

JUN 14 1994

7-6



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Karen E. Duff*  
EXECUTIVE SECRETARY

May 25, 1994

To: Board of Directors (Legal and Claims Committee--Action)  
(Water Problems Committee--Action)  
From: General Manager  
Subject: Administrative Code Provisions for the Interim  
Agricultural Water Program

Report

On May 10, 1994, the Board adopted the Interim Agricultural Water Program (Program). This action authorized amendment of the Administrative Code in a manner consistent with the Program description in Revised Board Letter 8-1 (May 10, 1994).

The Program provides a discount for agricultural water users that replaces the interruptible water discount, which was eliminated on April 1, 1991.

Incorporating the Program requires revisions to several sections of Division IV, Water Service Policies. Amendments incorporating the Program are to be effective as of May 1, 1994, the date the Program became effective. Since Member Agencies' obligations to sustain a reduction or interruption in service expire June 30, 1994, a future amendment will remove the Interruptible Water Service Regulations from the Administrative Code.

The proposed Administrative Code provisions are shown on Attachment A. Similarly, the proposed revisions are shown by underscoring and strikeouts on Attachment B.

Board Committee Assignments

This letter is referred to:

The Legal and Claims Committee for action, pursuant to its jurisdiction under Code Section 2461(h) with respect to the organization and contents of the Code; and

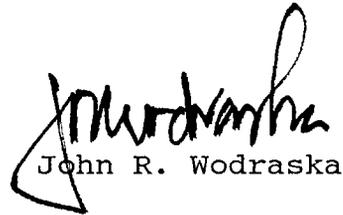
The Water Problems Committee for action, pursuant to its jurisdiction under Administrative Code Section 2481(c) with respect to selling prices of water

and conditions governing sale, and Section 2481(d) with respect to policies regarding the sale and delivery of water for various uses.

Recommendation

**LEGAL AND CLAIMS AND WATER PROBLEMS COMMITTEES FOR ACTION.**

It is recommended that: Sections 4106; 4401(a); 4501(a) and (c); 4505(b)(1); 4507(c), (d), (f), (g), (h), (i), (j), (k), and (l); and 4512 of the Administrative Code be amended and that Section 4117 and Chapter 9 of Division IV of the Administrative Code be added, to read as shown in Attachment A.



John R. Wodraska

RLU:hah

Attachments

## ATTACHMENT A

## Division IV

## WATER SERVICE POLICIES

Chapter		Sec.
1	Definitions	4100
2	Regional Water Management	4200
3	Water Sales Revenues	4300
4	Classification and Rates	4400
5	Water Service Regulations--General	4500
6	Interruptible Water Service Regulations	4600
7	Service Connections	4700
8	System Interconnection--Hydraulic Transients	4800
9	Interim Agricultural Water Service Regulations	4900

## Chapter 1

## DEFINITIONS

Sec.	
4100	General
4101	Colorado
4102	State
4103	Treated Water
4104	Untreated Water
4105	Domestic and Municipal Purposes
4106	Agricultural Purposes
4107	Groundwater Replenishment
4108	In-Lieu Groundwater Replenishment
4109	Reservoir Storage
4110	Noninterruptible Service
4111	Interruptible Service
4112	Emergency Service
4113	Reclaimed Water
4114	Seasonal Storage Service
4115	Local Project Program Yield
4116	Project Sponsor
4117	Interim Agricultural Water Service

**§ 4106. Agricultural Purposes.**

“Agricultural purposes” shall mean the growing or raising, in conformity with recognized practices of husbandry, for the purposes of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural, or floricultural products, and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market, such products to be grown or raised on a parcel of land having an area of not less than five acres utilized exclusively therefor.

(a) “Agricultural purposes limited to the growing of field and nursery crops and row crops” shall mean those agricultural purposes related to the growing of crops generally planted and harvested annually or more frequently, and other agricultural purposes not included in the definitions of Sections 4106(b) and 4106(c).

(b) “Agricultural purposes limited to the growing of trees and vines” shall mean those agricultural purposes limited to the growing of crops which are planted less frequently than annually in the expectation of long-term yield therefrom.

(c) “Agricultural purposes limited to the feeding of fowl or livestock” shall mean those agricultural purposes encompassing the raising of animals for human consumption or for the market or for the purpose of obtaining their products for human consumption or for the market.

**§ 4117. Interim Agricultural Water Service.**

“Interim Agricultural Water Service” shall mean service of water for agricultural purposes, as defined in Section 4106, pursuant to the Interim Agricultural Water Program and the provisions of Chapter 9 of this Division IV.

**§ 4401. Rates.**

(a) The rates per acre-foot for water sold and delivered for each class of service on order of any member public agency for use therein shall be as follows:

(1) For Noninterruptible Service

Effective Date	Untreated Water	Treated Water
7/1/92	\$269.00	\$322.00
7/1/93	\$318.00	\$385.00

(2) For Interruptible Service

Effective Date	Untreated Water	Treated Water
7/1/90	\$153.00	\$186.00
7/1/91	\$172.00	\$211.00

(3) For Emergency Service

Effective Date	Untreated Water	Treated Water
7/1/92	\$807.00	\$860.00
7/1/93	\$954.00	\$1,021.00

(4) For Seasonal Storage Service

Effective Date	Untreated Water	Treated Water
7/1/92	\$168.00	\$203.00
7/1/93	\$208.00	\$253.00

(5) For Reclaimed Service

Effective Date	Rate
7/1/92	\$84.00
7/1/93	\$113.00

(6) For Interim Agricultural Water Service

Effective Date	Untreated Water	Treated Water
5/1/94	\$205.00	\$248.00
7/1/94	\$222.00	\$275.00

**§ 4501. Obligation to Pay for Water Delivered.**

(a) All water delivered through any service connection to a member public agency for use within the member public agency shall be supplied in accordance with the provisions of the Metropolitan Water District Act and the rules and regulations of the District governing such service, as set forth in this Chapter 5, Chapter 6, and Chapter 9. The District shall bill the member public agency for all water delivered through the service connection, and the member public agency shall pay the District for all water so delivered at the rate or rates and within the period from time to time fixed by the Board.

(c) Member public agency system losses of District-supplied water are losses that are inherent in the operation of a water distribution system. These include losses occasioned by evaporation, seepage, spillage, leakage, pipeline failure, or system testing. Such losses shall be charged to a member public agency in direct proportion to the classes of service in which they occur and at the rates prescribed in Section 4401 for water sold and delivered for each such class of service. Such system losses shall not affect a member public agency's obligation to sustain an interruption or reduction in the delivery of water as set forth in Section 4605 or Section 4905.

**§ 4505. Estimates of Water Requirements and Schedules of Deliveries.**

(b) Contents of Estimates

(1) Each estimate furnished by a member public agency pursuant to Section 4505(a) shall contain, as a minimum, for each service connection and for each month of the year beginning with the succeeding July 1, and for the entire member public agency for each month of the succeeding four years, the following information:

(i) The quantity of water to be delivered by Metropolitan to the member public agency in noninterruptible service.

(ii) The quantity of water to be delivered by Metropolitan to the member public agency in interim agricultural water service.

(iii) The quantity of water to be delivered by Metropolitan to the member public agency in seasonal storage service.

(iv) With regard to water estimated to be delivered in seasonal storage service, the quantity of water to be used for:

(aa) Domestic and municipal purposes, exclusive of groundwater replenishment by spreading or injecting and seawater barrier groundwater replenishment; and

(bb) Groundwater replenishment by spreading or injecting and seawater barrier groundwater replenishment.

**§ 4507. Billing and Payment for Water Deliveries.**

(c) In the event water delivered by the District through a particular facility is used exclusively for agricultural purposes and the member public agency desires to be charged therefor at the rates for water sold and delivered for interim agricultural water service provided in Section 4401, a statement relating the facts concerning the use of water delivered through each such facility must be certified to the District in writing by a responsible officer of the member public agency at least 30 days prior to the end of each one-month period during which such deliveries are made. In cases where such use of all water delivered through a particular facility will remain the same for an extended period, the initial or current certification will remain in effect until the use of the water from a certified exclusive use service connection changes. At that time a new statement relating the facts concerning the use must be recertified to the District with 30 days.

(d) In cases where water through a particular facility is delivered during any month for both noninterruptible service and interim agricultural water service, the bill for

water delivered in such month will be prepared by applying the rates for water sold and delivered in noninterruptible service to the total quantity of water delivered. If the member public agency desires to receive credit for such water so delivered as was used in interim agricultural water service the facts concerning the quantities of water so used must be certified to the District in writing by a responsible officer of the member public agency purchasing such water within four months following the beginning of any month during which such usage occurred and each such certification shall cover a period of not more than two calendar months. The value of such credits shall be based on the difference in water rates in effect at the time the water is used, regardless of the date of delivery.

(f) In cases where water through a particular facility is delivered during any month for noninterruptible service or interim agricultural water service or both, and for seasonal storage service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in noninterruptible service to the total quantity of water delivered. In addition to the procedures for crediting interim agricultural water service, if the member public agency desires to receive credit for water used in seasonal storage service the facts concerning the quantities of water so used must be certified to the District in writing or electronically by computer modem or otherwise by a responsible officer of the member public agency purchasing such water within four months following the beginning of any month during which such usage occurred and each such certification shall cover a period of not more than two calendar months. The amount of such credits shall be based on the difference in water rates in effect at the time the water is used.

(g) Any certification received later than four months following the beginning of any month in which a credit for water used in interim agricultural water service or seasonal storage service is claimed will be subject to a \$2,500 late charge if the credit claimed exceeds \$2,500, and will not be accepted if the credit claimed is \$2,500 or less. No certification received after seven months following the beginning of any month in which such a credit is claimed will be accepted. This Section applies to all cases where a certification is required to receive a credit, whether or not specifically named in the Section, unless otherwise provided by this Code.

(h) In the event water is delivered by the District into facilities into which water from other sources also is delivered, and the combined waters are used for interim agricultural water service and for noninterruptible service, then the quantity of water for which the member public agency shall, upon filing the required certification of usage, be charged at the rates charged for water sold and delivered in interim agricultural water service during any month shall be the product of the total quantity of water from the District's system delivered into such facilities in such month, multiplied by the ratio of: (1) the quantity of combined water supplied for use within such member public agency for interim agricultural water service within such month divided by (2) the total quantity of combined waters supplied for all purposes during such month.

(i) In order for any member public agency to be charged at the rate charged for water sold and delivered in interim agricultural water service, such member public agency shall be subject to and shall observe the following provisions regarding the sale, delivery, and use of such water:

(1) All water sold for use for interim agricultural water service shall be metered, either at the District's meter where all downstream water deliveries are exclusively for agricultural purposes, or at the point where the downstream section of an agency's distribution system is used exclusively to deliver water for interim agricultural water service, or at the point of delivery to the agricultural water user.

(2) When the water delivered to a final user through a single meter is used for interim agricultural water service and incidental domestic uses related to residency, such final user shall be charged for, and the agricultural certification submitted to the District shall reflect, at least .06 acre-feet of water per month per single family dwelling as water sold and delivered in noninterruptible service, and the balance as water used for interim agricultural water service. If a higher constant than 0.6 acre-feet is used under the retail rate structure, the certification shall reflect that higher constant.

(3) All certifications as to the agricultural use of District supplied water must be on forms provided by the District and be accompanied by data and

calculations reflecting the method used in determining the quantities certified.

In the absence of the submission of certificates reciting the facts concerning the usage of water for interim agricultural water service, and stating that such usage was in conformity with the provisions described herein, it shall be conclusively presumed that the water was used for noninterruptible service, and the District's billing shall be on this basis.

(j) In the event the respective quantities of water sold and delivered in any month on order of any member public agency for use therein in interim agricultural water service or seasonal storage service are not determinable to the satisfaction of the General Manager in time for preparing regular monthly bills therefor, then billing and payment for all water sold and delivered in such month to such member public agency shall be made at the rates prescribed for water used in noninterruptible service in Section 4401 (a) (1) hereof. Upon the determination by the General Manager of the correct quantities of water sold and delivered and used in interim agricultural water service or seasonal storage service, any adjustment which is necessary to give effect to the reduced rates applicable to water used in interim agricultural water service or seasonal storage service shall be made by application of credits on subsequent purchases of water from the District by such member public agency. Such adjustments shall not be made in cases where a claim for the reduced rates is not submitted within the four-month period provided in Section 4507(d).

(k) If water has been sold and delivered at the rates prescribed for water sold in interim agricultural water service, and appropriate certifications have been submitted for the water so used, but the water has in fact been used in noninterruptible service, the member public agency shall be obligated to pay the difference between the rates prescribed for water sold for interim agricultural water service, and the rates prescribed for noninterruptible service, plus an additional payment pursuant to Section 4508 for delinquent payment of the differential amount.

(l) If water has been sold and delivered at the rates prescribed for water sold in seasonal storage service, and appropriate certifications have been submitted for the water so used, but the water has in fact been used in noninterruptible or interim agricultural water service, the

member public agency shall be obligated to pay the difference between the seasonal storage rate and the rate prescribed for the appropriate class of service, plus an additional payment pursuant to Section 4508 for delinquent payment of the differential amount.

**§ 4512. Sales Subject to System and Water Availability.**

All sales and deliveries of water at the rates established by Section 4401 shall be subject to the ability of the District to sell and deliver such water under operating conditions determined by the General Manager, and, to the extent not inconsistent herewith, shall be subject to the provisions of this chapter, Chapter 6, and Chapter 9.

**Chapter 9**

**INTERIM AGRICULTURAL WATER SERVICE REGULATIONS**

Sec.

- 4900 Interim Agricultural Water Program Term
- 4901 Maximum Amount of Annual Water Deliveries
- 4902 Member Public Agency Certifications and Annual Reports
- 4903 Program Audits
- 4904 Member Public Agency Plan to Meet Mandatory Cuts to Agriculture
- 4905 Agricultural Reductions During a Shortage
- 4906 Agencies to Pass Through Entire Agricultural Discount

**§ 4900. Interim Agricultural Water Program Term.**

The Interim Agricultural Water Program (Program) is an interim program for service of water to agriculture and shall be governed by the Metropolitan Water District Act, this Chapter 9 and other applicable provisions of this Division IV.

**§ 4901. Maximum Amount of Annual Water Deliveries.**

The maximum amount of water delivered annually under the Program available to each member public agency under the Program is as follows:

<b>Member Public Agency</b>	<b>Maximum Annual Amount of Agricultural Discount Water Member Public Agency May Purchase (acre-feet)</b>
Anaheim	115
Calleguas MWD	7,164
Chino Basin MWD	122
Coastal MWD	232
Eastern MWD	6,761
Fullerton	60
Las Virgenes MWD	51
MWD of Orange County	7,425
San Diego CWA	100,459
Three Valleys MWD	106
Torrance	22
West Basin MWD	170
Western MWD	32,347
<b>Total</b>	<b>155,034</b>

**§ 4902. Member Public Agency Certifications and Annual Reports.**

Member public agencies shall provide monthly agricultural water certifications in conformance with Section 4507. In addition, member public agencies shall provide to Metropolitan not later than September 30 of each year an annual report summarizing the following monthly information: (1) total water use, (2) Metropolitan deliveries, (3) local water use, (4) Metropolitan deliveries to agriculture, and (5) local deliveries to agriculture.

**§ 4903. Program Audits.**

The Program will be audited by Metropolitan at the end of fiscal year 1995-96. Audits may be provided sooner or more frequently if requested by the member public agency or Metropolitan.

**§ 4904. Member Public Agency Plan to Meet Mandatory Cuts to Agriculture.**

On or before November 30, 1994, each member public agency which plans to participate in the Program shall submit a written plan to Metropolitan showing how it will meet the mandatory cuts to agriculture during a shortage. The plan shall describe the member public agency's drought management strategy and how it plans to either cut back agriculture or use local resources to supply agriculture during a shortage.

**§ 4905. Agricultural Reductions During a Shortage.**

Should a supply shortage occur, the General Manager may exercise discretion to reduce agricultural deliveries up to 30 percent prior to imposing Incremental Interruption and Conservation Plan (IICP) mandatory reduction targets for firm deliveries. The required reduction would be measured against the specified target reduction in the Member Agency's IICP base-year usage.

As soon as practical after the General Manager makes a determination to reduce or interrupt delivery of water for interim agricultural water service, the General Manager shall give written notice of such determination to affected member public agencies.

**§ 4906. Agencies to Pass Through Entire Agricultural Discount.**

The member public agency shall pass the entire agricultural discount through to its subagencies, and shall use its best efforts to assure that its subagencies pass the entire discount through to the agricultural water users.

**ATTACHMENT B****Division IV****WATER SERVICE POLICIES**

Chapter		Sec.
1	Definitions	4100
2	Regional Water Management	4200
3	Water Sales Revenues	4300
4	Classification and Rates	4400
5	Water Service Regulations--General	4500
6	Interruptible Water Service Regulations	4600
7	Service Connections	4700
8	System Interconnection--Hydraulic Transients	4800
9	<u>Interim Agricultural Water Service Regulations</u>	<u>4900</u>

**Chapter 1****DEFINITIONS**

Sec.	
4100	General
4101	Colorado
4102	State
4103	Treated Water
4104	Untreated Water
4105	Domestic and Municipal Purposes
4106	Agricultural Purposes
4107	Groundwater Replenishment
4108	In-Lieu Groundwater Replenishment
4109	Reservoir Storage
4110	Noninterruptible Service
4111	Interruptible Service
4112	Emergency Service
4113	Reclaimed Water
4114	Seasonal Storage Service
4115	Local Project Program Yield
4116	Project Sponsor
4117	<u>Interim Agricultural Water Service</u>

**§ 4106. Agricultural Purposes.**

“Agricultural purposes” shall mean the growing or raising, in conformity with recognized practices of husbandry, for the purposes of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural, or floricultural products, and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market, such products to be grown or raised on a parcel of land having an area of not less than ~~one~~ five acres utilized exclusively therefor.

(a) “Agricultural purposes limited to the growing of field and nursery crops and row crops” shall mean those agricultural purposes related to the growing of crops generally planted and harvested annually or more frequently, and other agricultural purposes not included in the definitions of Sections 4106(b) and 4106(c).

(b) “Agricultural purposes limited to the growing of trees and vines” shall mean those agricultural purposes limited to the growing of crops which are planted less frequently than annually in the expectation of long-term yield therefrom.

(c) “Agricultural purposes limited to the feeding of fowl or livestock” shall mean those agricultural purposes encompassing the raising of animals for human consumption or for the market or for the purpose of obtaining their products for human consumption or for the market.

**§ 4117. Interim Agricultural Water Service.**

“Interim Agricultural Water Service” shall mean service of water for agricultural purposes, as defined in Section 4106, pursuant to the Interim Agricultural Water Program and the provisions of Chapter 9 of this Division IV.

§ 4401. Rates.

(a) The rates per acre-foot for water sold and delivered for each class of service on order of any member public agency for use therein shall be as follows:

(1) For Noninterruptible Service ~~(for domestic and municipal purposes, including groundwater replenishment, in lieu groundwater replenishment, and reservoir storage)~~

Effective Date	Untreated Water	Treated Water
7/1/92	\$269.00	\$322.00
7/1/93	\$318.00	\$385.00

(2) For Interruptible Service ~~(for domestic and municipal purposes, including groundwater replenishment, in lieu groundwater replenishment, and reservoir storage, and for agricultural purposes)~~

Effective Date	Untreated Water	Treated Water
7/1/90	\$153.00	\$186.00
7/1/91	\$172.00	\$211.00

(3) For Emergency Service ~~(for domestic and municipal purposes)~~

Effective Date	Untreated Water	Treated Water
7/1/92	\$807.00	\$860.00
7/1/93	\$954.00	\$1,021.00

(4) For Seasonal Storage Service

Effective Date	Untreated Water	Treated Water
7/1/92	\$168.00	\$203.00
7/1/93	\$208.00	\$253.00

(5) For Reclaimed Service (~~for selected non-potable uses~~)

Effective Date	Rate
7/1/92	\$84.00
7/1/93	\$113.00

(6) For Interim Agricultural Water Service

<u>Effective Date</u>	<u>Untreated Water</u>	<u>Treated Water</u>
<u>5/1/94</u>	<u>\$205.00</u>	<u>\$248.00</u>
<u>7/1/94</u>	<u>\$222.00</u>	<u>\$275.00</u>

**§ 4501. Obligation to Pay for Water Delivered.**

(a) All water delivered through any service connection to a member public agency for use within the member public agency shall be supplied in accordance with the provisions of the Metropolitan Water District Act and the rules and regulations of the District governing such service, as set forth in this Chapter 5, and Chapter 6, and Chapter 9. The District shall bill the member public agency for all water delivered through the service connection, and the member public agency shall pay the District for all water so delivered at the rate or rates and within the period from time to time fixed by the Board.

(c) Member public agency system losses of District-supplied water are losses that are inherent in the operation of a water distribution system. These include losses occasioned by evaporation, seepage, spillage, leakage, pipeline failure, or system testing. Such losses shall be charged to a member public agency in direct proportion to the classes of service in which they occur and at the rates prescribed in Section 4401 for water sold and delivered for each such class of service. Such system losses shall not affect a member public agency's obligation to sustain an interruption or reduction in the delivery of water as set forth in Section 4605- or Section 4905.

**§ 4505. Estimates of Water Requirements and Schedules of Deliveries.**

(b) Contents of Estimates

(1) Each estimate furnished by a member public agency pursuant to Section 4505(a) shall contain, as a minimum, for each service connection and for each month of the year beginning with the succeeding July 1, and for the entire member public agency for each month of the succeeding four years, the following information:

(i) The quantity of water to be delivered by Metropolitan to the member public agency in noninterruptible service.

(ii) The quantity of water to be delivered by Metropolitan to the member public agency in interruptible interim agricultural water service.

(iii) The quantity of water to be delivered by Metropolitan to the member public agency in seasonal storage service.

(iv) With regard to water estimated to be delivered in ~~interruptible~~ and seasonal storage service, the quantity of water to be used for:

(aa) Domestic and municipal purposes, exclusive of groundwater replenishment by spreading or injecting and seawater barrier groundwater replenishment; and

(bb) Groundwater replenishment by spreading or injecting and seawater barrier groundwater replenishment; ~~and~~

~~(cc) Agricultural purposes.~~

**§ 4507. Billing and Payment for Water Deliveries.**

(c) In the event water delivered by the District through a particular facility is used ~~exclusively for groundwater replenishment by spreading or injecting or seawater barrier groundwater replenishment or~~ exclusively for agricultural purposes, and the member public agency

desires to be charged therefor at the rates for water sold and delivered for ~~interruptible~~ interim agricultural water service provided in Section 4401, a statement relating the facts concerning the use of water delivered through each such facility must be certified to the District in writing by a responsible officer of the member public agency at least 30 days prior to the end of each one-month period during which such deliveries are made. In cases where such use of all water delivered through a particular facility will remain the same for an extended period, the initial or current certification will remain in effect until the use of the water from a certified exclusive use service connection changes. At that time a new statement relating the facts concerning the use must be recertified to the District with 30 days.

(d) In cases where water through a particular facility is delivered during any month for both noninterruptible service and ~~interruptible service for groundwater replenishment by spreading or injecting, seawater barrier groundwater replenishment or~~ interim agricultural water service purposes, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in noninterruptible service to the total quantity of water delivered. If the member public agency desires to receive credit for such water so delivered as was used in interruptible interim agricultural water service the facts concerning the quantities of water so used must be certified to the District in writing by a responsible officer of the member public agency purchasing such water within four months following the beginning of any month during which such usage occurred and each such certification shall cover a period of not more than two calendar months. The value of such credits shall be based on the difference in water rates in effect at the time the water is used, regardless of the date of delivery.

(f) In cases where water through a particular facility is delivered during any month for noninterruptible service or ~~interruptible~~ interim agricultural water service or both, and for seasonal storage service, the bill for water delivered in such month will be prepared by applying the rates for water sold and delivered in noninterruptible service to the total quantity of water delivered. In addition to the procedures for crediting ~~interruptible~~ interim agricultural water service, if the member public agency desires to receive credit for water used in seasonal storage service the facts concerning the quantities of water

so used must be certified to the District in writing or electronically by computer modem or otherwise by a responsible officer of the member public agency purchasing such water within four months following the beginning of any month during which such usage occurred and each such certification shall cover a period of not more than two calendar months. The amount of such credits shall be based on the difference in water rates in effect at the time the water is used.

(g) Any certification received later than four months following the beginning of any month in which a credit for water used in interruptible interim agricultural water service or seasonal storage service is claimed will be subject to a \$2,500 late charge if the credit claimed exceeds \$2,500, and will not be accepted if the credit claimed is \$2,500 or less. No certification received after seven months following the beginning of any month in which such a credit is claimed will be accepted. This Section applies to all cases where a certification is required to receive a credit, whether or not specifically named in the Section, unless otherwise provided by this Code.

(h) In the event water is delivered by the District into facilities into which water from other sources also is delivered, and the combined waters are used for interruptible interim agricultural water service and for noninterruptible service, then the quantity of water for which the member public agency shall, upon filing the required certification of usage, be charged at the rates charged for water sold and delivered in interruptible interim agricultural water service during any month shall be the product of the total quantity of water from the District's system delivered into such facilities in such month, multiplied by the ratio of: (1) the quantity of combined water supplied for use within such member public agency for interruptible interim agricultural water service within such month divided by (2) the total quantity of combined waters supplied for all purposes during such month.

(i) In order for any member public agency to be charged at the rate charged for water sold and delivered in interruptible interim agricultural water service, ~~when the water is put to use for agricultural purposes~~, such member public agency shall be subject to and shall observe the following provisions regarding the sale, delivery, and use of such water:

(1) All water sold for use for interim agricultural water service purposes shall be metered, either at the District's meter where all downstream water deliveries are exclusively for agricultural purposes, or at the point where the downstream section of an agency's distribution system is used exclusively to deliver water for interim agricultural water service purposes, or at the point of delivery to the agricultural water user.

(2) When the water delivered to a final user through a single meter is used for interim agricultural water service purposes and incidental domestic uses related to residency, such final user shall be charged for, and the agricultural certification submitted to the District shall reflect, at least .06 acre-feet of water per month per single family dwelling as water sold and delivered in noninterruptible service, and the balance as water used for interim agricultural water service purposes. If a higher constant than 0.6 acre-feet is used under the retail rate structure, the certification shall reflect that higher constant.

(3) All certifications as to the agricultural use of District supplied water must be on forms provided by the District and be accompanied by data and calculations reflecting the method used in determining the quantities certified.

In the absence of the submission of certificates reciting the facts concerning the usage of water for interim agricultural water service purposes, and stating that such usage was in conformity with the provisions described herein, it shall be conclusively presumed that the water was used for noninterruptible service, and the District's billing shall be on this basis.

(j) In the event the respective quantities of water sold and delivered in any month on order of any member public agency for use therein in interruptible interim agricultural water service or seasonal storage service are not determinable to the satisfaction of the General Manager in time for preparing regular monthly bills therefor, then billing and payment for all water sold and delivered in such month to such member public agency shall be made at the rates prescribed for water used in noninterruptible service in Section 4401 (a) (1) hereof. Upon the determination by the General Manager of the correct quantities of water sold

and delivered and used in interruptible interim agricultural water service, or seasonal storage service, any adjustment which is necessary to give effect to the reduced rates applicable to water used in interruptible interim agricultural water service or seasonal storage service shall be made by application of credits on subsequent purchases of water from the District by such member public agency. Such adjustments shall not be made in cases where a claim for the reduced rates is not submitted within the four-month period provided in Section 4507(d).

(k) If water has been sold and delivered at the rates prescribed for water sold in interruptible interim agricultural water service, and appropriate certifications have been submitted for the water so used, but the water has in fact been used in noninterruptible service, the member public agency shall be obligated to pay the difference between the rates prescribed for water sold for interruptible interim agricultural water service, and the rates prescribed for noninterruptible service, plus an additional payment pursuant to Section 4508 for delinquent payment of the differential amount.

(l) If water has been sold and delivered at the rates prescribed for water sold in seasonal storage service, and appropriate certifications have been submitted for the water so used, but the water has in fact been used in noninterruptible or interruptible interim agricultural water service, the member public agency shall be obligated to pay the difference between the seasonal storage rate and the rate prescribed for the appropriate class of service, plus an additional payment pursuant to Section 4508 for delinquent payment of the differential amount.

**§ 4512. Sales Subject to System and Water Availability.**

All sales and deliveries of water at the rates established by Section 4401 shall be subject to the ability of the District to sell and deliver such water under operating conditions determined by the General Manager, and, to the extent not inconsistent herewith, shall be subject to the provisions of this chapter, and Chapter 6, and Chapter 9.

Chapter 9

INTERIM AGRICULTURAL WATER SERVICE REGULATIONS

Sec.

- 4900 Interim Agricultural Water Program Term
- 4901 Maximum Amount of Annual Water Deliveries
- 4902 Member Public Agency Certifications and Annual Reports
- 4903 Program Audits
- 4904 Member Public Agency Plan to Meet Mandatory Cuts to Agriculture
- 4905 Agricultural Reductions During a Shortage
- 4906 Agencies to Pass Through Entire Agricultural Discount

§ 4900. Interim Agricultural Water Program Term.

The Interim Agricultural Water Program (Program) is an interim program for service of water to agriculture and shall be governed by the Metropolitan Water District Act, this Chapter 9 and other applicable provisions of this Division IV.

§ 4901. Maximum Amount of Annual Water Deliveries.

The maximum amount of water delivered annually under the Program available to each member public agency under the Program is as follows:

<u>Member Public Agency</u>	<u>Maximum Annual Amount of Agricultural Discount Water Member Public Agency May Purchase (acre-feet)</u>
<u>Anaheim</u>	<u>115</u>
<u>Calleguas MWD</u>	<u>7,164</u>
<u>Chino Basin MWD</u>	<u>122</u>
<u>Coastal MWD</u>	<u>232</u>
<u>Eastern MWD</u>	<u>6,761</u>
<u>Fullerton</u>	<u>60</u>
<u>Las Virgenes MWD</u>	<u>51</u>
<u>MWD of Orange County</u>	<u>7,425</u>
<u>San Diego CWA</u>	<u>100,459</u>
<u>Three Valleys MWD</u>	<u>106</u>
<u>Torrance</u>	<u>22</u>
<u>West Basin MWD</u>	<u>170</u>
<u>Western MWD</u>	<u>32,347</u>
<u>Total</u>	<u>155,034</u>

**§ 4902. Member Public Agency Certifications and Annual Reports.**

Member public agencies shall provide monthly agricultural water certifications in conformance with Section 4507. In addition, member public agencies shall provide to Metropolitan not later than September 30 of each year an annual report summarizing the following monthly information: (1) total water use, (2) Metropolitan deliveries, (3) local water use, (4) Metropolitan deliveries to agriculture, and (5) local deliveries to agriculture.

**§ 4903. Program Audits.**

The Program will be audited by Metropolitan at the end of fiscal year 1995-96. Audits may be provided sooner or more frequently if requested by the member public agency or Metropolitan.

**§ 4904. Member Public Agency Plan to Meet Mandatory Cuts to Agriculture.**

On or before November 30, 1994, each member public agency which plans to participate in the Program shall submit a written plan to Metropolitan showing how it will meet the mandatory cuts to agriculture during a shortage. The plan shall describe the member public agency's drought management strategy and how it plans to either cut back agriculture or use local resources to supply agriculture during a shortage.

**§ 4905. Agricultural Reductions During a Shortage.**

Should a supply shortage occur, the General Manager may exercise discretion to reduce agricultural deliveries up to 30 percent prior to imposing Incremental Interruption and Conservation Plan (IICP) mandatory reduction targets for firm deliveries. The required reduction would be measured against the specified target reduction in the Member Agency's IICP base-year usage.

As soon as practical after the General Manager makes a determination to reduce or interrupt delivery of water for interim agricultural water service, the General Manager shall give written notice of such determination to affected member public agencies.

**§ 4906. Agencies to Pass Through Entire Agricultural Discount.**

The member public agency shall pass the entire agricultural discount through to its subagencies, and shall use its best efforts to assure that its subagencies pass the entire discount through to the agricultural water users.

RLUACAMB