will not be restored until forty-eight (48) hours after the order is placed, that person will be charged a \$500 fine applicable for staff time to lock/unlock service, and such amount will be added to such person's account with the District.

F. Upon determination of any notification failure, the District shall notify the person who failed to follow this Rule.

G. The amount added to such person's account shall be collected as part of such person's account in the manner provided in the Act.

H. Any person charged under this Rule may appeal to the District's Board of Directors which may waive any charge imposed by this Rule, which would be inequitable under the circumstances the Board of Directors determines.

I. Diverters upon request of District shall provide District with a monthly irrigation plan to permit District to forecast irrigation demand. Diverters shall follow the plan as closely as possible.

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**Rule 103: Flashboard Dams** | *Adopted: June 20, 1972*

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A. Operating Levels. The Secretary-Manager shall determine the safe operating water level at each of the flash board dams under the District's jurisdiction. The selected safe operating water levels shall be at levels which will reduce any danger of property damage to a reasonable minimum and to allow the efficient operation of the District's distribution system with a maximum conservation of water. As circumstances require in the opinion of the Secretary-Manager, the safe operating water levels so established may be changed from time to time without notice.

B. Gravity Diversions Permitted if Within Safe Operating Levels. The taking of irrigation water by means of gravity diversion shall be permitted only if such diversion can be accomplished within the limits of such safe operating water levels established pursuant to this rule.

C. Intake Levels of Pumps. The intake level of all pumping units within the District shall be approved by the Secretary-Manager.

## Section 4: Water Use Statements, Billing, and Water Production Classifications

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This section establishes procedures for reporting water use, making payments to the District, and defines the classifications and flat rate methods used for water production from facilities not measured by an approved measuring device.

### Water Use Statements and Billing

#### **Rule 19: Water User Semi-Annual Statement – Amount Due Equal to 50% of Total Subject Water Use** | *Adopted: April 18, 1967*

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- A. The Board of Directors hereby finds and determines, pursuant to the Act, that an alternate procedure for the determination and payment of the charges and assessment for all water used except domestic water and water used for agricultural purposes on parcels of five acres or less is necessary and desirable for the efficient administration of the District.
- B. "Water user" as used in this Rule means any operator of a water-producing facility within the District pumping or diverting ground or surface water for any and all purposes except water used for domestic purposes and water used for agricultural purposes on parcels of five acres or less. "Subject water" as used in this rule means all water pumped or diverted within the District to which this rule is applicable and includes water used for purposes of Industrial, Commercial, and Municipal and all water used for agricultural purposes on parcels of more than five (5) acres.
- C. During the month of June of each year, the Secretary-Manager of the District shall mail to each water user a statement which shall be a demand for payment in the amount of fifty per cent (50%) of the total charge or assessment applicable to the subject water used on the land of the current water user during the preceding calendar year. Said statement shall be payable on the first day of July of the year in which rendered and shall be delinquent on the last day of July of the year in which rendered.
- D. On or before October 10 of each year, the Secretary-Manager shall submit to each water user of subject water within the District a questionnaire to ascertain the amount of subject water used by a water user during the calendar year for which the questionnaire is applicable. Said questionnaire shall be completed and returned to the District Office annually by each water user to whom sent on or before the November 10th following submission. The questionnaire required hereunder shall be verified by written declaration that it is made under the penalties of perjury.
- E. Upon receipt of a fully completed questionnaire, the Secretary-Manager shall prepare a year-end statement for each user of subject water and shall submit a statement to each user of subject water during December for the total amount due for water used by such a user as disclosed by the questionnaire after audit by the District less the amount paid by means of the preceding July assessment for the current calendar year. Such statements rendered during December shall be payable on the first day of the next succeeding January and shall be delinquent on the last day of the next succeeding January.

F. Any user of subject water may elect to report his subject water use for each six-month period commencing with the first six-month period of 1967 and each six-month period thereafter by filing semi-annual water production statements in the manner set forth in Section 11 of the Act.

G. This Rule shall not be applicable to any water user all of whose subject water use is measured by a volumetric water meter with totalizing dial installed, operated, and maintained in a manner approved by the Board of Directors. Such user of subject water using such a volumetric water meter shall file semi-annual water production statements in the manner provided in Section 11 of the Act.

H. Any sums not paid as required in this rule shall be subject to penalties and interest in the same manner as sums due from water users of water used by filing semi-annual water production statements.

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**Rule 20: Determination of Water User Charges on Parcels of 5 Acres or Less** |

*Adopted: June 13, 1967*

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A. The Board of Directors hereby finds and determines, pursuant to the Act, that an alternate procedure for the determination and payments for the charges and assessments for all water used for agricultural purposes on parcels of five (5) acres or less is necessary and desirable for the efficient administration of the District.

B. The provisions of Rule 19 of the Stockton & East San Joaquin Water Conservation District shall be applicable in each and every respect to all water used for agricultural purposes on parcels of five (5) acres or less and the term "water user" as defined in said Rule 19 shall for the purposes of this Rule include all users of water for agricultural purposes on parcels of five (5) acres or less.

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**Rule 111: Refunds of Overpayments** | *Adopted: June 20, 1972*

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A. Application for Refund. The owner of any water producing facility within the District who believes he has overpaid any ground water assessment or stream delivered water charge may apply to the Secretary-Manager of the District on forms prescribed by the Secretary-Manager of the District for a refund of the amount of such overpayment. Such application must be filed within three (3) years of the making of the overpayment in question.

B. Review by Secretary-Manager. Upon receipt of an application for refund, the Secretary-Manager shall review the same and then place the matter on the agenda of the Board and shall submit to the Board the application for refund and the recommendation of the Secretary-Manager.

C. Notice of Consideration. A notice of time at which the Board will consider an application for refund shall be mailed to the person making such application at least ten (10) days before the date of the time of such consideration. After the Board has acted upon the application, the Secretary-Manager shall mail a notice of the action to the person filing such application.

## Flat Rate and Special Class Water Production

### Rule 131: Procedures and Regulations for Establishing Flat Rate and Special Class Water Production | *Adopted: September 7, 1982*

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**Note: This rule incorporates and supersedes Rule No. 129 and Rule No. 127**

A. Agricultural Classification. "Agricultural classification" means water produced and used for the commercial production of agricultural crops or livestock on parcels of land operated in units of more than two (2) acres, and shall not include water used for agricultural product processing purposes, nor water used for household and landscaping purposes.

B. Domestic Classification. "Domestic classification" means water produced by a water producing facility located upon a parcel and used entirely upon said parcel for household and landscaping purposes.

C. Municipal and Industrial Classification. "Municipal and Industrial classification" means water produced and used for any purpose other than use classified as Agricultural in Paragraph A above and use classified as Domestic in Paragraph B above, and includes all water used for agricultural product processing purposes.

D. Rates Established. Effective for each calendar year, all water produced within the District is subject to assessment at the rates adopted by Ordinance for the current calendar year.

### Schedule I – Flat Rates for Agricultural Classification

#### Section I: Agricultural Classification – Ground Water (Well Water)

Rice: 5.3 acre feet per acre per year | Grain: 1.0 acre feet per acre per year | All other crops: 2.8 acre feet per acre per year

#### Section II: Agricultural Classification – Stream Delivered Water (River Water)

Rice: 5.3 acre feet per acre per year | Grain: 1.0 acre feet per acre per year | All other crops: 2.8 acre feet per acre per year

#### Section III: Agricultural Classification – Stream Delivered Water (River Water) Special Class – Potter Creek

Potter Creek channels carry water during the irrigation season provided by diversion of Calaveras River water. The District claims all water in Potter Creek channels. All water diverted from Potter Creek within the District shall be metered in accordance with the Board's Order issued March 13, 1979, and District Rule No. 123. No allowance or consideration shall be granted for claims of prior diversion of drainage water not originating upon claimant's property. The diversion of water into Potter Creek by the District is subject to complete termination or reduction if it becomes necessary to adopt priority schedules for water use in the event demand exceeds available supply or in the event dry year conditions limit District water supply.

#### Section IV: Exemptions from Pump Assessment

In recognition of the fact that full beneficial use of certain wells within certain portions of the District may be adversely affected by ground water conditions not under the control of the well owner or the District, exemptions to the current pump tax assessments which would otherwise be applicable to the use of an individual well may be granted by the District, on a case by case basis, under the provision of this Rule, as follows:

A. Wells otherwise subject to Municipal or Domestic pump tax assessments which produce water with specific conductivity greater than 600 micromhos per centimeter are exempted from the applicable pump tax assessment.

B. Wells otherwise subject to Agricultural pump tax assessments which produce water with specific conductivity greater than 1,300 micromhos per centimeter are exempted from the applicable pump tax assessment.

C. Wells which provide water for both Municipal or Domestic and Agricultural uses are exempted from that portion of the total pump tax assessments that would otherwise be applicable due to its use for Municipal or Domestic purposes if such well produces water with specific conductivity greater than 600 micromhos per centimeter but less than 1,300 micromhos per centimeter.

D. Determination of the specific conductivity of water produced by a well will be made by the District at no charge to the owner, upon receipt from the owner of a written request for such determination, not later than June 20, of the year for which the request is being made, to permit testing during the month of July and August.

E. A well that has been tested and has been classified as either exempt or not exempt from the applicable pump tax assessment will normally retain that classification for a period of four (4) years, and not be retested during that period.

F. This rule shall apply only to those wells located in the following areas of the District:

- (1) That portion of the Metropolitan Stockton Area located west of Highway 99;
- (2) That portion of the District designated as the South Planning Area; and
- (3) That portion of the District designated as the North Planning Area.

#### Section V: Unit Values for Flat Rate Domestic and Municipal Ground Water

A. Single Family Residence; Commercial Building; First Unit of a Multiple Commercial Building, Motels, Trailer Parks, or Multiple Family Residences, including landscaping on sites two (2) acres or less: 1 Unit

B. Each additional housing unit of Motels, Multiple Commercial Buildings, Multiple Family Residences, or Trailers in Trailer Parks: 1/3 Unit

## Section 5: Water Rights

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This section establishes the system of water rights allowances for surface water diverters within the District, based on the 1969 Water Rights Study.

### **Rule 109: Water Rights Claims** | *Adopted: June 20, 1972*

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A. (1) All assessments and charges levied for the period subsequent to January 1, 1972 shall contain allowances for the water rights of each surface water diverter from the Calaveras River as shown by the findings of the Water Rights Study, modified as follows:

(a) The entitlement of riparian diverters between the east line of the Escalon-Bellota Road Bridge and the west line of Section 4, Township 2 North, Range 9 East, M.D.B.& M. is 35%;

(b) The entitlement of riparian diverters between the west line of Section 4, Township 2 North, Range 9 East, M.D.B.& M. and the west line of Section 35, Township 3 North, Range 9 East, M.D.B.& M. is 40%;

(c) The entitlement of riparian diverters between the west line of Section 35, Township 3 North, Range 9 East, M.D.B.& M. to the San Joaquin-Stanislaus county line is 45%;

(d) The entitlement of a diverter in the areas described above may be increased by resolution of the Board of Directors based on reasonable evidence that such diverter is entitled to additional rights, whether prescriptive, riparian, appropriative, or "use," not taken into account in the Water Rights Study.

(2) Since the percentage allowance assigned to each surface water diverter in the Water Rights Study is based upon water use at the time of said Study and is subject to correction if there is additional surface water irrigation of riparian land, the Secretary-Manager is authorized and directed to recalculate the percentage of allowance due to each individual surface water diverter based on the data contained in the Water Rights Study and changes in the use of surface water along the Calaveras River System.

(3) Any water right allowance granted to a diverter pursuant to this Rule may be modified or abolished by a Rule adopted by this District and is granted solely for the purpose of levying a charge for surface water use and is not a determination binding either upon the District or the diverter for any other purpose.

B. Any landowner who has a water rights allowance recognized by this District may take water after October 30th and prior to the following April 1st of any consecutive years without payment and without having such taking applied in satisfaction of such a landowner's water right allowance recognized by the District, provided that any such landowner shall provide such report necessary to substantiate the actual time of water use as are satisfactory to the Collector.

C. This rule succeeds former Rules 10, 15, 21, 23, and 26 of this District.

## Section 6: Water Measurement and Metering

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This section governs how water production is measured, the methods used when approved measuring devices are not present, and requirements for meter installation and maintenance.

### **Rule 2: Determining the Amount of Water Produced by a Water Producing Facility**

| *Adopted: October 15, 1963*

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Establishes the methods used by the District to determine water production for assessment and billing purposes. Water production may be determined through approved water measuring devices or by approved calculation methods. Additional procedures for facilities without approved water measuring devices are provided in Rule 107.

### **Rule 6: The Measurement of Water Produced from Using Elapsed Time Meters**

| *Adopted: June 23, 1964*

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All diverters of water within the District who divert water from the Calaveras River or one of its distributaries by means of an electrically powered pump shall have installed upon their electric service a lapsed time meter which will be capable of recording the time of operation of the river pump. The District shall purchase and install the meter, and the operator shall be responsible for the cost of the meter and installation.

### **Rule 104: The Measurement of Water Produced from both Ground and Surface Sources and used on one Parcel of Land**

| *Adopted: June 20, 1972*

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When groundwater and surface water are used on the same parcel and water use cannot otherwise be accurately determined, the District may require installation of a volumetric water meter to measure surface water diversions.

A-C. This is not applicable to customers and is provided for reference purposes only. The complete rule is available upon request from District staff.

D. Action if Meter Refused. In any case in which a diverter refuses to allow the installation of a volumetric water meter as provided in this rule, and after the Collector has given thirty (30) days written notice to such diverter of the provisions of this rule, the Collector may compute the charge for all water used thereafter on such a parcel entirely at the surface water rate.

E. Parcel. As used in this rule, "parcel" means any San Joaquin County assessor's parcel or any two or more San Joaquin County assessor's parcels which are contiguous and in identical ownership.

### **Rule 107: The Measurement of Water Produced by Water Producing Facilities Without Approved Water Measuring Devices**

| *Adopted: June 20, 1972*

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The calculation of the amount of water produced from a water producing facility, other than a domestic water producing facility, which is not measured by a water measuring device approved by the Collector, shall be based upon the following factors:

- A. Actual Efficiency of Water Producing Facility. The actual efficiency of the water producing facility as determined by the Collector.
- B. Energy Consumed. The total energy consumed in pumping based upon meter kilowatt energy consumed in pumping as measured by meter, or if another source of energy is utilized, based upon metered or volumetric fuel consumption records maintained in a manner approved by the Board of Directors.
- C. Acres Irrigated and Crops Produced. The actual number of acres irrigated and the crops produced.
- D. Elapsed Time Meter. Information furnished by an elapsed time meter installed and maintained by the District and metering the Collector's current requirements for such meters.

**Rule 110: Alternate Procedures – Water Producing Facilities Equipped with Water Measuring Devices** | *Adopted: June 20, 1972*

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- A. Approved Water Measuring Devices to be Read by Owner. All owners of water producing facilities within the District, the water production of which is measured by a water measuring device approved by the Collector, and who elect to report their water production based on the record maintained by such water measuring device shall on June 30 and December 31 of each calendar year, record the then current reading of such approved measuring device.
- B. Readings to be Reported to Collector. The readings taken pursuant to Paragraph A above shall be reported under penalty of perjury by the owner of the water producing facility, and shall be transmitted by the owner to the Collector within one month following the taking of such readings.
- C. Progress Billing. At the time next designated for the mailing of progress bills in the Act, the Collector shall mail to the owner of a facility equipped with an approved water measuring device a bill stating the exact amount owed by the owner based upon the current reported reading of his measurement device.
- D. Payment of Progress Bill. The owner must pay the amount indicated on this bill within the same time period applicable to the payment of progress bills for non-volumetric water producing facilities under the provisions of Section 11 of the Act, and a failure to do so will subject him to penalties identical to those enumerated in said Section 11 of the Act.
- E. Annual Bill. Submission and payment of the annual bill in the case of water producing facilities equipped with a water measuring device approved by the Collector shall be as provided in Section 13 of the Act.

F. Water Measuring Devices to be Read by District. The District may read all water measuring devices from time to time whether such water measuring devices were originally installed by the District or by the owner of a water producing facility.

G. Maintenance and Inspection. No water measuring device shall be deemed to be a "water measuring device approved by the Collector" unless the owner of the water producing facility on which such water measuring device is installed permits periodic inspection and maintenance of such water measuring device by the District.

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**Rule 123: Meters** | *Adopted: May 1, 1979*

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A. The staff of Stockton East Water District shall recommend to the Board installation of a meter or water-measuring device on any agricultural water-producing facility, except as noted in Paragraph G herein, where such meter or device is necessary to carry out the purposes of the Act, in the discretion of the District. This recommendation shall be accompanied by a plan for physically installing the meter and necessary engineering drawings for such installation. Prior to making such recommendations to the Board, the staff shall notify the owner of the water-producing facility of the proposed recommendations so that the owner may appear and comment at the meeting in which the Board will hear that recommendation.

B. The Board shall consider the recommendations of the staff, the comments of the owner of the agricultural water-producing facility, and shall by resolution direct the staff to proceed with installation of its meter or water-measuring device, if in the judgment of the Board such installation is necessary to carry out the purposes of the Act.

C. Such installation, if directed by the Board, shall take place in two steps:

1. The District shall provide to the owner of the agricultural water-producing facility a meter containment tube which shall be complete with a pre-cut hole for installation of the meter or water-measuring device and shall have straightening vanes installed. Within thirty (30) days after provision of such meter containment tube (unless such time is extended by the Board), the owner shall install it in accordance with the engineering drawing and plan submitted by the staff.

2. As soon as possible thereafter, the staff of the District shall install the meter or water-measuring device.

D. In the event such a meter or water-measuring device is placed on any agricultural water-producing facility, an annual charge for the installation, so long as such meter or water-measuring device is in place and operable, shall be charged to the owner as a separate charge on his annual water bill. Said charges shall be in accordance with the fee schedule established by the District.

E. The meter shall remain the property of the District and shall be maintained and inspected by the District thereafter. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures, or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any meter or water-measuring device, so as to cause such meter or water-

measuring device to improperly or inaccurately measure and record water production, shall be subject to the penalties set forth in the Act.

F. If the Board determines that it is necessary in order to secure compliance with this rule by any owner, the Board shall then direct the Secretary-Manager of the District to seek appropriate remedies with the assistance of the attorneys for the District so as to obtain full enforcement of this rule. In accordance with Section 22 of the Act, it is hereby provided that the District shall not deliver or make available water to any owner who shall fail to install the meter containment tube in accordance with the engineering drawing within thirty (30) days of the time of provision of such meter containment tube to the owner (unless such time is extended by the Board), or who shall interfere with the subsequent installation of the meter or water-measuring device.

G. Paragraphs A and B of this rule shall not apply to agricultural surface water-producing facilities installed after May 1, 1979, and the installation of meters or water-measuring devices on such facilities shall be deemed to have been judged necessary, and installation of meters or water-measuring devices on such facilities shall take place in accordance with Paragraphs C, D, E and F of this Rule.

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**Rule 148: Revised Rule for Meters (Ordinance 21) | Adopted: January 13, 1998**

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The Board does hereby determine that all surface water facilities shall be metered no later than January 1, 2005. The District shall undertake installation of required meters.

The owner of a surface water facility shall be charged annually for the cost of installation, operation and maintenance of the meter, so long as the meter or water-measuring device is in place and operable. Said charge shall be made as a separate charge on the owner's annual water bill from the District.

Charges for meters installed prior to January 1, 1998 shall be in accordance with the following schedule:

4" meter: \$37.00 | 6" meter: \$38.00 | 8" meter: \$40.00 | 10" meter: \$43.00  
12" meter: \$45.00 | 14" meter: \$47.00 | 16" meter: \$51.00 | 18" meter: \$63.00  
20" meter: \$67.00 | 22" meter: \$70.00 | 24" meter: \$73.00 | 30" meter: \$80.00

Charges for meters installed after January 1, 1998 shall be in accordance with the following schedule:

4" meter: \$102.00 | 6" meter: \$105.00 | 8" meter: \$111.00 | 10" meter: \$119.00  
12" meter: \$125.00 | 14" meter: \$130.00 | 16" meter: \$141.00 | 18" meter: \$175.00  
20" meter: \$186.00 | 22" meter: \$194.00 | 24" meter: \$202.00 | 30" meter: \$222.00

For meters or water-measuring devices that are of sizes different from those shown on the schedule, District staff shall recommend an annual charge consistent with the schedules.

The meter shall remain the property of the District and shall be maintained and inspected by the District thereafter as needed. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with any meter or water-measuring device, so as to cause such meter or water-measuring device to improperly or

inaccurately measure and record water production, shall be subject to the penalties set forth in the Act, and the Water Code.

If the Board of Directors of the District determines that it is necessary in order to secure compliance with this Rule/Ordinance by any owner, the Board shall then direct the Secretary-Manager of the District to seek appropriate remedies with the assistance of the attorneys for the District so as to obtain full enforcement of this Rule/Ordinance. In accordance with Section 22 of the Act, it is hereby provided that the District shall not deliver or make available water to any owner who shall fail to have a meter installed in accordance with this rule or who shall interfere with the installation of the meter or water-measuring device.

In accordance with Water Code Section 74652, it is a misdemeanor for any person to violate any District ordinance adopted pursuant to Section 74650 from and after the publication or posting of the ordinance pursuant to Section 74651. The violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment in the county jail not to exceed 30 days, or by both fine and imprisonment. Any violation or threatened violation may also be enjoined by civil action.