

CONGRESS VALLEY WATER DISTRICT **RULES & REGULATIONS**

As updated and effective on January 13, 2025

Congress Valley Water District is a County Water District formed and operating under Water Code § 30000 and following. It is governed by a 5 member board of directors, each of whom are required by the Water Code to be residents and landowners within the District. As of the date of these rules and regulations, all District water served is supplied through the District’s contract with the City of Napa, and is subject to the terms and conditions of that agreement (“City Contract”), which is attached as Exhibit A and incorporated by reference here.

Each Customer is responsible for assuring that his/her water usage is in compliance with these Rules and Regulations.

1. Terms of Water Service

Customers may use water for reasonable beneficial domestic, agricultural irrigation, or winery purposes, subject to the conditions in these Rules and Regulations, the City Contract, and the Customer’s Interruptible Surplus Agricultural Water Supply Contract (if applicable). No water supplied under the City Contract may be used outside of the District’s service area.

Water deliveries pursuant to the City Contract are subject to the restrictions requirements imposed on all City water customers pursuant to Title 13 of the Napa Municipal Code, including, as applicable, drought and conservation requirements. While the utmost effort will be made to ensure that all customers receive the supply they need for their intended uses, the District does not guarantee the quality, quantity, timing or pressure of water deliveries.

2. Annual Supply and Surplus Water

Pursuant to the City Contract, the District is allocated up to 100 acre-feet per year of Annual Supply for domestic, agricultural and winery purposes within the contractual service area. The District is additionally allocated up to 100 acre-feet of Interruptible Surplus Agricultural Water Supply (“Surplus Water”) annually. Surplus Water may be used for agricultural irrigation only. Pursuant to the City Contract, neither District nor its customers may use themselves, provide to third parties, or transfer water received under the City Contract for use outside of the Contractual Service Area.

a. Annual Supply

Water delivered as part of the District’s Annual Supply will be delivered to Customer Meter Connections within the Contractual Service Area and no other location. Such water delivered

shall be used for domestic, agricultural, and winery purposes only. Annual Supply is available for delivery year round, dependent on availability.

b. Interruptible Surplus Agricultural Supply Contracts

Customers who use more than two (2) acre-feet of water for agricultural irrigation annually, regardless of meter type, will be required to enter into Interruptible Surplus Agriculture Water Service Agreements with the District. For purposes of determining the application of this section, the District will evaluate customer usage records on a five-year average to determine whether usage that customer's irrigation usage exceeds this annual threshold. Customers who believe that this classification is in error may appeal that determination to the District Board, whose decision will be final. The District is entitled to up to 100 acre-feet annually of Interruptible Agricultural Water Supply under the City Contract. The District will allocate that supply of water annually across its Interruptible Surplus Agricultural Supply customers on a pro rata basis.

3. Water Rates, Payments, and Billing

Water rates are reviewed annually by the Board of Directors, and in general will pass through the direct costs of City service. Pursuant to Section 6 of the Contract, the City will directly charge District customers for deliveries of water to Customer Meter Connections at the City's then-current Outside Water rates. Customers are required to make payments directly to the City of Napa for water delivered.

The Board of Directors may, in its discretion, impose additional charges and fees associated with the District's provision of water delivery within its boundaries. Any such charges will be the subject of public notice and hearings, consistent with the requirements of Proposition 218.

4. Delinquent Accounts

Any unpaid balance due for water or other services shall be due upon billing, and delinquent 30 days thereafter. Upon delinquency, the District shall add a penalty of 10% to the balance. The penalty and the unpaid balance shall bear interest at the rate of 1 1/2% per month commencing upon delinquency. The District shall continue to add interest at the same rate to the balance, including any penalty, on the first day of each calendar month thereafter, until the entire amount has been paid in full. If a tenant defaults in payment in accordance with these Rules and Regulations, the landowner is responsible for payment of any balance due and unpaid, including penalty and interest.

The District may file a claim of lien for any delinquent and unpaid charges for water or other services, or either, on any land of the person who is liable for the charges.

5. New or Modified Connection

Before obtaining a new or modified service connection, a customer must (1) obtain written approval from the District; (2) pay to the City a water capacity fee (formerly called "connection fee") and all applicable fees and charges associated with installing or modifying water service, and (3) install a City- and District- approved cross connection control device (backflow preventer)

6. Water Shortage

From time to time, and in response to shortage announcements by the City, the District may enact conservation requirements intended to preserve supply for the benefit of the entire District. Users who violate District or City conservation rules may be subject to fines and penalties, up to and including reductions in or termination of service.

7. Right of Access

District and City personnel shall have right of access, at any time, to customer meters, pipelines, and any other District facility for operation, inspection, maintenance or repair. Precautions will be taken to protect trees, crops, landscaping, soil surface or any other property from damage.

8. Metered Water Service

All water service connections shall contain a metering device. Water available to the District through its water service contract with the City is required to be measured at each service connection. Users who receive water pursuant to an interruptible surplus agricultural water supply contract or Users who use water solely for agricultural or winery purposes must have an agricultural metering device at their service connection. Residential meters may only be installed at water service connections with existing or under-construction residences. Users are responsible for installing the required metering device at their service connection.

In the event of the failure of a water meter to accurately record the water delivery every reasonable effort will be made to determine accurate water usage and such estimated usage will be charged to the water user's account.

9. Damage and Repairs

Neither the District, nor any of its officers, agents, or employees shall be liable for the control, carriage, handling, use, disposal or distribution of water after it has passed the Customer Meter Connection, nor for any damage or claim of damage of any nature whatsoever, including but not limited to property damage, personal injury or death arising out of or connected with the same. Damages to District property caused by reason of acts or omissions of the landowner or his tenants or agents will be repaired by the District and the cost of repairs will be charged to the account related to that delivery.

10. Hydrants

District hydrants are for fire protection use only, and may not be used for water service deliveries, pond-filling, or irrigation without the express written permission of the District. Unauthorized use of hydrants may result in the suspension of water service.

11. Violations of Rules and Regulations

Each landowner is responsible for assuring that his/her water usage is in compliance with these Rules and Regulations. Any violation of these rules may, after notice and opportunity to be heard, result in termination or restriction of water service.

In the case of violations, the District shall first notify the User of their violation via regular mail and provide a two (2) month period to the User for the User to correct the violation. The Notice shall state that the user may request a hearing on the violation at the next regularly scheduled meeting of the District Board of Directors.

If, as determined by the District in its sole discretion, the User does not correct or make substantial progress towards correcting the violation within two (2) months, then the District may install a flow regulating device at the service connection. The flow regulating device shall reduce available flow to no less than 55 gallons per day per capita to the User. Upon a determination by the District that the violation has been resolved, the District may direct the removal of the flow regulating device. If the District reasonably determines that the violation is likely to recur, the flow regulating device will not be removed.

Additionally, the District may terminate water service for violations of these Rules and Regulations. Prior to terminating water service, the District shall notify the User via regular mail and by posting a notice at the premises that the User has violated Rule 8 of the District's Rules and Regulations. The Notice shall state that the User must correct the violation within two (2) months, and failure to correct the violation will result in termination of water service. The Notice shall further state that the User may request a hearing on the violation at the next regularly scheduled meeting of the District Board of Directors. If the User does not request a hearing and does not correct the violation within two (2) months, or if after a hearing the District affirms the violation, the District may terminate water service and require full compliance with these Rules and Regulations as a condition to resuming water service.

The request for a hearing as provided for in this Rule 11 shall be made no later than four business days prior to the regularly scheduled meeting of the District's Board of Directors at which the User requests a hearing.

12. Changes in Rules and Regulations

The Rules and Regulations shall become effective immediately and may be added to, amended or repealed at any time by Resolution of the Board of Directors.

Adopted by the Board of Directors of the Congress Valley Water District on January 13, 2025