

SECTION G: WATER

G1. WATER SEASON

- (a) Except as otherwise determined by the Board of Directors, the water season shall begin on March 15th of and run through November 15th.
- (b) Factors to be considered by the Board when setting the water season include, without limitation, the annual run-off forecast, Lahontan storage, and soil conditions.
- (c) Except where exceptional circumstances may exist, the Board will set the start and end dates of the water season at its regular March board meeting.
- (d) The last day to accept water orders shall be five (5) days prior to the close of the irrigation season, or as otherwise set by the Board.
- (e) The closing date of each season and the last day to schedule water delivery shall be posted on the October water card.
- (f) In the event of a short water season the District shall post the last day of delivery and the date upon which to order on the water card that is mailed prior to the seasons close.
- (g) Water orders made after the last day to order, as set by the Board, may be subject to cancellation without notice to the water user.
- (h) Notice of the start date and close date for a water season shall be given by publication in the Lahontan Valley News or in another publication of general circulation, and by posting on the District website at www.@tcid.org.

G2. CHANGE IN WATER DUTY

- (a) Upon a request by a land owner for a change in water duty, the Board shall review such request and thereafter provide a recommendation to the Federal Water Master regarding any proposed change of water duty in the Newlands Project.
- (b) The recommendation for a change in water duty shall be made and based upon competent evidence presented at a hearing before the Board.
- (c) Beneficial use, as applied to the production of alfalfa, shall be the standard when considering water duty.
- (d) Evidence to be considered by the Board when considering a change in water duty, may include, without limitation, factors such as water tables, soil types, surrounding soil types, farm practices, and water use history.
- (e) The following checklist of items shall guide the Board's recommendation.

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1. A review shall be performed by NRCS, or by another qualified person or entity, determining the following:
 - a. Location of farm unit(s) on soil survey map;
 - b. Water holding capacity of soil(s);
 - c. Water table data and monitoring information and,
 - d. Recommendation of the soil scientist.
2. District Staff Review shall include the following factors:
 - a. Adequacy of maintenance of water user irrigation facilities;
 - b. Evaluation of the adequacy of District system with respect to the individual's operation;
 - c. Recommendation of the irrigation engineer as to how the applicant could improve his operation; and,
 - d. Review of Irrigation History.
3. Review of Irrigation History shall include the following factors:
 - a. Number of acre-feet applied per irrigated acre;
 - b. Irrigation scheduling;
 - c. Acres in production;
 - d. Type of crop(s);
 - e. Farm management; and,
 - f. 5 to 10 years of Irrigation History shall be considered.

G3. DELIVERY AND MEASUREMENT OF WATER

- (a) All deliveries of water in the Newlands Project shall be measured and reported accurately by District staff.
- (b) Water deliveries in excess of the duty established for any parcel are prohibited.
- (c) Water order scheduling shall consist of the following:
 1. Serial Number associated with the intended delivery;
 2. All contact information for the water user;
 3. The takeout for a parcel;
 4. The rate of flow;
 5. The number of hours;
 6. Total number of acres to be watered; and,
 7. Special circumstances relating to the water order.
- (d) District staff shall report the following information for each water delivery made:
 1. Time delivery commenced;
 2. Time delivery ended;
 3. Flow rate in cubic feet per second for water delivery; and,

- 4. Total amount of water used.
- (e) Disputes in water charges shall be dealt with as provided for in the rules and regulations for the water season set by the Board at its March regular meeting.
- (f) On ditches with measuring devices, the metered totals must be used to record water usage with the appropriate loss established by District staff.
- (g) Other conditions of water delivery and measurement shall be made and provided for in the rules and regulations set by the Board at its March regular meeting.

G4. INSTALLATION OF MEASUREMENT DEVICES:

- (a) District staff may enter Newlands Project lands as necessary for purposes of installation of water measurement devices.
- (b) Any dispute relating to installation of a water measurement device shall be made to the O&M Committee for recommendation and then to the Board for final decision.

G5. PROTOCOL FOR CALCULATING SEEPAGE LOSSES:

- (a) When a new measurement device is installed in a lateral the District Water Master shall provide a seepage loss associated with such device as necessary.
- (b) Measurements shall be made by District staff during the course of the season to verify the measurement device accuracy.
- (c) Delivery losses will be averaged and prorated based upon the distance downstream of the meter and to other takeouts on the lateral.
- (d) Delivery losses shall be deducted, as applicable, to all measurement device readings.
- (e) The following guidelines shall be implemented by District staff to ensure accurate water delivery;
 - 1. No less than two (2) measurements for each measurement device shall be made during the year for each measurement device;
 - 2. A deliverable head must exist for each measurement made;
 - 3. Each water measurement shall be made by District staff utilizing the best suited equipment for the conditions;
 - 4. No less than three (3) current measurements shall be performed during the course of a water season associated with applied losses to water users using current meter measurements at the head gate or appropriate location directly above a point of delivery;
 - 5. No changes in losses associated with delivery analysis will be made without Water Conservation Coordinator approval, as identified in the Water Conservation Plan pursuant to contract number 7-07-20-X0348, and supporting documentation;

6. Any disputes relating to seepage loss rates shall be dealt with pursuant to the rules and regulations for water delivery approved by the Board at the March regular meeting; and,
7. Seepage losses associated with water deliveries may be re-evaluated in the future if conditions warrant the same;

G6. TRANSFERS OF WATER RIGHTS

(a) Any temporary transfer or permanent water right transfer must be filed and approved by the State Engineer 60 days prior to the end of a normal irrigation season (75% or above) for addition to the water right owner's allocation during the current irrigation season. During a short irrigation season (75% or below), the deadline for approval by the State Engineer would be July 1st. In any instance where a temporary transfer has not been pursued timely as described herein, the District cannot guarantee that water delivery will be available.

(b) The District will protest all applications to appropriate or transfer the waters of the State of Nevada, which might negatively impact the Newlands Project.

(c) Purchase/Transfer of Newlands Project Water Rights to Lahontan Valley Wetlands. The following factors shall guide the purchase/transfer of Newlands Project Water Rights to Lahontan Valley Wetlands:

- a. Concentration should be made on lands serviced by the same lateral or sub-lateral;
 - b. Concentration should begin at, and move upstream from, the terminus of the lateral/sub-lateral;
 - c. An effort should be made to acquire lands in "blocks" or "groups" rather than helter-skelter, which would create a "checkerboard" effect;
 - d. The water rights acquired should not cause adverse effects on the agricultural community, the local economy, or the environment; and,
 - e. The entity, "owner", must be willing to be financially and contractually responsible to make payment of the annual O&M charges for the Newlands Project.
2. No transfer of a water right should be allowed outside the Newlands Project. The water should be kept in the Lahontan Valley for use of the wetlands, which are an integral part of the Pacific Flyway.
 3. To the extent possible, water should remain stored in Lahontan Reservoir,
 - a. Recreation.
 - b. Hydro electric energy generation.
 - c. Fish and wildlife habitat.

G7. WATER RIGHT TRANSFER CORRECTIONS

District staff shall provide water users information relating to any water right transfer corrections made without charge to the water right owner.

G8. UNAUTHORIZED USE OF WATER:

(a) The following constitute unauthorized uses of water in the Newlands Project:

1. Taking water from a Newlands Project facility without a water right;
2. Applying water to non-water righted ground;
3. Failure to obtain a domestic or commercial pump permit;
4. Wasting water or applying water to any land without a beneficial use;
5. Placement of a water order without direction by a ditch rider to proceed with water delivery;
6. Failure to comply with directions given by ditch rider relating to water delivery; and,
7. The use of any water within the Newlands Project in violation of District policy, state and federal law, and the Operating Criteria for the Newlands Federal Reclamation Project, Nevada (OCAP).

(b) In the event of an unauthorized use of water, District staff shall undertake all action necessary to eliminate any such unauthorized use, including without limitation, stopping of water deliveries, and/or locking of gates.

(c) Where water delivery has been stopped because of an unauthorized use, a water user may then appeal to the O&M Committee for restoration of water delivery. The committee shall have authority to determine what, if any, remedy should be imposed associated with the unauthorized use including, without limitation, any of the following:

1. Charging the use against a water right holder's annual allocation;
2. Imposing an appropriate limitation on a water right holder's annual allocation in the future;
3. Imposing a financial penalty as provided by the District's Fee Schedule, Section H;
4. Imposing a financial penalty where no water is available to charge against the use; and,

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5. Provide by agreement, with the water right holder, a resolution relating to the unauthorized use.

(d) Where the Committee provides by agreement, as stated here in above, the resolution of a case involving or relating to an unauthorized use, the agreement shall be presented to the Board for final approval.

G9. DELIVERY OF WATER TO NON-WATER-RIGHTED LAND

The District shall not deliver water to fields that contain non-water-righted land. The following conditions may apply to a water right holder to provide for proper water delivery to water righted land:

- a. If a field contains non-water-righted land that is being watered, the owner must first obtain from the District office a photograph of the field or fields in question. The owner shall then determine what part or parts of the field will not be watered so as to achieve balance between irrigable lands and existing water rights. The water right owner will submit to the District a diagram illustrating such determination.

Upon District approval, the property owner shall provide for the placement of physical barriers, or newly created checks. Upon inspection and approval by District staff, orders may again be placed and water delivered in the ordinary course.

- b. The water right owner shall then apply to the State Engineer for a permanent transfer of water rights.
- c. Except in the event of written objections made to an application for a permanent water right transfer, a report of any such transfers shall be provided to Reclamation for purposes associated with OCAP.

FERNLEY STOCKWATER PIPELINE

In the Fernley area, the District will provide stock water to specific water righted land through the Fernley stockwater pipeline system (see the Fernley Stockwater Pipeline map). The charge for service from the Fernley stockwater pipeline will be established annually by the Board. The Fernley stockwater pipeline water is not to be used other than for stock watering purposes.

When land that is serviced by the Fernley stockwater pipeline is divided or parceled, service from the stockwater pipeline shall be discontinued and the pipeline removed. However, service from the stockwater pipeline shall be continued to that portion of the divided land which is considered to be the original homestead if water rights are retained thereon and there continues to be a need for stockwater. (12/9/96)

If the Truckee Canal does not have enough water to provide water to the stockwater pipeline for reasons beyond the control of the District there is no responsibility of the District to provide water to the stock. If the outage of water in the Truckee Canal can be directly attributable to the District (maintenance on the Canal) then the District will be responsible to deliver water to the stock. (2/8/10)

G11. ORIGINAL CONSTRUCTION CHARGES

Upon signing of a water right agreement, a parcel split, or a transfer of water rights, all remaining original construction charges shall be paid by a water user.

G12. TAKE-OUTS WHERE WATER RIGHTS HAVE BEEN REMOVED

When water rights are removed from land by permit issued by the State Engineer, the owner of the property shall be notified in writing by the District that the takeout or takeouts for the property must be made inoperable or removed entirely. In the event that alternative arrangements have not been made by the property owner, the takeout or takeouts will be removed or made inoperable sixty (60) days after the date of the writing. If the owner requests that a takeout not be removed or made inoperable, such request may then be granted, in the discretion of the District.

G13. WATER DELIVERIES TO FARMS PURSUANT TO NRS 533.040(4)

I. **Purposes**

Nevada law (NRS 533.040(4)) provides that a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm -upon the granting of a permit by the State Engineer. The quantity of water available for use on such a farm created pursuant to NRS 533.040(4) must not exceed the total amount determined by applicable decrees as designated in the permit granted by the State Engineer.

The purpose of this Policy is to advance the intent of state law through the reasonable and economical delivery of water to a farm as defined by NRS 533.040(7). The reasonable and economical delivery of water may include the ability of a Person, during periods of drought, to incur the benefits, including, without limitation, fallowing practices and the establishment of new permanent crops.

This Policy is further intended to achieve compliance with certain Federal Regulation made applicable to the District, namely: OCAP. For purposes of this Policy, words which appear in bold face, and with the first letter capitalized, have specially defined meanings as set forth in the definition section. Where not used in bold face and capitalized, words shall connote their ordinary meaning.

II. **Definitions**

- A. **“Applicable Decrees”** means the Orr Ditch Decree (Truckee River) (In Equity No. A-3 (1944); and, the Alpine Decree (Carson River) (Case No. D-183 BRT (1980)).
- B. **“Farm”**, as defined by NRS 533.040(4) and (7) means a tract of land that is owned or leased by the same **Person** and is used primarily for agricultural

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purposes –regardless of whether or not the tracts are contiguous with one another.

- C. “**Contract**” means the contract had between the **District** and **Reclamation** for the care, operation, and maintenance of the Newlands Federal Reclamation Project (**Reclamation Project**) (No. 7-07-20-X0348).
- D. “**Control Number**” means a number given to a **Farm** by the **District** by which the ordering and delivery of water is made and reported to **Reclamation** for all purposes associated with the **Contract** and **OCAP**.
- E. “**Designation Map**” means a map submitted by a **Person** to the **District** designating those places upon the **Farm** where water is to be applied in any given year of operation of said **Farm**.
- F. “**District**” means the Truckee-Carson Irrigation District or TCID, a political subdivision of the State of Nevada.
- G. “**Federal Water Master**” means that person, or his authorized representative, appointed by the United States District Court for the District of Nevada to administer the Applicable Decrees.
- H. “**Head Gate**” means a facility or structure controlling the flow of water providing a point or points of delivery of water to a **Farm**. “**OCAP**” means the Operational Criteria and Procedures for the **Reclamation Project**, Nevada (43 C.F.R. Part 418).
- J. “**Permit**” means written authorization by the State Engineer giving a person permission to operate a farm within the meaning of NRS 533.480(4).
- K. “**Person**” shall have that meaning ascribed to it by NRS 0.039: “Person” means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.
- L. “**Place of Use**” means the entire farm, including owned and/or leased tracts of land.
- M. “**Quantity of Water Available**” means the total of all water righted acreage of a farm multiplied by the applicable duty as defined by the applicable Decrees.
- N. “**Reclamation**” means the United States Bureau of Reclamation, Department of the Interior.
- O. “**Reclamation Project**” means the Newlands Federal Reclamation Project.
- P. “**Regulatory Authority**” means the power of the District, pursuant to NRS 539.233, acting through the Board of Directors, to establish bylaws, rules and regulations for the distribution and use of water in the District.

- Q. “**State Engineer**” means the State Engineer or any duly authorized assistant.
- R. “**Water Season**” means the term (suggest “timeframe”?) established by the Board of Directors for the **District, as determined on a yearly basis**, during which water will be delivered within the **Reclamation Project** pursuant to Management Policy G: Water.

III. **District Procedures for Water Delivery to Farms Created by NRS 533.040(4).**

A. **Presentation of Permit Creating Farm**

A **Person** must present the **District** with a **Permit** establishing a **Farm** as defined by NRS 533.040(4) and 533.040(7).

B. **Control Numbers**

The **District** will assign a 9000 series **Control Number** to each **Farm**.

C. **Quantity of Water Available**

The **Quantity of Water Available** to a **Farm** will be determined by the **State Engineer** in the **Permit** and must be reflected in the **Designation Map**. To the extent possible, the **District**, through its delivery accounting processes will provide notice to a **Person** that the amount of water applied to a parcel of land within the **Farm**, as described in the **Designation Map**, has exceeded the duty as described in the **Applicable Decrees**. Further delivery to that parcel will not be made.

D. **Designation Map**

Pursuant to the **Regulatory Authority** granted the **District**, each **Person** must provide a **Designation Map** to the **District** on an annual basis, on or before the 1st day of February of each year of operation of a **Farm** –unless no change of **Place of Use** of the water within the **Farm** is intended in that **Water Season**. The **Designation Map** need not be created by a licensed surveyor and may be based upon an internet based aerial photograph or other like instrument. A **Designation Map** may be amended during the course of a **Water Season** so long as the conditions of the **Permit** creating the **Farm** are not exceeded. The **District** will provide a copy of the **Designation Map** to the State Engineer.

For purposes of scheduling and delivery of water to a **Farm**, each **Designation Map** will identify the delivery structures common to parcels within the **Farm**. For illustrative purposes only, with no reference to any existing **Farm** intended, assume that a **Farm** has been created and bears Control Number 9000. Zones within the **Farm** will be established identifying the delivery facilities, and the corresponding serial numbers, for that zone of the **Farm** which is to be served when a **Person** places a water order. For example only, at minimum each **Designation Map** should include the following information:

DESIGNATION MAP: FARM 9000 –Consisting of Zone A, B, C, D, E, and F.

Total Acreage: _____
 Total Eligible Lands for Water Delivery: _____
 Total Quantity of Water Available: _____

Zone(s)	Serial Number(s)	Takeout(s)
Zone A	689	S8-T12, T13, T14
Zone B	669	S7-T4, T5
Zone C	672, 680	S7-2-T4, S10-T2, T4, T6
Zone D	815	S-T18
Zone E	818	S6-T27
Zone F	2161, 2175	S-T22

Each **Person** creating a **Farm** including leased lands must obtain from the owner of such leased land acknowledgment and consent, in writing, in a form provided by the **District**, that the **Person** may exercise full control over the leased grounds including the scheduling of water delivery and water delivery system maintenance.

E. Inclusion of New Lands

The inclusion of new lands within the **Farm** will require that a change application be made to the **State Engineer**.

F. Increased Water Delivery to Newly Sown Crops

Except where the practice may exceed the duty described in the **Applicable Decrees** and the **Total Quantity of Water Available**, a **Person** may apply an additional 10% of water to parcels within the **Farm** for the benefit of newly sown crops. The application of additional water to a parcel within a **Farm** is subject to on-site verification by the **District**.

G. Leased Grounds

As provided for by NRS 533.040(4), leased grounds may be included in a **Farm**. Pursuant to the **Regulatory Authority** granted the **District**, each **Person** must provide the **District** with a written instrument, acknowledged by the owner of the leased grounds, providing that a **Person** is fully authorized to make the water right appurtenant to the entire **Farm**; and, accordingly, the leased grounds may be fully managed for use within a **Farm** by a **Person**. A **Person** must provide immediate notice to the **District** and the **State Engineer** of the termination of any leased grounds made a part of a **Farm**.

H. Limitation on Creation of a Farm

Except, as may be otherwise provided by federal law, no governmental agency or political subdivision of the State of Nevada may apply for water delivery as a **Farm**.

ACKNOWLEDGMENT AND CONSENT FOR INCLUSION OF LEASED LAND IN A FARM

THIS ACKNOWLEDGMENT AND CONSENT FOR INCLUSION OF LEASED LAND IN A FARM is made and entered into as of the _____ day of _____, _____, by and between _____ (Lessor) and _____ (Lessee) (the “Parties” hereto).

W I T N E S S E T H

WHEREAS, NRS 533.040(4) provides that a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of the place of use by the State Engineer which designates the place of use as the entire farm; and,

WHEREAS, the Lessee, by agreement had with the Lessor, which agreement is hereby acknowledged, has obtained from the Lessor consent to, and the lease of, that certain real property (hereinafter “leased land”), together with the right to the use of the water now appurtenant thereto, more particularly described in the official records of the Truckee-Carson Irrigation District as Serial No. _____; and,

WHEREAS, the Lessee, upon application made, or to be made, to the State Engineer, seeks a permit providing for the creation of a farm as described in NRS 533.040(4) and (7); and,

WHEREAS, the Parties hereto desire that the leased land, and the water right appurtenant thereto, be included as part of a farm as defined by NRS 533.040(7), subject to the benefits and burdens associated therewith including the application of water to all beneficial uses; and,

NOW, THEREFORE, the Parties hereto acknowledge and consent to the inclusion of the leased land in a farm, upon an application for a permit by the Lessee, pursuant to NRS 533.040(4) and (7), subject to the following terms and conditions:

1. The water right appurtenant to the leased land, more particularly described in the official records of the Truckee-Carson Irrigation District as Serial No. _____, be, and the same is made appurtenant to a farm to be created upon application for a permit by the Lessee to the State Engineer.
2. During the term of the lease of said leased land, the Lessee shall exercise full control of the said water right, which water shall be made appurtenant to the farm described herein. That use by Lessee of the said water right may include placement of water to uses upon other lands within the farm.
3. The Lessee will be responsible for all purposes relating to the maintenance of the facilities associated with delivery of water to the leased lands and for the scheduling and delivery of water thereto.
4. The Lessee will be responsible to comply with all regulations for distribution of water which have been or may be imposed by the Truckee-Carson Irrigation pursuant to NRS 539.233.
5. Upon termination of the lease, unless the same is to be renewed, immediate notice of its termination must be given to the Truckee-Carson Irrigation District and the State Engineer. At termination of the lease, all right to the exercise and

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control by the Lessee of the water right appurtenant to the leased land will cease and shall be restored to the Lessor for use only upon the leased land described as Serial No. _____.

- 6. The Lessee will comply with all conditions of the permit granted by the State Engineer.
- 7. The Lessee must use the leased land primarily for agricultural purposes.

DATED this _____ day of _____, _____.

Lessor: _____

Lessee: _____

State of Nevada
County of _____

State of Nevada
County of _____

This instrument was acknowledged before me on _____
on

this instrument was acknowledged before me

_____ By: _____

_____ By: _____

Date Lessee

Date Lessor

Signature of Notary

Signature of Notary

(Notary Stamp)

(Notary Stamp)

G14. PROCEDURE FOR TROUBLE CALLS

In the event of actual or potential failure of a District maintained water delivery or drainage facility or feature, the following procedures shall apply for trouble calls:

- 1. Any person, including District employees, observing the failure of potential failure of a District maintained Newlands Project water delivery or drainage facility or feature may contact the District and report a trouble call.
- 2. Report of the trouble call shall be made on a form approved by the General Manager and provided to the District Construction Manager for inspection and possible action.

3. If the facility failure, or potential facility failure, threatens injury to another person or persons, or may result in property damage, notice must also be given to law enforcement, emergency response personnel, and Reclamation.
4. Upon a report of the trouble call having been made, the District Construction Manager shall, undertake such action as is or may be necessary to correct the failure or potential failure.
5. Following any correction action taken by the District, relating to the actual or potential failure of a facility or feature, a report of such action shall be made to the O&M Committee for its consideration, including, without limitation, such recommendation(s) for consideration by the Board..

G15. SEASONAL WATER DELIVERY RULES AND REGULATIONS

- (a) Pursuant to authority conferred upon an irrigation district pursuant to NRS 539.233, no later than the date of the first regular meeting of the Board of Directors, conducted in the month of February, each year, the Board shall consider and approve a schedule of water delivery Rules and Regulation.
- (b) The rules and regulations approved by the Board shall be printed in convenient form for distribution throughout the District including electronic notification on the District website.
- (c) Seasonal water delivery rules and regulations will vary year to year, and are intended to be revised with Board approval on an annual basis, by consideration of conditions based upon conditions including, without limitation, hydrology, weather forecasts, and revisions made to District policy.

Truckee-Carson Irrigation District

20__ Water Season

Water Delivery Rules and Regulations

Procedures for Ordering/Scheduling/Delivery of Irrigation Water

Important Phone Numbers:

- 1. Main Office Phone: 775-423-2141**
- 2. Water Right/Mapping: 775-423-2141**
- 3. Main Office Fax: 775-423-5354**
- 4. Water Order Phone: 775-423-6511**
- 5. Maintenance Emergency Contact: 775-427-0964**
- 6. Work Order Requests/Trouble Calls: 775-423-6511**
- 7. Water Master and Scheduling: 775-423-6511**
- 8. Fernley Area Water Order Phone: Toll Free 1-877-803-7166**
- 9. Truckee (Fernley) Division District Ditch rider: 775-427-9840 or
Toll Free 1-877-627-2475**
- 10. East District Ditch rider: 775-427-0031**
- 11. Central District Ditch rider: 775-427-0125**
- 12. West District Ditch rider: 775-427-0100**

Water Order Website Address: www.District.org

Due to changes in water use, demand, and potential canal system capacity issues, Truckee-Carson Irrigation District Board of Directors has set limitations to the delivery of irrigation water

General Instructions:

1. To determine your District, Lateral and Takeout, refer to your Annual Allocation Notice.
2. Orders can be placed daily except, weekends and Holidays.

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3. Orders can only be placed through the website at **District.org** or by calling the **District office from 7:30 am to 4:30 pm.**
4. **NO ORDERS WILL BE TAKEN BY THE DITCHRIDER.**
5. No water orders will be taken from property owner's with delinquent fees, assessments or charges due District.
6. All water orders must be placed a minimum of 72 hours in advance. The Water User or Irrigator should be prepared to take the water at any time after the order is placed unless a special delivery request of more than 72 hours has been made.
7. Separate water orders must be placed for each lateral (i.e. S17 and S6-3).
8. Orders placed after 2:00 pm Monday through Friday will be processed the next business day.
9. Second runs of water shall not be made to the Water User's or authorized Irrigator's same District Head Gate within a seven (7) day period, except to protect:
 - a. New Seeding during the first 60 days.
 - b. Highly sensitive crops during the first 60 days, e.g., new alfalfa and pasture during the first 60 days and corn during the first 90 days may have preference over established crops
10. Water User's or authorized Irrigator's with sensitive crops, as noted above, may receive water deliveries sooner than seven days (7) apart only to protect those sensitive crops.
11. Notify the person taking the water order of any specific requirements for water delivery (i.e. new seed, what type of new seed, specific delivery times etc.). Orders for a specific day and time will be honored as long as it does not negatively affect efficiency or other Water User's or authorized Irrigator's.
12. Water will **not** be delivered in excess of allocation.
13. The Scheduler will contact the Water User or Irrigator within two business days with the approximate date and time of delivery.
14. If you receive notice of delivery via voice mail, please verify, with the scheduler, as soon as possible.
15. Under no circumstances will the Water User or Irrigator make changes to the schedule once the Water User or Irrigator has been contacted. Only the Scheduler may make changes to the Schedule.
16. The Ditch rider will contact the Water User or Irrigator prior to actual delivery with an updated time. If the Water User or Irrigator is not available at that time, the order may be rescheduled one time or cancelled and a new order will not be taken for seven days from the original order date.
17. The Water User or Irrigator must supply phone numbers or have voice mail/answering machine where they can be reached 24 hours a day.

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18. The Water User or Irrigator must be available to take water at any time day or night.
19. Water delivery that exceeds 120% of the hours ordered may be subject to disruption of delivery or termination of delivery at that time.
20. The Ditch rider shall make every attempt to deliver the exact CFS ordered. To the extent reasonably possible, the water user or irrigator will be notified by the end of the month, the exact CFS delivered and the balance remaining on each account.
 - a. If a discrepancy is found, **you have 30 days after receiving the water card to file a Water Order Adjustment or the charges will stand as reported.**
 - b. The Water User or Irrigator can request a meter reading to insure accurate delivery in the future.
 - c. If the Water User or Irrigator performs the measurement, it must be done in accordance with the Bureau of Reclamation Water Measurement Manual. These rules can be obtained in the Administrative Office of District.
 - d. Present the information to the District Water Master on the Water Order Adjustment form.
 - e. The District Water Master will contact the Ditch rider and a decision will be made regarding the request.
 - a. **The adjusted water will not be available for use until approved by the District Water Master on the Water Order Adjustment form.**
21. To the extent reasonably possible, all water deliveries shall be monitored and measured by the Ditch rider and delivered in accordance with District policy as directed by the District Water Master.
22. A Water User or Irrigator is not permitted to open, close or change any Newlands Project gates or facilities without authority of a temporary transfer or authorization given by a ditch rider.
23. In those instances where a water user or Irrigator has been authorized to open, close or make changes to any Newland Project gates or facilities, such water user or irrigator shall perform the following duties:
 - a. Accurately record times and other factors of deliveries.
 - b. Be willing to accept responsibility for damages that may occur.
 - c. Be willing to contact the next Water User or Irrigator in order to pass the water or contact the Ditch rider when delivery is complete.
 - d. In those instances where a water user or irrigator does not follow instructions given him or her by the ditch rider, the delivery time will be estimated by the Ditch rider.

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- e. Water users or irrigators shall be responsible for reporting to ditch riders during the time of the shift that such changes are made, all necessary water delivery information including delivery start and stop time.
 - f. In those instances where a water user or irrigator fails to provide necessary information to the ditch rider, delivery times will be estimated by the ditch rider at the end of their shift, without exception.
 - g. Ditch riders shifts are 4:00 a.m. to 4:00 p.m. and 4:00 p.m. to 4:00 a.m., twenty-four (24) hours a day seven (7) days per week.
 - h. In any instance where authorization has been given to a water user or irrigation open, close or change any Newlands Project gates or facilities all such authorization shall cease upon completion of the delivery.
24. The maximum allowable rate of flow as measured in Cubic Feet per Second (CFS) is 30 CFS at any one head gate.
 25. The maximum allowable rate of flow may be changed, as is or may be necessary by direction of the District Water Master.
 26. Except as otherwise provided by federal or state law no water user no water user or irrigator shall be allowed to divert more than twenty-five percent (25%) of his/her annual water allocation during any given month of the irrigation season as determined by the Board.
 27. The unauthorized use of water, such as irrigating without an order having been properly placed shall result in the water user's or irrigator's delivery takeout being locked and a monetary penalty imposed.
 28. Where an unauthorized use of water has been made, no further water orders shall be taken until the penalty has been paid in full; or, the water user or irrigator has made application to the Board of Directors for relief from any penalty imposed and/or restoration of the right to water delivery.
 29. Water must be applied to a beneficial use. The wasting of water is prohibited. In any instance where the District Water Master determines that waste is occurring delivery of water shall cease. Notice of termination of the water delivery shall then be given to the water user or irrigator in that manner most reasonably calculated to provide adequate notice. Any subsequent offense of wasting water shall result in the locking of the takeout at the point of delivery.
 30. In any instance where a takeout has been locked for the wasting of water no further orders shall be taken unless the water user or irrigator has made application to the Board of Directors for restoration of the right to water delivery.
 31. Newlands Project water user's and/or their authorized irrigators shall maintain in proper repair their private ditches, takeouts and/or access to the same
 32. In any instance where a Newlands Project facility or feature is in need of repair, District Construction Manager will contact the affected water user or irrigator and arrange an

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inspection. Upon inspection, the District Construction Manager shall determine whether or not further water deliveries should be suspended pending repair being made.

33. Water delivery in the District is subject to regulation such as the Operating Criteria and Procedures (OCAP), for the Newlands Project, Nevada. OCAP prohibits the delivery of water in excess of duty to any grounds and the delivery of water to non-water righted grounds. Changes in irrigated acreage must be reported to the District.
34. The performance of ditch riders in the District is subject to evaluation and review by the District Water Master. In any event where the performance of a ditch rider, in the exercise of his or duties, is at issue the matter shall be reported to the District Water Master for action.
35. Failure to comply with the rules and regulations adopted by the Board of Directors each water season, depending upon the circumstances, may result in any of the following actions taken by the District with or without notice:
 - (a) Suspension of water ordering and delivery of water.
 - (b) Locking of the delivery gate.
 - (c) Present the matter to law enforcement personnel for investigation.
 - (d) Impose a temporary hold upon water ordering and delivery of water.

Subdivisions:

- a) In those instances where lands have been subdivided, the District shall deliver water to the original takeout only.
- (b) It shall be the obligation of the Subdivider and purchasers of the subdivided lands to construct and maintain necessary facilities with which to irrigate from an original Newland Project delivery structure in accordance with District policy.
- (c) A watering subdivision shall consist of the water users or authorized irrigators in a neighborhood that receive water delivery from an original Newlands Project takeout.
- (d) The allocation for a watering subdivision is the sum of all water rights had for all water users within the subdivision.
- (e) The members of the subdivision shall irrigate in one delivery, and no additional deliveries will be made for a period of seven days **except for a new seeding**.
- (f) Water will be measured at the original District takeout only.
- (g) The members of each watering subdivision shall choose ONE person to act as Coordinator on behalf of the watering subdivision.
- (h) The members of each watering subdivision shall also provide for appointment of an alternate coordinator.
- (i) The names of the coordinator and his or her alternate shall be provided to the District Water Master for approval and shall constitute the authorized persons to schedule water delivery to the subdivision
- (j) Other water users within the subdivision shall be responsible to contact their coordinator, or his or her alternate as necessary, for purposes of scheduling water delivery.

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(k) The responsibilities of the coordinator or his or her alternate are as follows:

- (1) order water as needed;
- (2) Coordinate and provide for the efficient delivery of water; and,
- (3) account for usage of water within the subdivision.

(l) In any instance where members of a subdivision cannot agree upon appointment of a coordinator, water scheduling and delivery will be determined by the District Water Master.

(m) Water scheduling and ordering shall be performed solely by the coordinator or his or her alternate.

(n) District management and employees shall have no duty to contact subdivision members other than the coordinator or his or her alternate.

(o) The order will be completed in a single run.

Construction/Repair on Project Easements:

District operates and maintains Newlands Project Facilities owned by the United States of America including the system of irrigation and drainage ditches, together with the rights-of-way appurtenant thereto. No building or construction thereon, including piping, filling, fencing, or other alteration thereof, may be performed unless WRITTEN permission has first been obtained from the United States and the District.

Ownership:

Change of ownership of water-righted parcels requires that the new owner provide a “Recorded Grant Bargain and Sale Deed” to District of the change. Upon payment of the appropriate administrative fee, District will make the necessary changes to allow the new owner to order water.

Water Rights Transfers:

(a) For purposes associated with the inclusion of any temporary transfer or permanent water right transfer within a water right owners annual allocation such transfer must be filed and approved by the Nevada State Engineer 60 days prior to the end of a regular irrigation season consisting of 75% or more of a water users allocation.

(b) During a short irrigation season 75% or less of an annual allocation, the deadline for approval by the Nevada State Engineer shall be July 1st in any given water season.

(c) The District shall not guarantee that water delivery to lands the object of temporary or permanent transfers except in compliance with the time limit stated herein.

Start Time for Water Delivery:

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- (a) The start time for water delivery commences when a Newlands Project lateral/take-out is capable of sustaining sufficient water flow for delivery to a lateral/takeout and the takeout is open.
- (b) No takeout should be opened until a proper rate of flow or head may be sustained.
- (c) Bay height must never exceed the freeboard.

Authorized Irrigator:

- (a) An authorized irrigator is a person that has been given temporary authority by a water user in the Newlands Project upon consent by the District Water Master to open or close gates.
- (b) Except as otherwise provided for by the District Water Master, upon completion of any given water delivery, an irrigator no longer possesses authority with which to open and close gates.

Freeboard:

Freeboard is defined as the distance between the normal water level and the top of a structure or canal bank.

Stop Time:

The stop time for a water delivery is defined as the time at which the Newlands Project lateral/takeout was closed.

Run-off:

Run-off is defined as that water remaining in a lateral and used for purposes associated with completion of a delivery after a Newland Project lateral or takeout has

Water Measurements:

- (a) Water measurements shall be taken at the point upstream and nearest in proximity to the water user's take out or the actual takeout itself.
- (b) Ditch loss, as defined below, shall be calculated on all metered runs and water deliveries shall be adjusted accordingly.

Ditch Loss:

- (a) Ditch loss is defined as the best estimate of water that is naturally absorbed in a delivery facility or lost to evaporation during the time the water travels to a given water users point of delivery.
- (b) Losses will be calculated by the ditch rider.
- (c) Time is of the essence relating to the reporting of start and stop times for all water deliveries.

(d) Water Users or their authorized irrigators have a continuing duty to report delivery start and stop times to the ditch rider immediately.

(e) In view of any dispute relating to a water order and subsequent water delivery reliable start and stop times must be established.

(f) In that instance where a water delivery fails to meet the anticipated rate of flow, or exceeds such rate of flow the water user or his or her authorized irrigator shall contact the ditch rider immediately.

(g) A water user, or his or her authorized irrigator, has a continuing duty to remain in contact with the ditch rider, having been provided notice of the availability of water by the ditch rider both before and during the course of a water delivery.

G16. The following Provisions of Nevada State Law (Nevada Revised Statutes) shall be applicable to the Distribution and Use of Water in the Newlands Projects:

N.R.S. 539.233

REGULATION FOR DISTRIBUTION AND USE OF WATER; REGULATING AND MEASURING DEVICES; DISTRIBUTION OF REGULATIONS

1. *The Board of Directors shall have power to establish bylaws, rules and regulations for the distribution and use of water in the District, and to compel water users, at their expense, to install measuring and regulating devices to effect and make a proper distribution of water. If the user fails to install any such device when ordered, the District may install the same and charge the actual cost thereof to the water user, and such charge will be regarded and treated as a cost of distribution and collected in the same manner from such water user.*

2. *The bylaws, rules and regulations shall be printed in convenient form for distribution throughout the District.*

N.R.S. 539.783

LIABILITY OF WATER USER NEGLIGENTLY, WRONGFULLY IMPAIRING DISTRICT WORKS; NOTICE TO REPAIR

Any water user, or his agent or lessees, of an irrigation District who shall negligently or wrongfully impair the usefulness of any reservoir, canal, ditch, lateral, drain, head gate, structure, or any part of the irrigation District system of works and fails to repair the same within 10 days after notice from District so to do, or who fails within such time to file with the Board of Directors good and sufficient reasons for so failing to do, shall become liable for the payment thereof as provided in this chapter, or the irrigation District may make such repairs and add and collect the same as an operation and maintenance charge against the lands of the Water User or Irrigator for the next succeeding irrigation season.

N.R.S. 536.040

CONTRIBUTION OF OWNERS FOR PROPORTIONATE SHARE OF WORK.

In all cases where ditches are owned by two or more persons, and one or more of such persons shall fail or neglect to do a proportionate share of the work necessary for the

proper maintenance and operation of such ditch or ditches, or to construct suitable head gates or other devices at the point where water is diverted from the main ditch, such owner or owners desiring the performance of such work may, after giving 10 days written notice to such other owner or owners who failed to perform such proportionate share of the work necessary for the operation and maintenance of such ditch or ditches, perform such share of the work, and recover therefore from such person or persons in default the reasonable expense of such work.

N.R.S. 536.050

STATEMENT OF EXPENSES CONSTITUTES VALID LIEN AGAINST PROPERTY OF DEFAULTING CO-OWNER.

Upon the failure of any co-owner to pay his proportionate share of such expense, as mentioned in N.R.S. or persons so performing such labor may secure payment of such claim by filing an itemized and sworn statement thereof, setting forth the date of the performance and the nature of the labor so performed, with the County Clerk of the county wherein the ditch is situated and when so filed it shall constitute a valid lien against the interest of such person or persons in default which lien may be established and enforced in the same manner as provided by law for the enforcement of mechanics' liens.

G17. Notice of Water Distribution Rules and Regulations

Notice of all applicable water distribution rules and regulations, approved by the Board, in any given water season shall be made, in that form reasonably calculated to provide notice of such rules and regulations to water users and/or their authorized irrigators by combination of any two (2) of the following methods:

1. By posting on the District website at www.tcid.org; or,
2. The United States Postal Service via first class mail; or,
3. By posting at the following locations:
Churchill County Administration Building, 155 N. Taylor Street, Fallon, Nevada.
Fernley City Hall, 595 Silver Lace Blvd., Fernley, Nevada.
Truckee-Carson Irrigation District Office, 2666 Harrigan Road, Fallon, Nevada.
4. By disclosure made at the Truckee Division and Carson Division Irrigation District Annual Water Users Meetings.
5. By obtaining a written copy at the Truckee-Carson Irrigation District office.
6. By requesting an electronic copy from the Truckee-Carson Irrigation District.

G18. EMERGENCY RELEASE CRITERIA FOR LAHONTAN RESERVOIR

(a) Releases of water from Lahontan Reservoir, other than for satisfying the demand by water right owners, may be made only for purposes of limiting potential flood damage along the Carson River in Churchill County, Nevada.

(b) The emergency release of water is or may be appropriate whenever Lahontan Reservoir storage exceeds or is forecast to exceed 295,500 acre feet. Upon direction of Reclamation,

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water shall then be released consistent with the “Emergency Release Criteria for Lahontan Reservoir” dated November 18, 1997 (“1997 Criteria”).

(c) “Spread water” consists of water deliveries made without charge against the annual allocation of any water right holder who receives such water as allowed by operation of the 1997 Criteria. Spread water is not charged against the annual diversion for the Newlands Project (Project). Spread water may also be delivered to non-water right owners so long as the water is being put to beneficial use and the user is able to receive the water without any effort or expense to the District. There is no obligation of the District to supply non-water right owners with spread water if doing so is disadvantageous to the District.

(d) The timing and duration of spread water in the Project, pursuant to operations directed by the 1997 Criteria, will be made by Reclamation in consultation with the District. Board authorization is not required to make spread water available.

(e) The following procedures shall be followed for the start up of spread water deliveries:

1. Unless conditions dictate different timing, the “start time” for spread water availability will be 12:01 am on the first day when the use of spread water is authorized.
2. Water deliveries that begin before the “start time” will be charged against the user’s annual allocation for the duration of the delivery.
3. Water orders that are pending delivery but were placed prior to the “start time” will be treated as spread water unless the water user indicates otherwise.
4. Any cancellation of an order by a water user to change the status of a water delivery will result in the order losing its place in the order queue.
5. No changes will be allowed to the status of a water delivery (charged vs. non-charged against the user’s allocation) after the delivery occurs.

(f) The following procedures shall be followed for the end time of spread water deliveries:

6. All water deliveries made as spread water, pursuant to the 1997 Criteria, will cease upon the date and time directed by Reclamation (“end time”). All water deliveries made after the “end time” will be charged against the annual allocations of any water right owner. Water deliveries in progress prior to the “end time” shall not be charged against the annual allocation of any water right owner.
7. In those instances where an order for spread water has been placed and where water delivery actually occurs after the “end time”, such delivery will be charged against the annual allocation of that water right owner that receives such delivery.
8. The timing of an order for spread water does not impose upon the District the duty to deliver water as spread. A right to the use of spread water is not entitled under existing law. The purpose of spread water is to minimize or prevent flood damage along the Carson River downstream of Lahontan Dam and does not create a valuable property interest.

(g) Water deliveries made after 1997 Criteria releases have concluded shall be charged against the annual diversion for the Project.

(h) Notwithstanding the availability of spread water to a water right holder, in consequence to operations made pursuant to the 1997 Criteria, the beneficial application of spread water to Project lands must be considered with its use including consideration of factors such as soil moisture.

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(i) All deliveries to non-water righted lands will be charged a fee in accordance with the fee schedule in Section H.