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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL

IMPERIAL VALLEY COMPUTER MANUFACTURING, LLC a California limited liability company; Petitioner, vs. IMPERIAL IRRIGATION DISTRICT, a California irrigation district Respondent	Case No: ECU004774 Judge Jeffrey B. Jones **VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF** (Code of Civil Procedure §§ 1060, 1085) COUNT 1. Regulation 21 is a Categorical Error of Regulatory Interpreations; COUNT 2. 5-Acre and 46-Acre Parcels' Ministerial Right to Water Entitlement; COUNT 3. Ministerial Right to Clearinghouse Access; COUNT 4. Transfer Restriction Violates Water Code § 22251; COUNT 5. Lack of Farm Unit for Industrial Users Violates Cal. Const. Art. X, § 2; *Abatti v. IID* (2020) 52 Cal.App.5th 236; COUNT 6. Denial of Fallowing for Industrial Applicants violates Water Code § 1011; Cal. Const. Art. X, § 2; *Abatti v. IID*; COUNT 7. AWSP as Applied to Petitioner Violates Water Code § 22252; Cal. Const. Art. X, § 2; and *Abatti v. IID* (2020); and COUNT 8. Industrial Fees Violate Proposition 218 (Cal. Const., Art. XIII D, § 6)

VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF

Petitioner, Imperial Valley Computer Manufacturing, LLC, alleges as follows:

PARTIES

1. Petitioner Imperial Valley Computer Manufacturing, LLC ("Petitioner") is a California limited liability company with its principal place of business in Riverside County. Petitioner is the developer of a 330 Megawatt data center (the "Project") to be located at Aten and Clark Roads in unincorporated Imperial County, California, within the service area of Respondent Imperial Irrigation District ("IID"). Petitioner is a beneficial owner of IID's water rights insofar as it controls land within IID's service area, and is a present and prospective customer of IID's water service.

2. Respondent Imperial Irrigation District is a California irrigation district organized under the Irrigation District Law. It delivers Colorado River water within its territory. It holds water rights subject to the laws of the State of California, the California Constitution, the Water Code, the Government Code, Proposition 218, and its own regulations. IID owes a duty to provide water service to lands within its boundaries on reasonable, equitable, and nondiscriminatory terms, and may not arbitrarily refuse or withhold such service.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to Code of Civil Procedure §§ 1060, 1085, and Article VI, section 10 of the California Constitution. The amount in controversy exceeds the jurisdictional minimum of this Court.

4. Venue is proper in the County of Imperial pursuant to Code of Civil Procedure §§ 393, 394, and 395 because IID is a local public agency seated in Imperial County, the property and water service at issue are located in Imperial County, and the acts and omissions giving rise to this action occurred in Imperial County.

5. Petitioner has exhausted available administrative remedies. Petitioner submitted a complete application to IID for industrial water service. On May 1, 2026, IID denied the application and redirected Petitioner to the City of Imperial for water service, even though the property is located in unincorporated Imperial County within IID's service area, the

City has no obligation to serve water, and the City had already denied Petitioner discretionary reclaimed water service and is presently suing to block the Project. IID's Rules contain no administrative appeal, hearing, or grievance procedure for the denial of a water service application. To the extent any remedy is available, its pursuit would be futile: IID's Board has made its position clear through public statements opposing Petitioner's data-center project.

GENERAL FACTUAL ALLEGATIONS (COUNTS 1 through 3)

A. CITY OF IMPERIAL REJECTS PETITIONER'S RECLAIMED WATER ARRANGEMENT

6. Petitioner acquired site control of the 75-acre industrially zoned parcel located in unincorporated Imperial County, and secured a site plan, grading plan, and CEQA exemption from Imperial County. Petitioner also obtained four engineering reports from IID, confirming that the site will readily support a 330 MW data center (the "Project").

7. The water necessary for cooling the 330 MW data center amounts to 880 acre-feet per year, which is comparable to the water IID delivers to a 160-acre farm. It represents only 0.0284 percent of IID's 3.1 million acre-foot annual entitlement and 0.147 percent of the roughly 600,000 acre-feet that IID transfers outside the Imperial Valley each year as conserved water under Water Code § 1011, pursuant to the Quantification Settlement Agreement and related transfer instruments.

8. From the Project's inception, Petitioner sought reclaimed water for cooling the data center. Petitioner made arrangements with the City of Imperial and the City of El Centro to acquire reclaimed water by treating the cities' wastewater. Petitioner agreed to pay all expenses to upgrade the wastewater treatment plants, to pay the two cities millions for the reclaimed water, and to route excess reclaimed water (87%) to the Salton Sea.

9. Petitioner paid for necessary engineering studies to reclaim the wastewater. Eight months later, on Nov. 26, 2025, the City of Imperial reversed course and abandoned the reclaimed water arrangement. On Dec. 4, 2025, the City filed a petition challenging the CEQA exemption for the Project. *City of Imperial v. Imperial Cty*, No. ECU004457. One week later, the City of El Centro abandoned the reclaimed water arrangement.

10. After four months of continued efforts to revive the deal, Petitioner concluded that the reclaimed-water option was no longer viable, and turned to IID for water as a last resort. Petitioner proposed to self-supply the Project's water by fallowing its contiguous 160-acre farm, imposing no net new demand on IID's Colorado River entitlement.

B. 235-ACRE PROJECT COMPRISES A 75-ACRE INDUSTRIAL PARCEL AND A 160-ACRE FALLOWED FARM PARCEL

11. IID delivers water from the Colorado River through a vast system of canals that move water to delivery gates, which release raw water through metered openings. IID identifies water deliveries by gate number, and the parcels by a "Field No.," which ties a physical location to a specific gate and a billable water account.

12. Petitioner's 75-acre parcel is comprised of a 46-acre subparcel, a 5-acre subparcel and a 24-acre subparcel. (Exhibit 1.) On April 7, 2026, Imperial County approved Resolution No. 2026-057 which merged the subparcels into one single 75-acre parcel.

13. The 5-acre subparcel is identified by IID as Field No. 14794 (Exhibit 2) and billed under Account No. 3522705. (Exhibit 3.) The **5-acre subparcel is presently receiving water from IID** and Petitioner has a ministerial right to continued water service.

14. The 46-acre subparcel is identified by IID as Field No. 14793 (Exhibit 2) and is invoiced under Account No. 3415408. (Exhibit 4) The 46-acre subparcel is current on its Water Availability Charge (*Id*., p. 5), giving Petitioner a ministerial right to water by submitting a certificate of ownership for water service.

15. The 160-acre farm is contiguous to the 75-acre industrial parcel, appurtenant to the Date Canal, receives water from N. Date Canal 40A and 41, and is identified by IID as Field Nos. 14798 and 14801, and invoiced by IID under Account No. 3012250. (Exhibits 2, 5.) The 2025 apportionment from IID for the 160-acre farm is 733.6 acre-feet. (Exhibit 6.) IID records confirm its historical average is 803.7 acre-feet over the past ten years. Because the 160-acre farm is presently receiving water from IID, Petitioner has a ministerial right to continued water service by IID for the 160-acre farm.

C. IID PROCEDURE FOR AGRICULTURAL AND MUNICIPAL WATER SERVICE

16. Regulation No. 1 of IID's Rules and Regulations, titled "types of service" (Exhibit 7), confirms there are seven types of service within IID which include Subdivision D (Small Parcel Service) and Subdivision F (General Industrial Service).

17. Regulation No. 2 of IID's Rules and Regulations, titled "Eligibility and Procedure to Obtain Water Service" (Exhibit 7, p. 3), states that "Lands that have been included within the district boundary of the IID may be **eligible for delivery of water**, subject to having **paid all water availability fees** and subject to compliance with all applicable IID rules and regulations." (*Id.*) The procedure "is initiated with an application for 'Certificate of Ownership'..." (*Id.*) The procedure to secure water service is a desk-level administrative process, and it is the same for all water service, by "following the same procedures."

18. Regulation No. 3 of IID's Rules and Regulations, titled "Application for Service" (Exhibit 7, p. 5) states that "[t]he application for water service is entitled 'Certificate of Ownership and Authorization of Owner Designee or Tenant,' and is the authority by which all charges shall be made by IID for water service." (*Id.*) "IID will accept a 'Certificate of Ownership' without further proof of ownership and will accept the certificate when made by a person acting on behalf of the owner . . . ." (*Id.*)

D. IID PROCEDURE FOR INDUSTRIAL WATER SERVICE

19. Regulation No. 2 (Procedure for Water Service) provides different procedures for new industrial projects which are subject to the Adaptive Water Supply Policy ("AWSP") (formerly IWSP), which requires a "water supply agreement and applicable IWSP Reservation and Development fees"; additionally, "the water supply agreement and IWSP fees shall be approved by the IID Board of Directors." (Exhibit 7, p. 3)

20. Regulation No. 3 (Application for Service) similarly states that "Non-agricultural water users may be subject to IID's [AWSP (formerly IWSP)] and may be required to enter into a water supply agreement prior to IID accepting a completed 'Certificate of Ownership and Authorization of Owner Designee or Tenant' form for service." (Exhibit 7, p. 5)

21. On December 2, 2025, IID adopted Resolution No. 36-2025, which created the Adaptive Water Supply Policy for new industrial projects seeking water from IID. (Exhibit 8.) The AWSP applies to applicants seeking water from IID for new industrial projects. The recitals state that "IID remains firmly committed to providing a reliable water supply for all water users, including new Non-Agricultural projects."

22. The AWSP reserves "up to 25,000 AFY [acre-feet per year] of water for potential Non-Agricultural Projects within IID's water service area . . . ." (*Id*., p. 1.) A "balance of 18,620 AFY [acre-feet per year]" remains available. (*Id*., p. 7 n.2.)

23. The industrial application process can take years to obtain water service, in contrast to water service for agriculture, which involves only desk-level administrative processing. Only two industrial projects secured water approval from IID in the past sixteen years. IID stacks multiple mechanisms to make industrial service practically unobtainable.

E. PETITIONER'S INDUSTRIAL WATER APPLICATION

24. On April 22, 2026, Petitioner submitted a complete application to IID for 880 acre-feet of water for industrial cooling within IID's service area. (Exhibit 9.) Petitioner's application included a Certificate of Ownership for the 5-acre subparcel, IID Field No. 14794 (Exhibit 9, pp. 5-6), and a Certificate of Ownership for the 46-acre subparcel, IID Field No. 14793 (Exhibit 9, pp. 7-8). The Certificate of Ownership constitutes a written request for water service to IID and it is also referred to as a "water card."

25. Petitioner's application included a letter stating it controlled a contiguous 160-acre farm and agreed to fallow it. (Exhibit 9, pp. 3-4.) Fallowing the 160-acre farm would provide approximately 803.7 acre-feet, offsetting the 880 acre-foot request, with any shortfall supplied by the apportioned water of the 5-acre and 46-acre subparcels. The self-supplied fallowing imposes no net new demand on IID's Colorado River entitlement.

26. Petitioner's fallowing proposal is authorized by Water Code § 1011. Under Water Code § 1011(a), water saved through land fallowing shall be deemed "water conservation." And under Water Code § 1011(b), water whose use has ceased as the result of water conservation efforts "may be . . . transferred" with a "change in" the "purpose of use due to the transfer." The statute is not restricted to agricultural-to-agricultural transfers.

27. AWSP § 5.3 expressly authorizes non-agricultural applicants "to provide some or all of the required water supply" through "conservation projects, water storage projects and/or use of an alternative source of supply . . . ." The Temporary Land Conversion Fallowing Policy provides a framework for fallowing in concert with the AWSP.

F. IID Denied Petitioner's Industrial Water Application

28. On May 1, 2026, IID denied Petitioner's request on the sole ground that Regulation 21, which applies to small parcel service, not industrial cooling, prohibits water connections where a small parcel is within 300 feet of a city's potable water. (Exhibit 10.) The application was complete and IID did not assert otherwise.

29. IID's denial letter was predicated on the two points: (1) that "[t]he proposed project site is located within the City of Imperial's Sphere of Influence and abuts areas generally served with treated water by the City"; and (2) that " IID Regulation 21 restricts new water service installations within any areas that have reasonable access to potable water supplies from a private or municipal water system." (Exhibit 10, p. 2.) The denial letter identified no other ground for IID's denial.

30. The final sentence of IID's denial letter states that if the City "need[s] to supplement its annual municipal apportionment to serve this project, the City may submit" a request under the AWSP "for this new non-agricultural purpose." (Exhibit 10, p. 3.) IID supplies 97% of its water to agriculture, and 3% to municipal customers. If the City were to provide water (which it has already refused) the water would flow, indirectly, from IID.

31. IID's effort to push the Project to obtain its water from the City is illusory, given the City's hostility to Petitioner's Project and its past rejection of reclaimed water, and also because its ordinance provides: "Delivery of water to consumers residing outside of the city shall not establish any right whatsoever in the consumers for continued service ...Water service outside of the city may be discontinued at any time." (Imperial Muni. Code § 23-8.)

G. Regulation 21 Is Inapplicable to Petitioner's Application

32. Regulation 21 is titled "Small Parcel Service" (Exhibit 7, pp. 7-9) and on its face does not apply to Petitioner's application, for five independent reasons, each sufficient to invalidate IID's denial:

33. **First**. Petitioner's request is for raw-water service for industrial cooling, not small-parcel service. IID Regulation No. 1 distinguishes "General Industrial Service" (Subdivision F) from "Pipe and Small Parcel Service" (Subdivision D). Regulation 21 governs Subdivision D, not Subdivision F. (Exhibit 7, p. 2.)

34. **Second**. The Project is located in unincorporated Imperial County, within IID's service territory, where IID — not the City of Imperial — is required to provide water service. Regulation No. 2 confirms the procedure to obtain water service includes "Lands that have been included within the district boundary of the IID may be eligible for delivery of water . . . ." (Exhibit 7, p. 3.) Petitioner's land is **within the district boundary of the IID**, in unincorporated Imperial County. The land is **not** located within the City of Imperial, which has no obligation to provide water service. Location within the City's sphere of influence does not obligate the City to serve water absent annexation, and the City has rejected Petitioner's reclaimed-water proposal, and sued Petitioner to block the Project.

35. **Third**. IID's denial relies on Regulation 21's substantive trigger for proximity to potable water within 300 feet of the Project. (Exhibit 10, p. 2.) IID's view is that Petitioner should secure potable water for industrial cooling. However, Petitioner's request is not for potable water; it is for raw-water service for industrial cooling. Indeed, using potable water for industrial cooling would be an unreasonable use of water under Water Code § 13550. Additionally, the closest reclaimed water source is the City's wastewater treatment plant, which is located two miles from the Project. Hence, the geographic trigger of 300 feet under Regulation 21 is inapplicable to the only City water Petitioner is permitted to use.

36. **Fourth**. The application included the certificates of ownership for both the 5-acre and the 46-acre subparcels. (Exhibit 9, pp. 5-8.) The Certificates of Ownership constitute a written request for service. The 5-acre subparcel is currently receiving water, and the 46-acre subparcel is current on its Water Availability Charge, allowing it to receive water. IID's denial letter overlooks the fact that the 5-acre and 46-acre subparcels have a ministerial right to water, including the right to purchase water from IID's Clearinghouse, if available.

37. **Fifth**. The 160-acre farm is currently served by IID. It is contiguous to the 75-acre industrial parcel. (Exhibits 2-3.) Petitioner is seeking to reallocate water from one parcel (agricultural, now retired) to a contiguous parcel (industrial cooling). The reallocation is authorized by AWSP § 5.3 (self-supply through conservation projects) and Water Code § 1011(a) and § 1011(b) (water whose use has ceased as the result of water conservation "may be . . . transferred" with a "change in" the "purpose of use due to the transfer").

H. IID'S WATER SERVICE MAPS FURTHER UNDERMINE ITS POSITION

38. IID's water service maps (www.iid.com/water/about-iid-water/water-service-maps) include an Interactive GIS Water Service Area Map, showing IID field numbers (individual parcels) and water gates for Imperial County. Fields (parcels) in which IID provides water are shown in green on its maps. Accordingly, it is easy to find parcels serviced by IID that are located within cities with water adjacent to the property. IID's water maps confirm that there are countless parcels where IID continues to provide raw water to many parcels within cities with water at the boundary line of the parcels (fields).

39. A comparison of city water service lines with IID's maps confirms there are countless parcels where IID provides raw water even though city water is available.

40. Attached as Exhibit 11 is a sketch of a 42.4 acre parcel located adjacent to La Brucherie Road in the City, and IID's water map showing the parcel (IID field No. 14683) receives raw water from IID at Gate New 3. (Exhibit 11, p. 2.) Exhibit 11, p. 3, is an image of the City's water lines at IID field No. 14683, showing a 12-inch water main along La Brucherie Road, 60 feet from the south property line; an 8-inch water main 175 feet from the west property boundary at Heathrow Drive; and an 8-inch water main 275 feet from the south property line at Industrial Way. Exhibit 11, p. 4, confirms the property is zoned industrial by the City of Imperial and the data center project is located one mile southeast. Exhibit 11, pp. 5-6, confirms IID allocated 252.9 acre-feet in 2026 to Field 14683.

41. IID's denial of Petitioner's application claimed that properties within the sphere of influence of the City of Imperial cannot receive water from IID. However, field No. 14683 is zoned industrial, is located within the City of Imperial and received IID water even

though it has water mains on three sides. Clearly, proximity to city water does not prevent IID from providing water to industrial zoned properties.

42. Countless other properties within the City of Imperial are located near water lines, and zoned industrial, and completely disprove IID's position that under Regulation 21 Petitioner's Project is limited to securing potable water from the City of Imperial. IID Field No. 11662 is comprised of 70.8 acres, south of Brewer Road, within the City of Imperial. It receives raw water from IID at Gate New 4, with a 12-inch water main at Brewer Road within 50 feet of its north boundary. (Exhibit 11, pp. 5-6.) IID Field No. 14684 is comprised of 44.2 acres, south of Brewer Road, and receives raw water from IID at Gate New 5, even though a 12-inch water main is at Brewer Road within 50 feet of its north line.

I. IID BOARD MEMBERS HAVE PUBLICLY ATTACKED PETITIONER'S PROJECT

43. IID Directors Eugenio and Cardenas have made themselves the public face of opposition to Petitioner's Project. Since late November 2025 they have sponsored, voted for, and publicly championed policies, press releases, op-eds, social media posts, and media appearances aimed at burdening the Project.

44. On November 25, 2025, the City of Imperial launched a data center awareness campaign (Exhibit 12, p. 2) and stopped working with Petitioner on the reclaimed-water arrangement initiated eight months earlier.

45. The next day, on November 26, 2025, IID issued a press release launching a public data-center initiative, warning that "Data centers use significant amounts of electricity and cooling water." (Exhibit 12, p. 3.) A few days later, on December 2, 2025, IID adopted the AWSP for new industrial projects, without conducting a cost-of-service study. (Exhibit 8.) On December 4, 2025, the City of Imperial filed a petition challenging the CEQA exemption for the Project. *City of Imperial v. Imperial Cty*, No. ECU004457.

46. On December 5, 2025, IID emailed to every customer, and also announced on its website, about an upcoming workshop on data centers. (Exhibit 12, pp. 6-7.)

47. Also, on December 5, 2025, IID released on its website a data center fact sheet, stating in part that "IID will not expedite any project at the expense of due diligence", that

data center water usage involves "significant volumes of cooling water," and that IID's role is to "evaluate these proposals on a non-discriminatory basis to . . . Confirm water and power demands are feasible and do not cost shift to other ratepayers." (Exhibit 12, pp. 8-9.)

48. On December 10, 2025, while Petitioner's data-center electric service applications were pending before IID, it emailed every customer, and also announced on its website, that "IID Advocates for Ratepayer and Community Protection at Data Center Workshop." (Exhibit 12, pp. 10-12.) IID stated in part that IID was "Clarifying Claims About the Proposed Project in Imperial County," stating that "[r]ecent public statements have included inaccurate descriptions of IID's role and review status. To ensure the public has clear, factual information, IID provides the following clarifications: IID has not approved or endorsed the project. . . . Technical studies do not equal approval. . . . or a commitment to serve power." (Exhibit 12, pp. 11-12.)

49. On December 11, 2025, IID issued a press release titled "Data Center Facts for IID Consumers," stating in part that data centers typically require "Cooling systems: which may require a significant amount of water." (Exhibit 12, p. 13.) The fact sheet included hyperlinks to other data center posts on IID's website. (*Id*., p. 15.)

50. On December 12, 2025, the City of El Centro issued a press release stating it "wishes to clarify that no agreement of any kind has been entered into with any data center developer" and it "is important to underscore that the City has not entered into any agreement or made any commitments related to a data center project." (Exhibit 12, p. 16.)

51. On December 13, 2025, IID Director, now Chairwoman, Karin Eugenio published an op-ed in the Desert Review: "**Why I Oppose the Proposed Imperial Data Center**," stating that "I deeply understand the fear and frustration many residents are feeling about the proposed data center in our community," and stating that she "believe[s] it is my duty to speak up when a proposal raises serious concerns about ratepayers, reliability, and community well-being. . . . Development should enhance a community, not overwhelm it or make residents feel unheard or unsafe." (Exhibit 12, pp. 17-18.)

52. On December 16, 2025, the same op-ed, "**Why I oppose the proposed Imperial Data Center**," was published in the *Imperial Valley Press*. (Exhibit 12, p. 19.)

53. On December 23, 2025, IID emailed every customer receiving water that IID "has adopted a resolution that calls" for "safeguards to protect ratepayers" from "data centers," and stating that "development should enhance the community, and we need to be vigilant when a proposal raises concerns about ratepayers, reliability, and community well-being." (Exhibit 12, pp. 20-21.) "Current local public interest concerns an unincorporated area of Imperial County, near the City of Imperial and surrounding areas, where a large data center is being considered by the County of Imperial and developers." (*Id*.)

54. On December 24, 2025, an article run in the *IV Press,* titled "Imperial Irrigation District adopts protections against large industrial power demands." (Exhibit 12, p. 23.)

55. On March 4, 2026, an article in the *Desert Review,* titled "Eugenio seeks re-election, vows to protect ratepayers amid data center debate," quoted Eugenio as saying that "her campaign will focus on protecting ratepayers" and "**defending the region's water rights**" (Exhibit 12, p. 27 (emphasis added)), and noted: "A major issue is the proposed data center near the city of Imperial, which has raised concerns about . . . the community's quality of life. . . . 'Our community deserves responsible development that respects our families, our homes, and the Imperial Valley way of life,'" it quoted Eugenio as emphasizing. (*Id*., p. 28.) "'I will **continue fighting for our communities, our water** and the reliable power our families depend on,' Eugenio said." (*Id*., p. 29 (emphasis added).)

56. On March 26, 2026, video taken at a public Board meeting connect to Imperial County's data-center workshop, showed Director Eugenio holding a "No Data Center" sign, inside the Imperial County Board chamber. (Exhibit 12, p. 30.)

57. On April 7, 2026, after Imperial County approved the data-center lot merger, IID Chairwoman Karin Eugenio posted a public statement: "I stand with the people of our city and county, and **I stand against this proposal**." (Exhibit 12, p. 31 (emphasis added).)

58. On April 14, 2026, IID Director Cardenas posted an interview on social media, reiterating his opposition to the data center, in which he stated in part: "I have witnessed

firsthand predatory development come to the valley . . . . Imperial Irrigation District and the board . . . are fully aware of **predatory developments**. These are **folks that have never, ever developed a data center** in their lives . . . . [W]e memorialized our position as a full board through Resolution 37-2025 in December. . . . So if you're coming here and wanna put in a data center . . . it's probably **gonna have a hard time getting across the finish line**." (Exhibit 12, pp. 32-33 (emphasis added).)

59. On May 9, 2026, during a candidate forum event, IID Chairwoman Eugenio stated in response to a question by the moderator regarding the proposed data center: "And as far as water, we are in the worst drought in recorded history and water is in a very terrible state right now. So **we have not been asked for water thus far**. If and when we get to that point, we will require CEQA first, a long-term environmental study under the California Environmental Quality Act in order to ensure what the long-term impacts of that water and power usage will be. But I would assume that the developer, **because our sources are so depleted in the form of water**, especially, and power as well, **will need to go out and find his own resources** as to not put that tax on the average ratepayer." (Exhibit 12, p. 34 (emphasis added).)

60. During the same candidate forum event, IID director Alex Cardenas stated, also in response to a question about the data center: "We have people right now, including my mother who is here, who is on medical equipment. Do you think I'm gonna **put her at risk because some guy wants to come here and profit from a data center** and put at risk folks that have medical equipment? This is why these need to be studied. This is why we need policy." (Exhibit 12, p. 36 (emphasis added).)

61. On May 16, 2026, an article in the *Desert Review*, titled "IID candidate Eugenio outlines priorities on water and energy," reported that Eugenio indicated that at their May 15 board meeting, the IID directors would engage in conversations "'specifically about large scale industrial use and data centers.'" (Exhibit 12, p. 38.) "Eugenio closed by saying, 'IID was created to protect the resources of the people of Imperial Valley. **Our water was never meant for special interests or unchecked development**. It belongs to the people

of this Valley. Right now, there are growing pressures from outside interests and predatory development**, threatening our land, our water and our communities**.'" (*Id*., p. 40 (emphasis added).)

62. On May 20, 2026, IID Director Alex Cardenas stated on his Facebook page, *Re-Elect Alex Cardenas*: "[D]evelopments located within an unincorporated area of Imperial County that have access to a municipality within that city's Sphere of Influence are generally expected to pursue potable water service through the appropriate municipal provider." (Exhibit 12, p. 41.) This closely tracked the rationale IID adopted in its denial letter issued three weeks earlier.

63. According to a transcript of a candidate forum event held on May 22, 2026, IID Director Cardenas stated: "We stand here to protect you, folks. The worst thing we can do is put data centers in your residential communities . . . ." (Exhibit 12, p. 43.) He also stated that capital-improvement money "is not for a data center developer." (*Id*., p. 46.) On May 22, 2026, at the same candidate forum event, IID Chairwoman Eugenio stated that IID "last year, created a resolution" that "we will protect our current property owners from the data centers and any kind of territorial developers." (*Id*., p. 44.) She also stated: "It is now more important than ever, in this water crisis that we are in, that we protect our most valuable asset, and that we do not give this" to people "being paid by developers who are here only to reap benefit off the backs of every hard-working person." (*Id*., p. 46.)

COUNT 1
REGULATION 21 IS A CATEGORICAL ERROR OF REGULATORY INTERPRETATION
(Writ of Mandate Code Civ. Proc. § 1085; Declaratory Relief CCP § 1060)

64. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

65. Regulation 21 does not apply to Petitioner's application, as a matter of law. IID's denial under Regulation 21 is an error of regulatory interpretation which this Court reviews de novo, with no deference to IID's interpretation. This Court decides independently the scope of Regulation 21.

66. IID's denial under Regulation 21 was predicated on the Project's proximity to City-supplied **potable** water, whereas Petitioner seeks untreated **raw** water. IID's denial was also predicated on the water lines being within 300 feet, whereas the closest source of reclaimed water from the City is two miles from the Project site. In both respects, IID's denial under Regulation 21 was based on a categorical error of regulatory interpretation.

67. If IID had some other ground for its decision, such as water rights priority, or a cost-of-service concern, it was required to appear in the denial letter, so that it could be tested against the equitable-distribution standard. There is nothing in IID's denial letter making a finding, study, or evidence linking the 880 acre-foot request to any impairment of IID's supply, its QSA obligations, or any other user's service.

68. Because Regulation 21 was the only ground IID stated for its denial, and that ground is invalid as a matter of law, IID is left without any lawful basis for denial. IID's actions are judged on the grounds it actually states, not on grounds later supplied. IID did not invoke supply scarcity, application incompleteness, nor any environmental ground, and none would support denial in any event.

69. IID has a clear, present, and ministerial duty to act on Petitioner's application without reliance on Regulation 21, and — because no other lawful ground for denial appears on this record — to issue the requested water service. Petitioner seeks (a) a declaration that Regulation 21 does not apply to Petitioner's industrial water application as a matter of law; and (b) a peremptory writ of mandate directing IID to set aside its May 1, 2026 denial and to issue the requested will-serve letter.

COUNT 2
THE 5-ACRE AND 46-ACRE PARCEL'S WATER ENTITLEMENT
(Writ of Mandate Code Civ. Proc. § 1085; Declaratory Relief CCP § 1060)

70. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

71. The 46-acre subparcel is zoned for industrial use, is situated within IID's boundaries, and is current on the water availability charges assessed against it. Petitioner seeks water service for an industrial use and, separately, the ability to acquire water through

IID's own Equitable Distribution Plan Clearinghouse, as IID's adopted rules expressly permit any water user that is current on its accounts to do.

72. The 5-acre and 46-acre subparcels' ministerial entitlement to service was placed before IID by Petitioner's application, which included certificates of ownership for both subparcels; nonetheless, IID denied the application without addressing the independent entitlements of the 5-acre and 46-acre subparcels and without agreeing to provide either parcel with water service. Petitioner seeks recognition of the ministerial right of access; it does not seek to compel any particular water volume other than what is required for a 46-acre industrial parcel that has been out of service and seeks to reinstate service.

73. California law recognizes that an irrigation district's consumers possess a right to water service appurtenant to their lands. In *Abatti v. Imperial Irrigation District* (2020) 52 Cal.App.5th 236, the Court of Appeal held that customers within IID's service area "possess an equitable and beneficial interest in the District's appropriative water rights that is appurtenant to their lands and consists of a **right to service**." (*Id*. at 261 (emphasis added).) *Bryant v. Yellen* (1980) 447 U.S. 352, 371 n.23, quoted in *Abatti*, confirmed that "landowners have legally enforceable rights, appurtenant to their lands, to continued service by the District."

74. IID levies water availability charges against land within its service area. The 46-acre subparcel is, and at all relevant times has been, current on all water availability charges assessed against it by IID, and Petitioner is current on all amounts billed by IID in connection with both the 5-acre and the 46-acre subparcels.

75. The 46-acre subparcel is, and at all relevant times has been, assessed and billed by IID under its Water Availability Charge, by which IID acknowledges and represents that water service is available to the 46-acre subparcel, and the owners are current on the 46-acres water availability charge. (Exhibit 4.)

76. Water Rate Schedule No. 6, titled "Stand-by Service (Water Availability Charge)," applies to "lands within the service area of the District, **which are entitled to water service** in accordance with the District's Rules and Regulations." (Exhibit 13 (emphasis

added).) Regulation 2 of IID's Rules and Regulations reinforces this conclusion: "Lands that have been included within the district boundary of the IID may be **eligible for delivery of water**, subject to having **paid all water availability fees** and subject to compliance with all applicable IID rules and regulations." (Exhibit 7, p. 3 (emphasis added).)

77. The 46-acre subparcel has continuously paid the Water Availability Charge, under IID Account No. 3415408. (Exhibit 4, p. 6.) IID has accepted those payments continuously on the basis that the 46-acre subparcel is "entitled to water service." Because the 46-acre subparcel is current on its water availability fees, and has filed a Certificate of Ownership for water service for IID Field No. 14793 (Exhibit 9, pp. 7-8), IID Regulation No. 3 provides that "IID will accept a 'Certificate of Ownership' without further proof of ownership." (Exhibit 7, p. 5.) Pursuant to IID Regulation No. 2(B), the procedure for water services "is initiated with an application for 'Certificate of Ownership,'" which the 46-acre subparcel provided, and is therefore entitled to water service under Regulation No. 2, given that the 46-acre subparcel is located "within the district boundary." (Exhibit 7, p. 3.)

78. The 46-acre subparcel has been zoned industrial since May 30, 1991 (County Ord. No. 1049), and the water availability charge has been paid since Rate Schedule No. 6 was enacted. (Exhibit 13.) Water Rate Schedule No. 6 does not distinguish between agricultural and industrial parcels for purposes of the water availability charge. (*Id.*)

79. IID has collected the water availability charge with full knowledge that the parcel could be put to industrial use someday. Although Regulation Nod. 2 and 3 subject new industrial projects to the AWSP, they do not extinguish the pre-existing appurtenant and standby service rights of an industrial parcel already within the District, already billed under Schedule 6, and current on its Water Availability Charge.

80. Petitioner does not seek 880 acre-feet per year for the 46-acre industrial parcel; but standing alone, the 46-acre industrial subparcel has a ministerial right to service, which IID disregarded. Upon information and believe, Petitioner alleges that under IID's equitable distribution plan, the 46-acre industrial subparcel, without historical water use, is entitled to 2.78 acre-feet per year for each acre, or 127.9 acre-feet per year total (2.78 x 46).

81. Petitioner has complied with, or stands ready, willing, and able to comply with, all lawful and reasonable conditions of service under IID's rules and regulations.

82. The 5-acre subparcel is presently receiving water, and submitted a completed Certificate of Ownership for water service. It is current on all its water fees (Exhibit 3), and has a right to continued water service. It is entitled to water from IID and has a legally enforceable right to continued service. In *Bryant v. Yellen* (1980) 447 U.S. 352, 360, 371 n. 23, the Supreme Court held that Colorado River water is equitably owned by the beneficiaries, whom IID was obligated to deliver water, and that landowners have "legally enforceable right, appurtenant to their lands, to continued service by the District."

83. Notwithstanding Petitioner's eligibility under IID's own governing documents and IID's statutory duties as the sole provider of water within the Imperial Valley, IID has refused and failed to act, leaving Petitioner without water service and without access to the water-transfer mechanism that IID makes available to its other users. Petitioner brings this verified petition to compel IID to perform its duties.

84. As an irrigation district organized under the Irrigation District Law, and as the sole provider of water within its service area, IID owes a duty to provide water service to lands within its service area on reasonable, nondiscriminatory terms. Water Code § 22250 et seq. requires IID to distribute water to lands and users within Imperial Valley, and Water Code § 22252 requires that water be distributed equitably as determined by IID's Board among those offering to make the required payment.

85. Under controlling California law, lands within IID's service area have a right to water service from IID. The 46-acre subparcel, as industrially zoned land within IID that is current on its water availability charges, is entitled to water service consistent with the IID's duties, California water policy, and Article X, § 2 of the California Constitution.

86. An actual and present controversy exists between Petitioner and IID concerning the right to water service of the 5-acre and 46-acre industrial subparcels. Petitioner seeks: (a) a peremptory writ of mandate directing IID to recognize the 5-acre subparcel's ministerial right to continued water service; and (b) the 46-acre subparcel's ministerial right to restart water service because it is current on its water availability charges.

COUNT 3

MINISTERIAL WATER SERVICE RIGHTS AND CLEARINGHOUSE ACCESS

(Writ of Mandate Code Civ. Proc. § 1085; Declaratory Relief CCP § 1060)

87. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

88. Petitioner is excused from further exhaustion as to Clearinghouse access: the right is ministerial, and a further request would be futile in light of IID's opposition to the Project and its categorical denial of service. This Count seeks recognition of the ministerial right of access; it does not seek to compel any particular transfer in any particular year, which depends on annual availability.

89. IID has adopted an Equitable Distribution Plan ("EDP") (Exhibit 14), pursuant to Water Code § 22252, to manage the equitable distribution of its available water supply among its categories of water users, which the EDP defines as the Agricultural, Potable, and Industrial/Commercial Water Users Categories. The EDP defines a "District Water User" as any user of water supplied by the IID receiving an apportionment, and it establishes a Clearinghouse as the mechanism by which water is transferred among water users within the service area during a calendar year. (EDP § 6.0 et seq.)

90. Section 6.2 of the EDP provides that "Any District Water User may be a transferee. Any District Water User may be a transferor." The provision is category neutral and does not exclude industrial water users. EDP § 6.3 provides: "Water available for transfer will be made on a first-come, first-serve basis for those District Water Users that have submitted an offer to transfer water or submitted a request for additional water . . . ."

91. This open-market mechanism is not restricted by user category and is available to industrial users. The EDP imposes no category-based restriction on a District water user's eligibility to acquire water as a transferee through the Clearinghouse, and the District's general Clearinghouse Transfer Form, Form IID-415, expressly accommodates both agricultural and non-agricultural accounts. (Exhibit 15, p. 2.)

92. The 5-acre and 46-acre subparcels satisfy the Clearinghouse requirement that "[a]ll transferees and transferors must be current on their District water accounts and billings, including water availability charges." (EDP § 6.2.)

93. EDP § 6.5 provides that Clearinghouse transfers operate on a calendar-year basis and does not preclude annual participation by the same transferee year after year. The Clearinghouse is administered as a ministerial function of the EDP. IID has no discretion to exclude qualified Water Users from access ; its discretion is limited to verifying account currency, matching offers and requests, and processing the resulting transfers.

94. By denying Petitioner's industrial water service application, without addressing whether Petitioner may secure water through the Clearinghouse, IID foreclosed Petitioner's access to a procedural mechanism the EDP affords all District Water Users, including industrial users. That foreclosure is unlawful under the EDP and Water Code § 22252 (irrigation districts shall establish equitable rules for water distribution). This duty runs to industrial users no less than to agricultural and municipal users.

95. IID has a clear, present, and ministerial duty to recognize and give effect to Petitioner's right to acquire water as a transferee through the Clearinghouse in accordance with the EDP. Petitioner seeks a peremptory writ of mandate and declaratory relief directing IID to recognize Petitioner's ministerial right, as a water user current on its water availability charges, to participate in the purchase water through the Clearinghouse on a calendar-year basis, on the same first-come first-serve term IID extends to all other qualifying water users, subject to annual availability.

ADDITIONAL FACTUAL ALLEGATIONS (COUNTS 4 through 8)

A. WATER CODE § 22251 CONFERS ASSIGNMENT RIGHT WITHIN THE DISTRICT

96. Water Code § 22250 provides that "[a]ll water distributed by districts for irrigation purposes shall . . . be apportioned ratably to each landowner . . . ." The immediately following section, Water Code § 22251 provides that "any landowner may assign for use within the district his right to the whole or any portion of the water apportioned to him pursuant to Section 22250."

97. Under the plain language, one who secures an apportionment may "assign for use within the district his right" to "water apportioned to him." Water Code § 22251 does not require the receiver of the assignment to use it for agriculture. The only limit is that the receiver of the assigned water use it **within** the district.

98. Water Code § 22251 contains no limitation upon the use to which the assignee may put the water. The water transfer is simply reshuffling already-apportioned water inside IID's existing footprint, as to which the total draw of water from IID does not change.

99. Water Code § 22251 places its only express limit on **place** ("for use within the district"), and says nothing about the **purpose** to which the assignee puts the water. The statute does not say "assign for irrigation use" or "assign to another agricultural user."

100. IID adopted the Equitable Distribution Plan and its Clearinghouse rules as a transfer mechanism between users, to track water transfers. EDP § 1.0 confirms that the EDP "is for the management of the District's available water supply and does not transfer water and/or water rights outside the IID service area."

101. In sharp contrast to Water Code § 22251, which places no restriction on an assignee's use of water, EDP § 6.3 provides "that a District Water User may direct the transfer of their offered water to a designated requesting District Water User **within the same Water User Category**" (emphasis added). Thus, the EDP prevents an agricultural user from being a direct transferor to an industrial user, by requiring that transferring parties be members of **the same** category of water users.

102. Clearinghouse Form IID-415A requires that the "[t]ransferring parties must be members of the same category of apportioned water users." (Exhibit 15, p. 3.) This restricts the ability of District water users to direct transfer apportioned water to a transferee in a different category, like industrial, which seeks to use the apportioned water.

103. IID has a mandatory duty to refrain from adopting and enforcing rules that conflict with Water Code § 22251. EDP § 6.3's same-category restriction conflicts with Water Code § 22251, it exceeds IID's authority and is void and unenforceable.

104. The 46-acre subparcel described above is invoiced by IID under Account No. 3415408 (Exhibit 4), which covers the 46-acre subparcel, together with two additional subparcels having a 2026 apportionment of 561.7 acre-feet per year. (Exhibit 4, p.7.) Petitioner has secured an assignment of the water apportioned from those two subparcels, and seeks to use it at the Project site as an alternative to the fallowing proposal. However, the assignment, from an agricultural to an industrial water user, is prohibited under EDP § 6.3 and Clearinghouse Form IID-415A, because it is not "within the same Water User Category."

105. IID transfers approximately 600,000 acre-feet annually out of the Imperial Valley to non-Imperial entities under multiple long-term agreements. These transfers are not conditioned on any restriction on the use of the water. Upon information and belief, Los Angeles, Coachella and San Diego all resell water received from IID to industrial users.

106. Because IID facilitates out-of-Valley transfers where water is sold to industrial users without restrictions, while IID refuses equivalent in-district industrial water transfers from agricultural to industrial, that disparity is unequal treatment across categories of users in violation of Water Code § 22252's command that water "be distributed equitably . . . among those offering to make the required payment."

107. No court decision has construed Water Code § 22251 to limit the assignment to agriculture. The California Supreme Court discussed § 22251, in a dissenting opinion by Chief Justice Gibson, and described the right as authorizing "a landowner to **assign any or all water apportioned to him**," with no use limitation on the assignee. (*Ivanhoe Irrigation Dist. v. All Parties* (1957) 47 Cal.2d 597, 651-652 (dis. opn. of Gibson, C.J.) (emphasis added).)

108. The assignment right is long standing, in sustaining California's irrigation scheme as a public use, the United States Supreme Court construed the 1887 predecessor statute of Water Code §§ 22250 and 22251, which likewise apportioned water ratably to each landowner and provided "that any land owner **may assign the right** to the whole or any portion of the **waters so apportioned to him**" and described that right in the same terms

as § 22251: if a landowner "should have more water than he wanted to use on his land, he has the right to sell or **assign the surplus or the whole of the water**, as he may choose." (*Fallbrook Irrigation Dist. v. Bradley* (1896) 164 U.S. 112, 162 & n. 1 (emphasis added).)

109. Petitioner is entitled to a writ of mandate commanding IID to cease enforcing the same-category restriction to the extent it conflicts with Water Code § 22251, and to recognize Petitioner's right to acquire as a transferee, water apportioned by IID for use within the District, without regard to the Water User Category of the assignor or assignee.

110. An actual controversy has arisen and now exists between Petitioner and IID concerning their respective rights and duties under Water Code § 22251 and the EDP. Petitioner contends that the EDP's same-category transfer restriction is invalid and unenforceable to the extent it conflicts with § 22251, and that Petitioner holds the right to acquire apportioned water for use within the District for industrial use. Petitioner is informed and believes, and on that basis alleges, that IID contends to the contrary. Petitioner seeks a judicial declaration of the parties' respective rights and duties pursuant to Code of Civil Procedure § 1060.

B. THE *ABATTI* EQUITABLE-TREATMENT MANDATE

111. In *Abatti v. Imperial Irrigation District* (2020) 52 Cal.App.5th 236, the Court of Appeal affirmed the trial court's holding that IID abused its discretion in adopting an Equitable Distribution Plan that categorically prioritized one Water User Category over another. The *Abatti* court held that "[t]he District must **treat all categories of users equitably under the plan**, consistent with the interests of the users, the District's purposes, and California water policy." (*Id*. at 274 (emphasis added).) The District's discretion must be exercised "consistent with [the District's] duties to manage and distribute water equitably **for all categories of users served by the District**." (*Id*. at 247 (emph. added).)

112. *Abatti* rejected the argument that IID's purpose is agricultural-only: "The District's purposes and powers extend beyond irrigation ... it is obligated to provide equitable service to all beneficial users." (*Id*. at 246.) The court reiterated that IID "is **required to distribute water equitably to all users, not just to farmers**." (*Id*. at 246 (emphasis added).)

113. *Abatti*'s equitable-treatment mandate is symmetrical. IID cannot subordinate industrial users to agricultural users; it must treat each category equitably with the others. The *Abatti* holding makes industrial users equal to agricultural water users for purposes of access, service terms, and fees. Water Code § 22252 reinforces the equitable-treatment requirement by statute: water "**shall be distributed equitably** as determined by the board among those offering to make the required payment" (emphasis added). The statute is category neutral.

114. The common-law duty-to-serve doctrine further reinforces the equitable mandate. In *Leavitt v. Lassen Irrigation Co.* (1909) 157 Cal. 82, 90, the California Supreme Court held that water suppliers acting in a public capacity "must supply all alike who are like situated." This principle, cited approvingly in *Abatti* at page 265, establishes a parallel-treatment rule that operates independently of category labels.

C. Disparate Treatment of Industrial Water Users

115. IID treats industrial applicants disparately in procedure from agricultural users. New agricultural users obtain service through simple administrative processing at the local Water Division office, with no Board approval required. By contrast, new industrial applicants under the AWSP are required to submit a formal application, undergo discretionary staff review, negotiate a water-supply agreement, obtain Board approval, pay a one-time Reservation Fee, pay an annual Water Supply Development Fee, and pay the regular industrial water rate. The industrial process takes months to years, while the agricultural process involves perfunctory, desk-level administrative processing.

116. IID also imposes unjustified fee disparities. Agricultural users pay $20 per acre-foot for raw Colorado River water. Existing industrial users pay $85 per acre-foot for identical water through identical infrastructure. New industrial applicants under the AWSP which IID adopted without any cost-of-service study pay $1,109 per acre-foot at the upper tier — **55 times the agricultural rate** and **13 times the existing industrial rate** — for the same water through identical infrastructure. IID also refuses to credit conservation-based self-supply for industrial users while granting such credits to agricultural users.

117. IID credits agricultural fallowing-based conservation, but it refuses analogous credit when Petitioner self-supplied contiguous in-district farmland. IID also refuses to recognize appurtenant service rights for industrial conversion, treating the right recognized in *Abatti* and *Bryant v. Yellen* as available only when the parcel remains in agricultural use.

118. The AWSP, as applied to Petitioner, subordinates industrial users to agricultural users in access, procedural pathway, and fees.

D. Denial of Farm Unit Treatment for Industrial Applicants

119. Under IID's Farm Unit Designation procedure (Exhibit 15, p. 4), an agricultural water user's separate water accounts may be grouped into a Farm Unit, and water apportioned to any one account within the unit may be used on any field within any of the grouped accounts. (EDP §§ 2.17, 5.0.)

120. IID does not treat apportionment as rigidly bound to the specific field or gate that historically received the delivery. The Farm Unit framework allows water to move across non-contiguous fields separated by many miles within IID's service area.

121. IID's website on Equitable Distribution FAQs (https://www.iid.com/water/rules-and-regulations/equitable-distribution/equitable-distribution-faqs) states (emphasis added): "Can my fields share apportionment? **Fields in the same farm unit can share water**. The farm unit is a grouping of a single water user's agricultural water accounts. All billing and ordering of water for the individual accounts remains the same, but apportionment authorized to be shared within the farm unit may be used by any field in any of the associated accounts you specify on the Farm Unit Designation (FUD) form." IID treats apportionment as a fungible quantity that can be reallocated across an operational unit under common ownership.

122. The Farm Unit Designation framework is restricted to agricultural water accounts. (EDP § 2.17 defining "Farm Unit" as a grouping of agricultural water accounts; EDP § 2.1 defining "Agricultural Water" narrowly to exclude industrial uses.) An industrial user cannot group its accounts together for intra-ownership water reallocation, even where the accounts are appurtenant to contiguous parcels under unified ownership.

123. There is no rational basis for IID to permit an agricultural user to combine fields miles apart into a single Farm Unit for water-reallocation purposes, while denying an industrial owner the right to do the same with contiguous fields under unified ownership.

124. Petitioner's 75-acre industrial parcel and the contiguous 160-acre agricultural parcel are both within IID's service area. They are both presently receiving or entitled to receive IID water service. Petitioner proposes to retire the 160-acre subparcel from agricultural production and to deploy the corresponding water to industrial cooling at the 75-acre industrial subparcel within the unified 235-acre parcel. This is the precise intra-ownership water reallocation the Farm Unit framework expressly authorizes for agricultural users, but that IID denies to industrial users.

125. The Farm Unit framework permits agricultural farmers to combine non-contiguous fields separated by many miles into a single farm unit. Petitioner's 235-acre merged parcel — unified under common ownership with the two directly contiguous subparcels — is more closely integrated than many existing IID-recognized farm units.

126. The denial of farm unit-equivalent treatment to Petitioner imposes no net new demand on IID's Colorado River entitlement, the water Petitioner proposes to use is **the same water** IID has been delivering to the 160-acre farm for years. IID's service obligations would not be increased; and no other water user would be disadvantaged. The Farm Unit framework extends intra-ownership water reallocation to agricultural users but excludes industrial users, in violation of the equitable-treatment mandate under, *Abatti* and Water Code § 22252 (IID shall establish equitable rules for water distribution.)

E. Denial of Fallowing-Based Conservation for Industrial Applicants

127. The delivery of water from the 160-acre farm to the contagious 75-acres for industrial use is authorized by both Water Code § 1011(a), under which water saved through land fallowing shall be deemed "water conservation," and Water Code § 1011(b), under which water whose use has ceased as the result of water conservation efforts "may be . . . transferred" with a "change in" the "purpose of use due to the transfer." The statute is not restricted to agricultural-to-agricultural transfers.

128. IID has built an extensive administrative infrastructure to facilitate fallowing-based conservation, but only for agricultural participants. The Temporary Land Conversion Fallowing Policy ("TLCFP") (Exhibit 16) provides a framework for temporary and long-term fallowing in concert with the AWSP.

129. AWSP § 5.3 expressly authorizes non-agricultural applicants to "provide some or all of the required water supply" through "conservation projects."

130. The fallowing-based conservation framework, as administered by IID, extends substantial benefits to agricultural participants while denying analogous credit to industrial applicants who undertake the same fallowing-based conservation at their own expense. That asymmetry violates *Abatti* and Water Code § 22252 (irrigation districts shall establish equitable rules for water distribution.)

131. IID's transfers of water out of the Imperial Valley are structured as transfers of "conserved" water under Water Code § 1011. The executed transfer agreements define "Water Conservation" by reference to Water Code § 1011(a) and provide that the conserved water may be sold, leased, exchanged, or otherwise transferred under § 1011(b).

132. On that basis, IID transfers approximately 600,000 acre-feet per year to out-of-Valley users who purchase water from San Diego County Water Authority, Coachella Valley Water District and Metropolitan Water District.

133. Water Code § 1011 conservation, including fallowing-generated water, is the legal engine for IID's largest water program. It is also the mechanism IID refused to recognize when Petitioner offered to fallow its contiguous 160-acre farm to self-supply its water. The basis on which IID sends 600,000 acre-feet per year out of Imperial Valley, to Riverside, Los Angeles and San Diego County, is also the basis on which IID denied Petitioner.

134. IID credits and monetizes § 1011 conservation, including fallowing, to deliver water to out-of-Valley urban users, while denying the identical mechanism to an in-Valley industrial applicant who offers to generate the same conserved water at its own expense. That asymmetry is unequal treatment in violation of Water Code § 22252's command that water be distributed equitably, the equitable-treatment mandate of *Abatti*, and Article X, section 2 of the California Constitution.

135. The disparity is not merely procedural. IID transfers approximately 20 percent of its Colorado River entitlement outside the Valley, so that the economic benefits of those transfers — revenue, jobs, and growth — accrue outside Imperial County, while the burdens of IID's refusal to permit equivalent in-Valley use fall on Imperial County businesses and the local economy.

136. IID cannot invoke Water Code § 1011 conserved-water transfers, including fallowing, as the legal foundation of its largest water program while denying the same § 1011 fallowing credit to Petitioner. Doing so subordinates in-Valley industrial conservation to out-of-Valley urban conservation, in violation of Abatti and Water Code § 22252.

137. Despite the express statutory authority of Water Code section 1011, AWSP section 5.3, the TLCFP, and EDP § 2.11, IID refused to credit Petitioner's self-supplied 160-acre fallowing offset. IID has a clear, present, and ministerial duty to treat Petitioner equitably. (Water Code §§ 22250, 22252; Code Civ. Proc. § 1085.)

F. Disparity Between Out-of-Valley Transfers and In-Valley Users

138. Petitioner's in-Valley industrial application, by contrast, would keep its conserved water, 803.7 acre-feet from fallowing the 160-acre farm, with any balance drawn from the apportionment of the 5-acre and 46-acre subparcels, all within the Imperial Valley canal system, and would generate substantial in Valley economic activity, employment, and tax revenue without imposing any new demand on IID's QSA capped entitlement.

139. IID's administrative practice creates a pattern of unequal application: IID transfers 600,000 acre-feet/year out of the Valley, but denies Petitioner's in-Valley application by invoking inapposite regulations, in violation of the equitable-treatment mandate of *Abatti*, Water Code § 22252, and Article X, § 2 of the California Constitution.

140. IID holds its Colorado River "water rights in trust for the benefit of its users." (*Abatti*, 52 Cal.App.5th at 246.) IID's denial of service to Petitioner, a **zero net demand project**, violates the equitable obligations acknowledged in *Abatti*. IID breached its fiduciary duties to Petitioner, an in district user.

141. Petitioner seeks declaratory relief that IID's disparate treatment of in-Valley industrial applicants violates the equitable-treatment mandate; and a peremptory writ directing IID to cease breaches of its trustee duties as they relate to Petitioner's application.

COUNT 4
WATER CODE § 22251 ASSIGNMENT RIGHT;
INVALIDITY OF EDP § 6.3 SAME-CATEGORY RESTRICTION
(Writ of Mandate; Code Civ. Proc. § 1085; Declaratory Relief; § 1060)

142. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

143. Petitioner seeks a peremptory writ of mandate commanding IID to cease enforcing EDP § 6.3's limitation of directed transfers to transferees within "the same Water User Category," and permit direct assignment of apportioned water across Water User Category lines as permitted by Water Code § 22251; and directing IID to recognize Petitioner's directed assignment of apportioned water for in-district industrial use, to the extent Petitioner requires that assignment to supply the Project.

144. Petitioner further seeks a declaration, pursuant to CCP § 1060, that (a) Water Code § 22251 authorizes a landowner to assign apportioned water for beneficial use within the District without limitation as to the assignee's Water User Category; (b) EDP § 6.3's same-category limitation on directed transfers is invalid and unenforceable to the extent it conflicts with Water Code § 22251; and (c) IID has no lawful basis to refuse Petitioner's directed assignment of water within the District without regard to Water User Category.

COUNT 5
DENIAL OF FARM UNIT TREATMENT FOR INDUSTRIAL APPLICANTS
(Writ of Mandate CCP § 1085; Dec. Relief CCP § 1060; Cal. Const. Art. X, § 2)

145. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

146. Petitioner seeks: (a) a peremptory writ of mandate and declaratory relief that under *Abatti* and Water Code § 22252, Petitioner has a right to Farm Unit-equivalent treatment for the 235-acre merged parcel; (b) a peremptory writ directing IID to recognize the

transfer of the 160-acre farms historical apportionment to the 75-acre industrial parcel; and (c) declaratory relief that IID's categorical refusal to extend such treatment to industrial water users violates *Abatti*, Water Code § 22252, and Article X, section 2.

COUNT 6
DENIAL OF FALLOWING-BASED CONSERVATION FOR INDUSTRIAL APPLICANTS
(Writ of Mandate Code Civ. Proc. § 1085; Declaratory Relief CCP § 1060; Water Code § 1011; Cal. Const. Art. X, § 2)

147. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

148. Petitioner seeks: (a) a peremptory writ of mandate and declaratory relief recognizing Petitioner's right under Water Code § 1011, AWSP § 5.3, and the TLCFP to fallow the 160-acre subparcel and transfer the resulting conserved water (approximately 803.7 acre-feet) to the 75-acre industrial parcel for industrial cooling use; (b) a peremptory writ of mandate directing IID to credit Petitioner's self-supplied fallowing offset on the merits; and (c) declaratory relief that IID's categorical refusal to extend fallowing-based conservation credit to industrial and commercial water users violates Abatti, Water Code § § 1011 and 22252, and Article X, § 2 of the California Constitution.

COUNT 7
INVALIDITY OF AWSP AS APPLIED TO PETITIONER
(Writ of Mandate Code Civ. Proc. § 1085; Declaratory Relief CCP § 1060; Water Code § 22252; Cal. Const. Art. X, § 2; *Abatti v. IID* (2020) 52 Cal.App.5th 236)

149. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

150. The AWSP, as applied to Petitioner's self-offsetting application, imposes fees and barriers that are inconsistent with IID's own surplus posture and with Water Code section 1011. The policy is invalid as applied to Petitioner.

151. Petitioner seeks a peremptory writ of mandate and declaratory relief that (a) the AWSP is void as applied to Petitioner because it codifies the categorical subordination of industrial water users that Abatti forecloses; (b) the AWSP is void as applied to Petitioner

because it imposes procedural, fee, and access disparities violating Water Code § 22252, Article X, § 2 of the California Constitution, the *Abatti* equitable-treatment mandate, and the *Leavitt* duty-to-serve doctrine; and (c) a peremptory writ of mandate directing IID to extend to Petitioner the same access, procedural, and service terms IID extends to similarly situated agricultural water users.

COUNT 8

INDUSTRIAL FEES VIOLATE PROPOSITION 218

(Writ of Mandate Code Civ. Proc. § 1085; Dec. Relief CCP § 1060;
Proposition 218 Cal. Const., Art. XIII D, § 6)

152. Petitioner re-alleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

153. Proposition 218, codified in Article XIII D of the California Constitution, requires that "revenues derived from the fee or charge shall not exceed the funds required to provide the property-related service" (Art. XIII D, § 6(b)(1)) and that the fee "shall not exceed the proportional cost of the service attributable to the parcel" (Art. XIII D, § 6(b)(3)). Proposition 218 also prohibits using fee revenues "for any purpose other than that for which the fee or charge was imposed." (Art. XIII D, § 6(b)(2).)

154. Water-service fees imposed by IID are subject to Proposition 218. (*Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205, 225.) In any legal action contesting such fees, "the burden shall be on the agency to demonstrate compliance with this article." (Cal. Const., Art. XIII D, § 6(b).) Courts review compliance de novo, without deference to the agency's determination. (*Silicon Valley Taxpayers' Assn. v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, 448–449.)

155. IID adopted the AWSP rate structure on December 2, 2025 **without performing a cost-of-service study**. The AWSP imposes on new industrial users at the upper tier a total per-acre-foot charge of $1,109.74, comprising the existing industrial rate of $85, the Water Supply Development Fee of $819.79, and the Reservation Fee of $204.95, **55 times the $20 agricultural rate** and **13 times the existing $85 industrial rate** for identical untreated Colorado River water delivered through the same canal system.

156. IID has not justified, by any cost-of-service analysis, or other rational distinction between users, the extreme disparity between the AWSP fees and the rates IID charges other Water User Categories for identical service. The cost of moving an acre-foot of water through a concrete-lined canal does not vary based on whether the water cools data-center servers or irrigates alfalfa.

157. The Reservation Fee is expressly "intended to offset the cost of setting aside the projected water supply" for future use. (AWSP § 3.8.) The Water Supply Development Fee is charged "to assist in funding IID water conservation programs or related water supply projects." (AWSP § 3.9.) These are classic cross-subsidy mechanisms designed to shift system-wide costs onto new industrial entrants.

158. The AWSP fees violate Article XIII D, sections 6(b)(1), 6(b)(2), and 6(b)(3). They exceed the cost of providing the property-related service to Petitioner's parcel; they fund system-wide conservation and new-supply costs not attributable to Petitioner's service; and they shift new-supply acquisition costs onto one customer class to subsidize others. (See *Patz v. City of San Diego* (2025) 113 Cal.App.5th 225 [tiered rates invalidated where agency failed to demonstrate cost-based justification for differentials]; *Coziahr v. Otay Water Dist*. (2024) 103 Cal.App.5th 785 [strict proportionality standard applied to invalidate non-cost-justified tier differentials].)

159. AWSP § 5.2.2 provides an independent textual ground for eliminating the Water Supply Development Fee as applied to Petitioner. Section 5.2.2 calculates that Fee on the "net difference" between projected demand and the property's historical apportionment.

160. Petitioner's projected demand is 880 acre-feet per year. The 160-acre farm's historical ten year apportionment averaged 803.7 acre-feet per year; together with the apportioned water and service capacity of the 5-acre and 46-acre subparcels, the property's historical apportionment equals or exceeds the 880 acre-feet projected. The § 5.2.2 "net difference" is therefore zero or negative, and by the AWSP's own formula the Water Supply Development Fee is zero, or at a minimum must be recalculated to credit Petitioner's historical apportionment rather than charging the full projected demand.

161. Petitioner seeks: (a) judicial declaration that the AWSP Reservation Fee and Water Supply Development Fee, violate Proposition 218, Article XIII D, §§ 6(b)(1), 6(b)(2), and 6(b)(3); (b) a judicial declaration that under AWSP § 5.2.2 the Water Supply Development Fee owed by Petitioner is zero; and (c) a peremptory writ of mandate enjoining IID from imposing the Reservation and Water Supply Development Fees on Petitioner.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for judgment against IID as follows:

(1). On Count 1, for declaratory relief and a peremptory writ of mandate that IID Regulation 21 does not apply to Petitioner's industrial water application as a matter of law, and directing IID to cease treating the Regulation 21 referral as a substitute for an administrative decision on Petitioner's AWSP application;

(2). On Count 2, for a peremptory writ of mandate and declaratory relief directing IID to recognize the 5-acre, and 46-acre subparcels' respective ministerial rights to industrial water service, and recognizing that the April 7, 2026 lot merger consolidated the subparcels into the single 75-acre industrial parcel with the combined service;

(3). On Count 3, for a peremptory writ of mandate and declaratory relief recognizing Petitioner's 46-acre subparcel, as industrially zoned land within the District that is current on its water availability charges, holds a right to water service and a right to acquire water as a transferee through the Clearinghouse mechanism on a calendar-year basis, and prohibiting IID from interfering with that right;

(4). On Count 4, for a peremptory writ of mandate commanding IID to cease enforcing Section 6.3 of the EDP, and any implementing form or practice, to the extent it restricts the assignment or acquisition of apportioned water by Water User Category in conflict with Water Code section 22251; for a declaration, pursuant to Code of Civil Procedure section 1060, that the EDP's same-category transfer restriction is invalid and unenforceable to the extent it conflicts with Water Code section 22251,

and that Petitioner holds the right to assign and to acquire apportioned water for use within the District without regard to Water User Category;

(5). On Count 5, for a peremptory writ of mandate and declaratory relief that Petitioner has a right to Farm Unit-equivalent treatment for the 235-acre merged parcel, and directing IID to recognize the transfer of the 160-acre subparcel's historical apportionment to the 75-acre industrial subparcel;

(6). On Count 6, for a peremptory writ of mandate and declaratory relief recognizing Petitioner's right under Water Code section 1011 and AWSP section 5.3 to fallow the 160-acre subparcel and transfer the resulting conserved water (approximately 803.7 acre-feet) to the 75-acre industrial parcel for industrial cooling use, and directing IID to credit the self-supplied fallowing offset on the merits;

(7). On Count 7, for a peremptory writ of mandate and declaratory relief that the AWSP is void as adopted and as applied to Petitioner because it codifies the categorical subordination of industrial and commercial water users that Abatti forecloses, and directing IID to extend to Petitioner the same access, procedural, and service terms IID extends to similarly situated agricultural water users;

(8). On Count 8, for declaratory relief invalidating the AWSP Reservation Fee and Water Supply Development Fee on their face and as applied to Petitioner under Proposition 218 and Article XIII D, section 6, and for a peremptory writ of mandate enjoining IID from imposing those fees on Petitioner;

(9). For costs of suit and attorneys' fees pursuant to Code of Civil Pro. § 1021.5 and for such other and further relief as the Court deems just and proper.

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar No. 178114) Date: June 5, 2026
Attorneys for Petitioner

VERIFICATION

I, Sebastian Rucci, declare:

I am the managing member of Petitioner, the Imperial Valley Computer Manufacturing, LLC, in the above-captioned action. I have read the foregoing Verified Petition for Writ of Mandate and Declaratory Relief and know its contents. The matters stated therein are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 5, 2026, at Bermuda Dunes, California.

IMPERIAL VALLEY COMPUTER MANUFACTURING, LLC

Sebastian Rucci, managing member

TABLE OF EXHIBITS

EXHIBIT 1 Site Plan

EXHIBIT 2 Sketch of Canal and Gates

EXHIBIT 3 IID Invoice 5-acres

EXHIBIT 4 IID Invoice 46-acres

EXHIBIT 5 IID Invoice 160-acres

EXHIBIT 6 IID Apportionment 160-ac

EXHIBIT 7 IID Regulations 1, 2, 3 & 21

EXHIBIT 8 AWSP Resolution 36-2025

EXHIBIT 9 Industrial Water Application

EXHIBIT 10 IID Denial of Water Application

EXHIBIT 11 IID Service of City Land Near City Water Lines

EXHIBIT 12 IID Board Members Bias Statements

EXHIBIT 13 Rate No. 6 Water Availability Charge

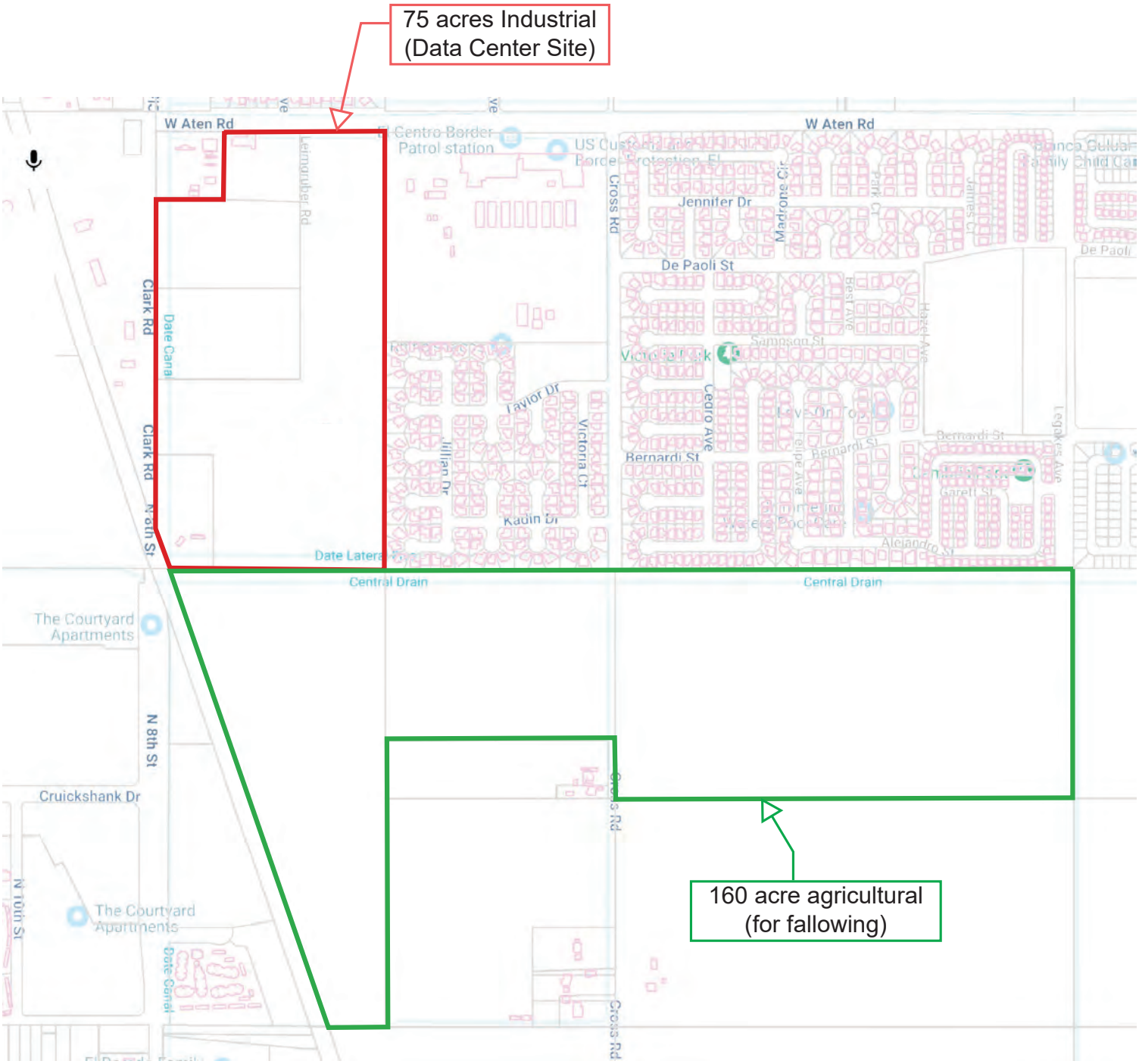
EXHIBIT 14 Equitable Distribution Plan

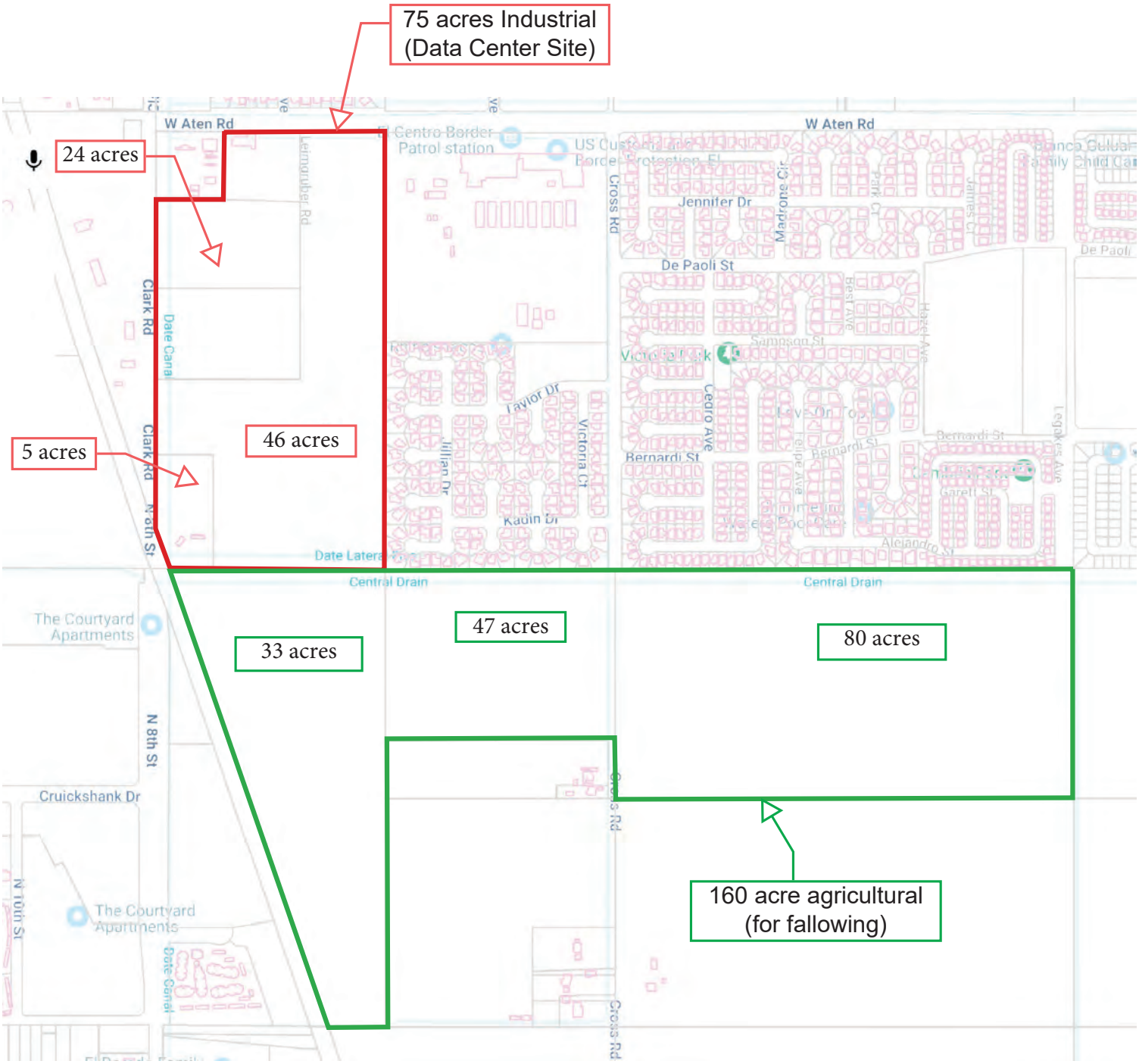
EXHIBIT 15 IID Clearinghouse Forms

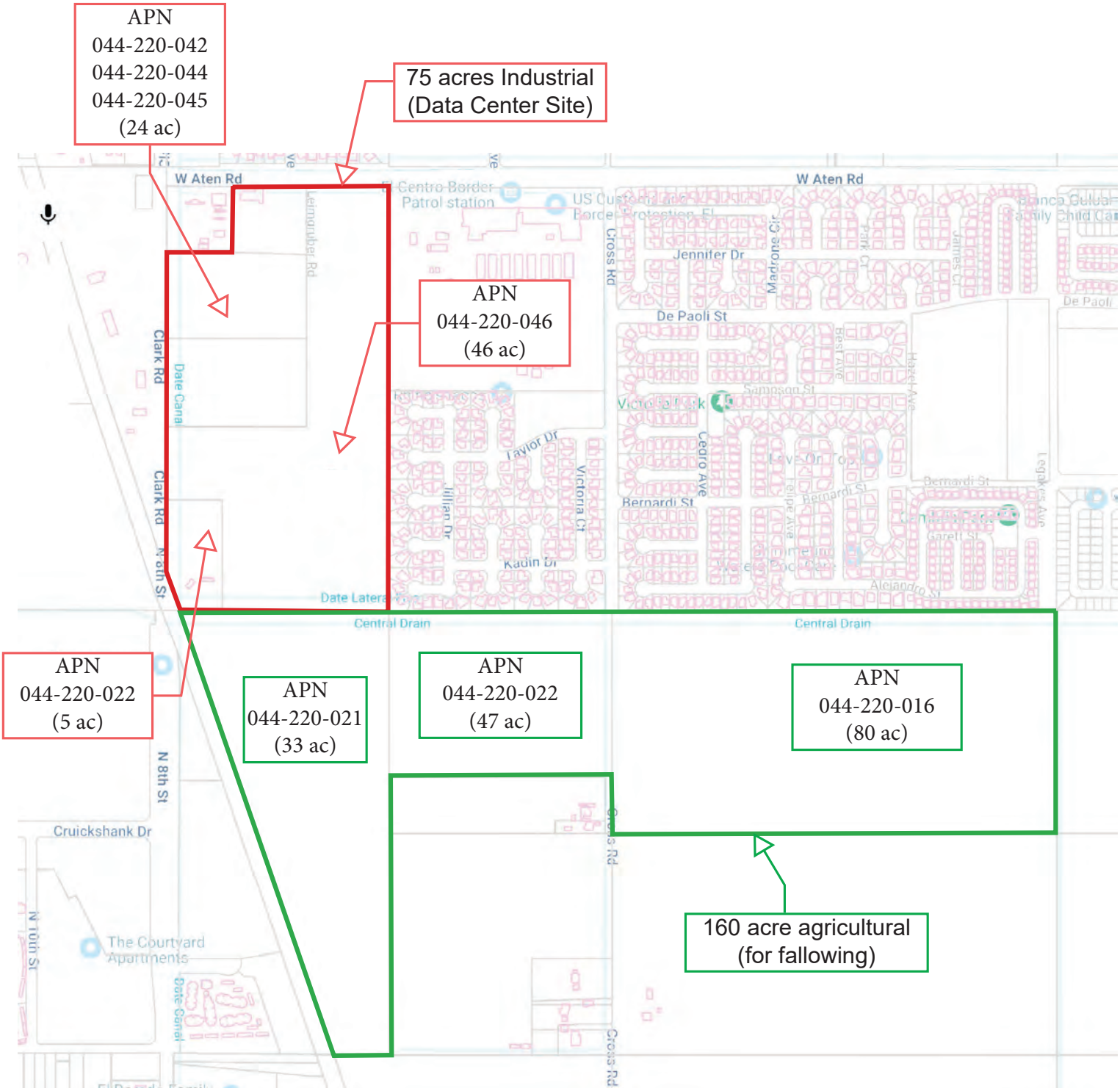
EXHIBIT 16 Temporary Land Conversion Fallowing Policy

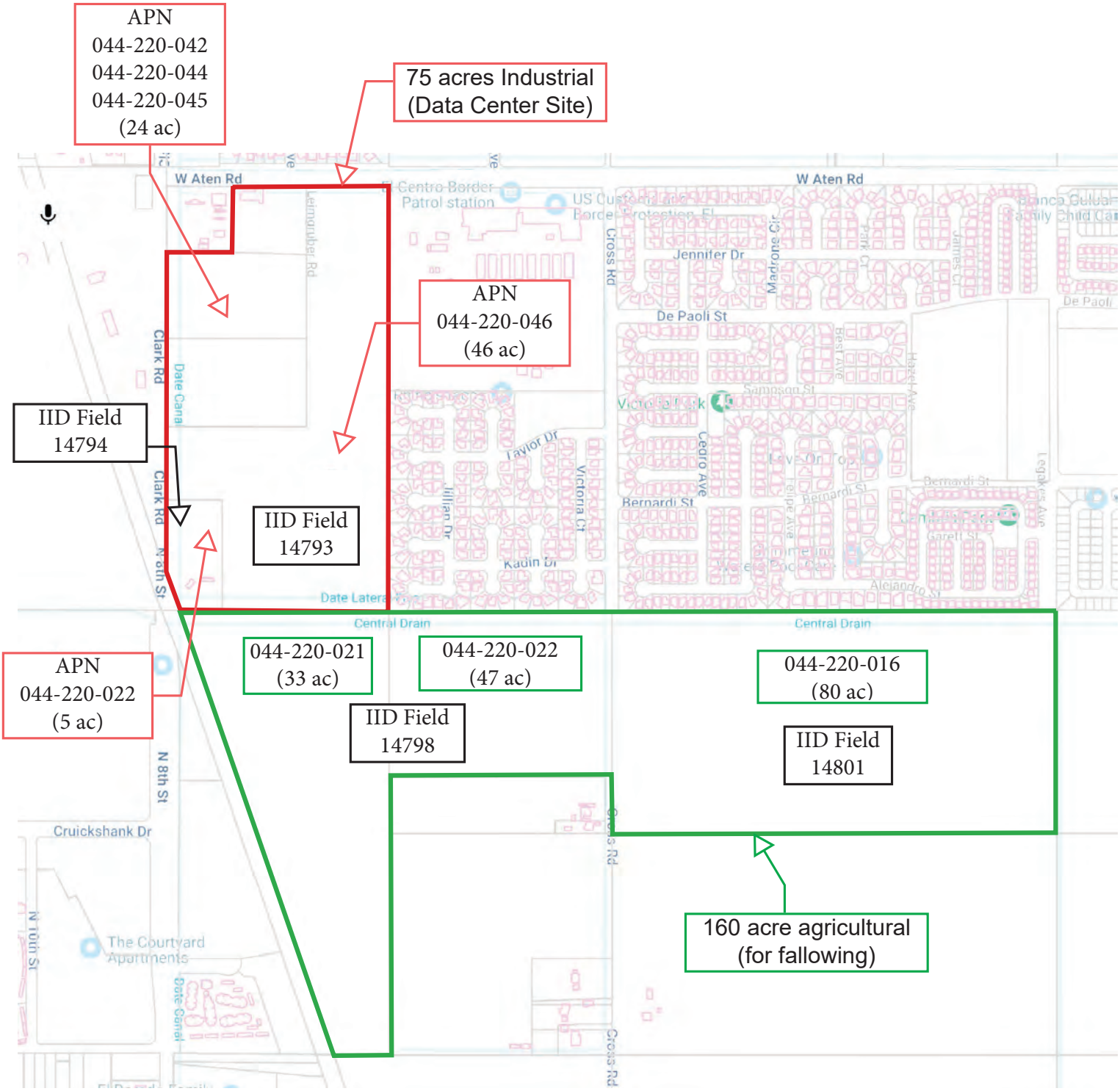
EXHIBIT 1

Site Plan


75 acres Industrial
(Data Center Site)
160 acre agricultural
(for fallowing)
W Aten Rd
W Aten Rd
El Centro Border
Patrol station
Jennifer Dr
De Paoli St
Clark Rd
Clark Rd
Date Canal
Central Drain
Central Drain
Bernardi St
Kadin Dr
Taylor Dr
Victoria Ct
Cedro Ave
Madrone Cir
Cross Rd
Cross Rd
The Courtyard
Apartments
N 8th St
Cruickshank Dr
N 10th St
The Courtyard
Apartments
Date Canal


75 acres Industrial
(Data Center Site)
24 acres
46 acres
5 acres
33 acres
47 acres
80 acres
160 acre agricultural
(for fallowing)
W Aten Rd
Clark Rd
Date Canal
Central Drain
Cross Rd
Jennifer Dr
De Paoli St
Bernardi St
Taylor Dr
Kadin Dr
Victoria Ct
Cedro Ave
Jillian Dr
Sampson St
Best Ave
Hazel Ave
Madrone Cir
Park Ct
James Ct
Garell St
Alejandro St
Legacies Ave
Leimbacher Rd
N 8th St
N 10th St
Cruickshank Dr
The Courtyard Apartments
Centro Border Patrol station


APN
044-220-042
044-220-044
044-220-045
(24 ac)
75 acres Industrial
(Data Center Site)
APN
044-220-046
(46 ac)
APN
044-220-022
(5 ac)
APN
044-220-021
(33 ac)
APN
044-220-022
(47 ac)
APN
044-220-016
(80 ac)
160 acre agricultural
(for fallowing)
W Aten Rd
Clark Rd
Date Canal
Central Drain
Cross Rd
Jennifer Dr
De Paoli St
Bernardi St
Cedro Ave
Victoria Ct
Kadin Dr
Taylor Dr
Jillian Dr
N 8th St
Cruickshank Dr
The Courtyard Apartments
N 10th St


APN
044-220-042
044-220-044
044-220-045
(24 ac)
75 acres Industrial
(Data Center Site)
APN
044-220-046
(46 ac)
IID Field
14794
IID Field
14793
APN
044-220-022
(5 ac)
044-220-021
(33 ac)
044-220-022
(47 ac)
IID Field
14798
044-220-016
(80 ac)
IID Field
14801
160 acre agricultural
(for fallowing)
W Aten Rd
Clark Rd
N 8th St
Central Drain
Date Canal
Cross Rd
De Paoli St
Jennifer Dr
Bernardi St
Cruickshank Dr
The Courtyard Apartments

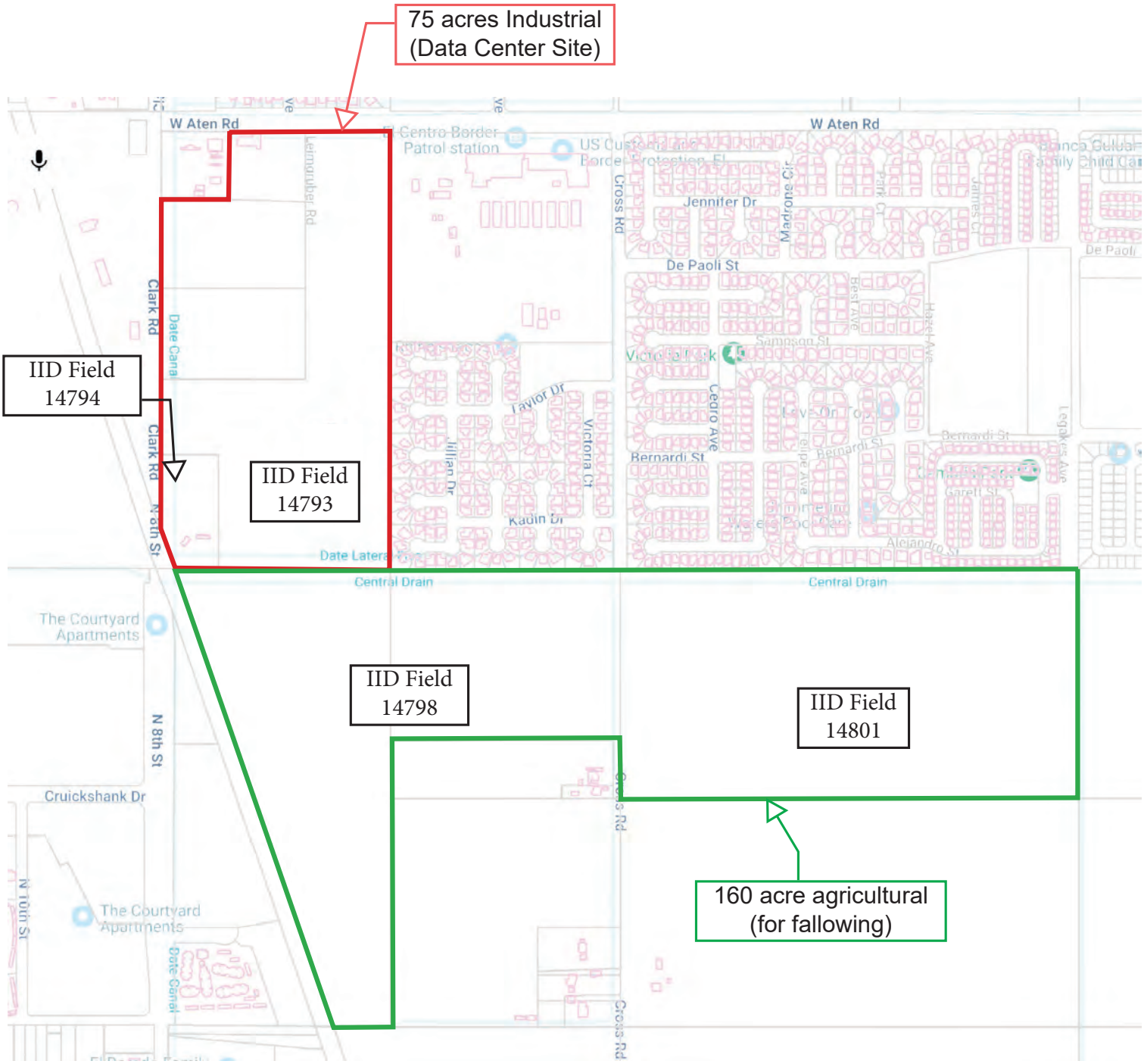

75 acres Industrial
(Data Center Site)
IID Field
14794
IID Field
14793
IID Field
14798
IID Field
14801
160 acre agricultural
(for fallowing)
W Aten Rd
Clark Rd
Date Canal
Central Drain
Cross Rd
Jennifer Dr
De Paoli St
Bernardi St
Taylor Dr
Kadin Dr
Victoria Ct
Cedro Ave
Madrone Cir
Park Ct
Best Ave
Sampson St
Hazel Ave
Legacies Ave
Garell St
Alejandro St
Lemmon Rd
N 8th St
N 10th St
Cruickshank Dr
The Courtyard
Apartments
Date Canal

EXHIBIT 2

Sketch of Canal and Gates

75 acres Industrial
(Data Center Site)
160 acre agricultural
(for fallowing)
ID Field: 14794 - 2.3ac
ID Field: 14793 - 13.5ac
NDA5_HG
NDA_43
CENTRAL DRAIN
ID Field: 14798 - 60.7ac
ID Field: 14799 - 6.9ac
ID Field: 14801 - 63.2ac
ID Field: 14797 - 17.5ac
ID Field: 14800 - 29.3ac
ID Field: 15258 - 69.6ac
ID Field: 16299 - 0.7ac
NDA4_HG
NDA_40
NDA_41
NORTH DATE LATERAL 4
NORTH DATE CANAL

44

40 A

EXHIBIT 3

IID Invoice 5-acres

800.303.7756 760.339.9322 Fax 760.339.9298 www.iid.com

WATER CONTRACTS

BILLING SUMMARY		ACCOUNT INFORMATION	
Invoice Date:	1/12/2026	Account No:	3522705
Billing Period:	1/1/2026 to 6/30/2026	Name:	Barriga, Roberto & Jesus
Previous Balance:	$50.00	Address:	39560 Jewel Valley Way
Overpayments/Credits:	$0.00		Boulevard, CA 91905
New Charges:	$125.00		
Total Due:	**$175.00**		
Due Date:	02/28/2026		

Canal/Gate	Rate Schedule	Charges	Service Address
NDA-P191	Service Pipe 1	125.00	2304 Clark Rd El Centro CA 92243

Account No: 3522705
Invoice Date: 5/26/2026

Barriga, Roberto & Jesus
39560 Jewel Valley Way
Boulevard, CA 91905

WATER CONTRACTS

Previous Balance:	$50.00
Overpayments/Credits:	$0.00
New Charges:	$125.00
Total Due:	**$175.00**

Due Date: 02/28/2026

Amount Enclosed $

EXHIBIT 4

IID Invoice 46-acres

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WATER AVAILABILITY

BILLING SUMMARY		ACCOUNT INFORMATION	
Invoice Date:	12/31/2025	Account No:	3415408
Billing Period:	1/1/2026 to 12/31/2026	Name:	Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
Previous Balance:	($345.80)	Address:	798 Vencill Rd Holtville, CA 92250
New Charges:	$691.60		
1st Installment:	$345.80		
2nd Installment:	$345.80		
Total:	**$345.80**		

Plot Id	Gross Acreage	Net Acreage	Unit Cost	Total	1st Installment	2nd Installment
HEM 7 001	79.00 ac	75.05 ac	$4.00 / ac	$300.20	$150.10	$150.10
NDA 44 003	46.00 ac	43.70 ac	$4.00 / ac	$174.80	$87.40	$87.40
RSS 5 001	57.00 ac	54.15 ac	$4.00 / ac	$216.60	$108.30	$108.30

Detach here and return bottom portion with your payment.

REMITTANCE PORTION

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IMPERIAL IRRIGATION DISTRICT

WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2025

2

2nd Installment	**$345.80**
Pay by Aug 15, 2026	

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WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2025

1

Previous Balance	($345.80)
1st Installment	$345.80
1st Installment Total	**$0.00**
Total Amount Due	**$345.80**
Pay by Feb 15, 2026	

IID
A century of service.

800.303.7756 760.339.9322 Fax 760.339.9298 www.iid.com

WATER AVAILABILITY

BILLING SUMMARY		ACCOUNT INFORMATION	
Invoice Date:	12/31/2024	Account No:	3415408
Billing Period:	1/1/2025 to 12/31/2025	Name:	Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
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2nd Installment:	$345.80		
Total:	**$0.00**		

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IMPERIAL IRRIGATION DISTRICT

WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2024

2

2nd Installment	**$345.80**
Pay by Aug 15, 2025	

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WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2024

1

Previous Balance	($691.60)
1st Installment	$345.80
1st Installment Total	**($345.80)**
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Billing Period:	1/1/2024 to 12/31/2024	Name:	Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
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New Charges:	$691.60		
1st Installment:	$345.80		
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Total:	**$0.00**		

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NDA 44 003	46.00 ac	43.70 ac	$4.00 / ac	$174.80	$87.40	$87.40
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IMPERIAL IRRIGATION DISTRICT

WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2023

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2nd Installment	**$345.80**
Pay by Aug 15, 2024	

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WATER AVAILABILITY

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

Account No: 3415408
Invoice Date: 12/31/2023

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Previous Balance	($691.60)
1st Installment	$345.80
1st Installment Total	**($345.80)**
Total Amount Due	**$0.00**
Pay by Feb 15, 2024	

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WATER AVAILABILITY

BILLING SUMMARY		ACCOUNT INFORMATION	
Invoice Date:	12/31/2022	Account No:	3415408
Billing Period:	1/1/2023 to 12/31/2023	Name:	Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
Previous Balance:	($345.80)	Address:	798 Vencill Rd Holtville, CA 92250
New Charges:	$691.60		
1st Installment:	$345.80		
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Total:	**$345.80**		

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IMPERIAL IRRIGATION DISTRICT

WATER AVAILABILITY

Account No: 3415408
Invoice Date: 12/31/2022

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

2

2nd Installment	**$345.80**
Pay by Aug 15, 2023	

IID
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WATER AVAILABILITY

Account No: 3415408
Invoice Date: 12/31/2022

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville, CA 92250

1

Previous Balance	($345.80)
1st Installment	$345.80
1st Installment Total	**$0.00**
Total Amount Due	**$345.80**
Pay by Feb 15, 2023	

TRANSACTION REVIEW STATEMENT

Customer # 3415408

Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda

798 Vencill Rd
Holtville, CA 92250

Date	Reference	#	Description	Amount
04/09/2021	Payment	193986	Check: 1147	-885.25
11/30/2021	Bill	258268	TMDL Ag Waiver - Nov 2021 Installment 1	166.66
12/31/2021	Bill	262211	Water Availability 2022 Installment 1	345.80
12/31/2021	Bill	262212	Water Availability 2022 Installment 2	345.80
03/17/2022	Payment	217465	Check: 1155	-166.66
03/17/2022	Payment	217466	Check: 1156	-691.60
11/30/2022	Bill	274544	TMDL 2022-2023 Installment 1	174.42
12/31/2022	Bill	278399	Water Availability 2023 Installment 1	345.80
12/31/2022	Bill	278400	Water Availability 2023 Installment 2	345.80
04/14/2023	Payment	232029	ECheck	-520.22
10/11/2023	Payment	237406	CreditCard	-345.80
12/14/2023	Bill	290614	General Waste Discharge 2024 Installment 1	183.46
12/31/2023	Bill	294052	Water Availability 2024 Installment 1	345.80
12/31/2023	Bill	294053	Water Availability 2024 Installment 2	345.80
01/18/2024	Payment	240890	CreditCard	-875.06
11/30/2024	Bill	305562	General Waste Discharge 2025 Installment 1	193.80
12/31/2024	Bill	309662	Water Availability 2025 Installment 1	345.80
12/31/2024	Bill	309663	Water Availability 2025 Installment 2	345.80
01/06/2025	Payment	254123	Check: 1171	-885.40
11/30/2025	Bill	321522	General Waste Discharge 2025-2026 Installment 1	193.80
12/31/2025	Bill	325172	Water Availability 2026 Installment 1	345.80
12/31/2025	Bill	325173	Water Availability 2026 Installment 2	345.80
04/27/2026	Payment	272957	Check: 2152	-345.80
05/05/2026	Payment	273214	Check: 1184	-193.80
			Ending Balance as of : 5/12/2026	345.80

2026 Owner Apportionment Balance

Period from January 01, 2026 through December 31, 2026

Account #:3415408
Leimgruber Trs M & H Leimgruber Liv Tr, Max & Hermenegilda
798 Vencill Rd
Holtville CA, 92250

* The remaining column reflects your current "Take or Pay" apportionment.

Owned Fields as of May 26, 2026

Field Details				Apportionment		
Field Number	**Tenant Id**	**Tenant Name**	**Acres**	**Accepted**	**Consumed**	**Remaining**
HEM-7-001	3225543	Nature Fresh Farms	71.10	291.5		
RSS-5-001	3176411	Lakeside Organic Gardens LLC	50.50	270.2		
		Total	**121.60**	**561.7**		

Report: Apportionment Balance (Owner)
Printed: Tuesday, May 26, 2026 11:03:38 AM

EXHIBIT 5

IID Invoice 160-acres

IMPERIAL IRRIGATION DISTRICT

PO BOX 937 • 333 EAST BARIONI BLVD • IMPERIAL CA 92251-0937

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800.303.7756 760.339.9322 Fax 760.339.9298 www.iid.com

See billing information on reverse side

WATER AVAILABILITY

BILLING SUMMARY		ACCOUNT INFORMATION	
Invoice Date:	12/31/2025	Account No:	3012250
Billing Period:	1/1/2026 to 12/31/2026	Name:	Whb Enterprises General Partners
Previous Balance:	$0.00	Address:	1085 W State St
New Charges:	$699.20		El Centro, CA 92243-2830
1st Installment:	$349.60		
2nd Installment:	$349.60		
Total:	**$699.20**		

Plot Id	Gross Acreage	Net Acreage	Unit Cost	Total	1st Installment	2nd Installment
NDA 40A002	65.00 ac	61.75 ac	$4.00 / ac	$247.00	$123.50	$123.50
NDA 41 001	80.00 ac	76.00 ac	$4.00 / ac	$304.00	$152.00	$152.00
NDA 42 001	39.00 ac	37.05 ac	$4.00 / ac	$148.20	$74.10	$74.10

Detach here and return bottom portion with your payment.

REMITTANCE PORTION

IID A century of service.

IMPERIAL IRRIGATION DISTRICT

WATER AVAILABILITY

Whb Enterprises General Partners
1085 W State St
El Centro, CA 92243-2830

Account No: 3012250
Invoice Date: 12/31/2025

2

2nd Installment	$349.60
Pay by Aug 15, 2026	

ch here and return bottom portion with your payment

EXHIBIT 6

IID Apportionment 160-ac

Imperial Irrigation District
PO Box 937
Imperial CA 92251

Whb Enterprises General Partners
1085 W State St
El Centro, CA 92243-2830

2025 Offered Apportionment Summary (Landowner)

Account #:3012250

Name: Whb Enterprises General Partners

1085 W State St
El Centro, CA 92243-2830

			2025 Agricultural Field Calculation					
			Farmable acres	10 yr Avg History	Historical Portion (af)	Straightline Portion (af)	Acre-Feet	af/ac
Tenant Name	**Tenant Acct#**	**Field**	**A**	**B**	**C = B x 0.5**	**D = A x 2.78**	**E=C+D**	**F=E/A**
La Valle Sabbia Inc	3004987	NDA 40A002	60.7	259.6	129.8	168.7	298.5	4.92
La Valle Sabbia Inc	3004987	NDA 41 001	63.2	421.4	210.7	175.7	386.4	6.11
* Joe Heger Farms LLC	3023233	NDA 42 001	17.5	0.0	0.0	48.7	48.7	2.78
		Total	**141.4**	681.0			**733.6**	5.19

This apportionment and any transfers of water apportioned to a field within farm units or through the Clearinghouse are only applicable to the relevant calendar year and do not create any rights to that apportionment in future years. Only fields marked with * may be eligible to request water from the Clearinghouse reserve account.

EXHIBIT 7

IID Regulations 1, 2, 3 & 21

Regulation No. 1

Types of Service:

A. General Agricultural, Municipal & Miscellaneous Service

Applicable to service where water is taken from the canals of the IID for general irrigation use or for use by cities, incorporated or unincorporated towns, private water companies, mutual water companies, water utility districts for lands or properties within the boundaries of the district, schools, churches, cemeteries, experimental farms, golf courses, and recreational activities directly connected with such agencies. Service location must be within the included (annexed) boundary of the IID.

B. Mesa Agricultural Service

Applicable to agricultural water service on Mesa Lands within the included boundaries of the IID. By "Mesa Lands" it is meant to include all lands above the 1030 contour line with Mean Sea Level being referenced at the 1000 foot elevation, as defined in the latest adopted Water Rate Schedule.

C. Pump Service

Applicable to service to private pumping where water is taken from the canals of the IID to be used for general irrigation for lands or properties within the boundaries of the district.

D. Pipe and Small Parcel Service

Applicable to service from any pipes which are installed to take water by gravity flow only from the canals of the IID for general use or for any service to small parcels from an open ditch.

E. Wholesale Service

Applicable to water service to Water Users' Associations, only.

F. General Industrial Service

Applicable to water service to all industrial and geothermal operators who divert water from IID's canal system.

G. Temporary Water Service

Applicable to water users who withdraw water from any canal on a temporary basis without an established delivery point for a term no greater than one year.

Regulation No. 2

Eligibility and Procedure to Obtain Water Service:

A. Included Lands

Lands that have been included within the district boundary of the IID may be eligible for delivery of water, subject to having paid all water availability fees and subject to compliance with all applicable IID rules and regulations.

- **Included lands are those lands contained with the boundaries of IID per original formation, or as may have been included from time to time, thereafter, pursuant to a petition of inclusion approved by the IID Board of Directors.**

- **Only lands within the AAC Service Area Boundary may be included into the district, as authorized by the U.S. Department of the Interior under the 1932 Boulder Canyon Project Contract or any congressional acts thereafter.**

For a map depicting district inclusions and authorized water service area, please access the LAFCO website: IID_WSA_Inclusions.mxd (iclafco.com). For an interactive map of how the water service boundaries relate to a specific property, please see IID's Water Service Maps | Imperial Irrigation District (iid.com).

B. Application for Service

Water service for use within the district boundaries may be obtained from IID by submitting a written application upon standard forms supplied by the district for that purpose.

Agricultural Water Service may be obtained by following the established procedures for Agricultural Customers, which may be updated from time to time at the following weblink: Water Services | Imperial Irrigation District (iid.com). The procedure is initiated with an application for "Certificate of Ownership and Authorization of Owner Designee or Tenant" located at the same link.

Pipe and Small Parcel Water Service may be obtained by following the established procedures for Service Pipe Customers which mirror that of Agricultural Customers application "Certificate of Ownership and Authorization of Owner Designee or Tenant". However, water users who receive canal water service at their homes or businesses must also demonstrate compliance with the Safe Drinking Water Act. Procedures for compliance with the SDWA may be found at the following weblink: Safe Drinking Water Act | Imperial Irrigation District (iid.com).

Non-Agricultural Water Service, including service for Municipal, Industrial and Commercial Customers, may be obtained by following the same procedures noted above, except for new projects which may also be subject to IID's 2009 Interim Water Supply Policy requiring a water supply agreement and applicable IWSP Reservation and Development fees, as updated by the Board from time to time and which may be found at the following weblink: Municipal, Industrial and Commercial Customers | Imperial Irrigation District (iid.com). Both the water supply agreement and IWSP fees shall be approved by the IID Board of Directors.

Temporary Water Service, may be obtained by filling out a temporary water application. Temporary water service may be subject to metering requirements if amounts exceed 5-

acre-feet. If the temporary water service is for construction purposes, the water user is advised to follow the procedures outlined in IID's Developer's Guide which may be updated from time to time and accessible at the following weblink: Commercial & Residential Development | Imperial Irrigation District (iid.com). The Application for Temporary Water Use is available at https://www.iid.com/water/municipal-industrial-and-commercial-customers.

Reg. No. 2 Revised 05/2023

Regulation No. 3

Application for Service:

The application for water service is entitled "Certificate of Ownership and Authorization of Owner Designee or Tenant," and is the authority by which all charges shall be made by IID for water service. This application is a written request for service and does not in itself bind IID to serve, except under reasonable conditions, and in accordance with the Rules and Regulations. IID shall require that one such form be executed by the landowner for each separate account and/or parcel of property, except that more than one form may be required for each parcel where such a requirement serves the best interests of the district.

Non-agricultural water users may be subject to IID's Interim Water Supply Policy and may be required to enter into a Water Supply Agreement prior to IID accepting a completed "Certificate of Ownership and Authorization of Owner Designee or Tenant" form for service.

Industrial water users may also be required to sign a contract, which specifically limits the amount of water discharged into IID drains in addition to IWSP compliance and "Certificate of Ownership and Authorization of Owner Designee or Tenant" requirements. The contract may also specify the water holding facilities required for the industry.

Temporary water users shall fill out an application for temporary water service. This application shall be the water user's authority to remove water from the location specified and for the time period stated on the application which shall not exceed twelve months from the initial issue date.

In those cases where landowners subdivide acreage served through one delivery gate into small tracts involving several tenants, only one owner-tenant authorization card and/or two tenant cards will be accepted for delivery of water. The responsibility of segregating charges between the various tenants must be assumed by the landowner or one designee.

The "Certificate of Ownership and Authorization of Owner Designee or Tenant" is divided into multiple sections. Section A "DETAILED FIELD DESCRIPTION" shall always be completed in its entirety. Section B, "OWNER and OWNER DESIGNEE," must always be executed by the owner after completing items 1-10. If the owner assigns an "Owner Designee" who is authorized to order water, items 11-20 shall be applicable and will also require execution by the Owner Designee. Section C "TENANT" must be completed with Tenant information and must also be executed by Tenant, if Tenant will be allowed to order water. The owner may also require the designated tenant to make a cash deposit to guarantee payment of water service charges.

The detailed field description of the property covered by the "Certificate of Ownership" shall be accepted subject to approval as to adequacy by IID. Where a field description is determined to be inadequate, the landowner will be notified and allowed a reasonable length of time in which to execute a corrected certificate. If, at the end of the time allowed, the certificate has not been corrected, water service may be discontinued.

IID will accept a "Certificate of Ownership" without further proof of ownership and will accept the certificate when made by a person acting on behalf of the owner; however, the

district may require evidence of the individual's authority to represent the landowner. A certificate made by an agent, partner, corporate officer, attorney in fact, guardian, trustee, administrator, executor, or other person acting for the owner will be accepted subject to approval as to form by the IID. Where a person is acting with the power of substitution, such as agent, partner, etc., IID will require that the name of the owner, partnership, or corporation be followed by the signature of the substitute and their title. When the person acting for the owner is, by virtue of his/her office, in possession of the property involved, they will sign their name and follow it with their complete title of office. Where an owner uses the "Authorization of Owner Designee or Tenant" section to assign a tenant as "Owner Designee," the owner will guarantee payment for all water service charges incurred by the tenant. Any changes of the terms of authorization as printed on the form will be disregarded by IID. If the owner, or IID, requires that the designated tenant make a cash deposit to guarantee payment of water service charges, IID will not deliver water on the order of the tenant until the deposit is made. IID will not be responsible for sufficiency of the deposit required, and will hold the landowner responsible for payment of any unpaid water service charges in excess of the deposit.

Reg. No. 3 Revised 05/2023

Regulation No. 21

Small Parcel Service:

Procedure to Obtain Service

If service is to be used for domestic purposes:

A. Application for the installation of a small parcel service water supply may be made at any division office on a *Certificate of Ownership and Authorization of Owner Designee or Tenant* form provided by the district for that purpose. At the time of application, the applicant must provide IID with proof of an alternative water supply for cooking and drinking purposes (e.g. contract for hauled or bottled water service) from a SWRCB's Division of Drinking Water approved provider and complete a Division of Drinking Water mandated survey/certification required for compliance with federal and state Safe Drinking Water Act.

B. Upon approval of the application for small parcel service, and once the applicant has submitted any necessary encroachment permits, the district will provide the applicant a notice of intent to deliver water. This will allow the applicant to install the water service but does not allow him to take water from the canal except to test a water treatment system as required by the county of Imperial. New service pipe connection installations must include shut-off valves and/or locks approved by the district that allow for disconnection without physical removal of the pipe. Costs associated with the purchase and installation of these devices is the sole responsibility of the water user and not the IID.

C. The applicant must then submit a signed IID water service agreement for domestic services.

D. Upon receipt of all these requirements, IID will then issue an account number to this small parcel service and water may then be taken from the canal.

If service is to be used for irrigation or other non-domestic use:

A. Application for the installation of a small parcel service water supply may be made at any division office on a *Certificate of Ownership and Authorization of Owner Designee or Tenant* form provided by the district for that purpose.

B. Upon approval of the application, the applicant must submit any necessary encroachment permits and a signed IID water service agreement or water supply agreement.

C. Upon receipt of all these requirements, IID will then issue an account number to this small parcel service and water may then be taken from the canal.

Requirements for Installation

New installations will NOT be allowed within any city limits or areas that have reasonable access to potable water supplies from a private or municipal water system. Reasonable access is determined as within a distance of no greater than 300-feet from a potable water source having sufficient capacity. The Water Manager may consider other unreasonable factors, on a case by case basis, including costs that may result in an unreasonable financial burden.

All such installations shall be subject to inspection and approval by the district and shall be constructed and maintained at all times without expense to the district. The district will not be responsible for damage to such installations as a result of its operations on the canal.

Small parcel service installations shall be made only on through canals, and are not permitted on dead-end laterals with intermittent service, except upon prior written approval of district.

Each landowner will be required to furnish any other landowner, requiring the same, a right-of-way across the landowner's land for small parcel service installation.

Due to operating problems arising in connection with the installation of turnouts for small parcel service, no new small parcel service installations will be permitted within 330 feet of an existing installation, on each bank of the canal.

Small parcel service connections shall not exceed six inches in diameter unless approved by the manager of the Water Department.

Water Delivery

The district will at no time be required to deliver water to such installations when no other water is being delivered through the canal and will not allow the water user to pond water on the canal for the purpose of delivery through such installation. IID may also require the installation of a locking device, shut-off valve, and/or meter in a public right-of-way on new or existing raw water connections as a condition of new or continued service. Costs associated with the purchase and installation of these devices is the sole responsibility of the water user and not the IID.

As urbanization, rural development, and/or annexations occur IID will require domestic raw water users with reasonable access to potable water supplies to connect to the treated water system to facilitate IID's long-term Safe Drinking Water Act compliance. IID will encourage and support LAFCO, Imperial County, City, and other agency efforts to reduce rural domestic dependence on IID's canal water system, including the termination of raw water service when appropriate. Canal abandonments or relocations resulting from agricultural conversion may also preclude IID's ability to continue to provide raw water service to certain small parcel or service pipe accounts.

The IID Water Department will work with the appropriate municipality and water user prior to terminating service to any small parcel or service pipe account. The IID Water Department may determine that existing canal water service connections can be retained for irrigation or non-domestic purposes when the operational status and capacity of adjacent laterals allow. Such connections will be determined on a case-by- case basis and conditioned upon 1) the water user's connection to a private or municipal treated water system and 2) approval by that municipality and/or water system purveyor, including assertion by the respective municipality and/or water system purveyor of their agreement to administer all cross-connection/backflow regulation requirements and monitoring of the property's compliance with state dual water service regulations(due to cross-connection enforcement requirements).

Charges

Water service charges for small parcel service installations and disconnections will be made in accordance with rates established by the Board of Directors. Beginning January 1, 2016, if a water user receiving small parcel service does not own the underlying real property associated with the service, the landowner shall be primarily liable for all account charges and the water user shall be secondarily liable for such charges (both landowner and tenant shall remain jointly and severally liable for charges forservice).

Alternative water supply charges and fees from approved providers are the sole responsibility of the water user and not the IID. Approved providers are contractually prohibited from terminating alternative water service with IID residential or business water users without IID approval. IID will assume payment responsibility for no more than 60 days upon request for termination due to non-payment from an approved provider. All charges incurred by the IID on behalf of a canal water user for the supply of alternative water for cooking and drinking purposes will be passed on to the IID account holder.

In the event water is diverted or allowed to run to lands other than those set forth in the application, or be taken or used by any person other than the water user, a new account will be established and billing will commence according to procedures established in this regulation below.

When a small parcel service is installed prior to the 16th of any month, an invoice will be issued for the entire month. If the service is installed after the 15th of any month, an invoice will not be issued until the following month.

Likewise, if a small parcel service is removed prior to the 16th of any month, a credit will be allowed for the entire month; however, if the service is removed after the 15th of any month, a water service charge will be made for that entire month.

EXHIBIT 8

AWSP Resolution 36-2025

ADAPTIVE WATER SUPPLY POLICY FOR NON-AGRICULTURAL PROJECTS IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 36-2025

WHEREAS, in 2009 the Imperial Irrigation District (District) developed an Interim Water Supply Policy for Non-Agricultural Projects (IWSP) to address proposed new project water demands, designate up to 25,000 AFY of water for these projects and provide directive to staff to identify District programs and projects to enhance the reliability of existing supplies in order to provide more flexibility for Water Department operations and support new water supply requests within the District's service area; and

WHEREAS, the IWSP and a corresponding Negative Declaration for compliance with the California Environmental Quality Act were adopted by the Board of Directors on September 29, 2009, after assessing all potential environmental impacts; and

WHEREAS, since 2009 the District has developed and implemented a suite of conservation programs and projects to generate conserved water that can serve a variety of purposes including water transfer requirements, system conservation, storage and new water demands. The District also implements an Equitable Distribution Plan to manage its annual available water supplies that includes a mechanism to move apportioned water through an intra-district Clearinghouse. Collectively, these water management tools enhance the reliability of existing supplies, provide more flexibility for Water Department operations and can serve to supplement existing water supplies; and

WHEREAS, the 2009 IWSP designation of up to 25,000 AFY of water for potential Non-Agricultural Projects within IID's water service area remains substantially available for new project contracting; and

WHEREAS, IID remains firmly committed to providing a reliable water supply for all water users, including new Non-Agricultural projects.

WHEREAS, The District will continue to manage its Colorado River resources for the benefit and sustainability of its community and in support of local economic growth through adopted policies and the implementation of water supply programs and projects; and

WHEREAS, the IID Board of Directors desires to transition the interim water supply policy into an adaptive water supply policy to provide for the management and processing of requests for water supplies for new, non-agricultural projects; and

WHEREAS, all of the findings and conclusions made by the IID Board pursuant to this resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. **Recitals.** The Board of Directors hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

2. **CEQA Compliance.** The final Negative Declaration for the *Interim Water Supply Policy* (SCH No. 2009061103), ("Exhibit 1") was prepared pursuant to CEQA, the CEQA Guidelines and the Imperial District Rules and Regulations to Implement the California Environmental Quality Act and adopted by the IID Board on September 29, 2009; and

3. **CEQA Findings.** Based upon the information and evidence set forth in the 2009 final Negative Declaration together with its appendices and all other available evidence presented to the IID Board of Directors, the following findings are made:

   a. The Board finds that the proposed adaptive water supply policy does not incorporate any substantive changes that were not already evaluated under the 2009 Negative Declaration.

   b. The Board finds that there are no changes in the circumstances under which the adaptive water supply policy would be implemented and that its implementation would not result in any adverse environmental impact.

   c. The Board finds that no new potential alternatives that may have been unknown at the time of the original findings are now applicable or available.

   d. The Board finds that the 2009 final Negative Declaration (Exhibit 1)

      i. Provides sufficient assessment of the environmental impacts of the proposed adaptive water supply policy;

      ii. The final Negative Declaration reflects the Board's independent judgment and analysis; and

      iii. There is no substantial evidence that the proposed adaptive water supply policy will have a significant effect on the environment.

4. **Policy Adoption.** The IID Board hereby adopts the Adaptive Water Supply Policy for Non-Agricultural Projects, Exhibit 2.

5. **Authorization.** The IID Board hereby authorizes the General Manager to implement the Adaptive Water Supply Policy in order to provide guidance to proponents of non-agricultural projects regarding the processing of requests for water service within the district.

6. **Documents.** The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of Raquel Najera, Secretary to the Board of Directors, Imperial Irrigation District, 333 East Barioni Boulevard, Imperial, California, 92251.

PASSED AND ADOPTED this 2nd day of December, 2025.

IMPERIAL IRRIGATION DISTRICT

IMPERIAL IRRIGATION DISTRICT
ORGANIZED
JULY 25, 1911
EL CENTRO, CALIFORNIA

Chairwoman

Secretary

Exhibit 1

2009 Final Negative Declaration for the Interim Water Supply Policy for Non-Agricultural Projects SCH No. 2009061103

Exhibit 2

Adaptive Water Supply Policy for Non-Agricultural Projects

EXHIBIT 2

IID ADAPTIVE WATER SUPPLY POLICY FOR NON-AGRICULTURAL PROJECTS

1.0 Purpose.

Imperial Irrigation District (District) has developed a suite of conservation programs and projects that it implements to generate conservation water that can serve a variety of purposes including water transfer requirements, system conservation, storage and new water demands. IID also implements an Equitable Distribution Plan that includes a Clearinghouse process that provides a mechanism, administered by the District, for water users to transfer water within the IID water service area. Collectively, these water management tools enhance the reliability of existing supplies and provide more flexibility for District Water Department operations and can serve to supplement existing water supplies, all in order to maintain service levels within the District's existing water service area. The District is adopting this Adaptive Water Supply Policy (AWSP) for Non-Agricultural Projects, as defined below, in order to solidify the objectives of the interim policy that address water demands from new, proposed projects that will rely upon a raw water supply from the District

2.0 Background.

The District adopted the Interim Water Supply Policy for Non-Agricultural Projects (IWSP) in 2009. Since its adoption, the District has expanded its suite of water conservation and resource management initiatives which includes, but is not limited to, System and On-Farm Efficiency conservation programs. IID implements infrastructure upgrades through its Capital Improvement Plan that includes a System Conservation Program and construction of system projects such as canal linings, interties, seepage recovery projects and mid-lateral reservoirs that both conserve water and provide operational flexibility. In 2013, IID also initiated its On-Farm Efficiency Conservation Program, which yields approximately 200,000 acre-feet per year of conserved water with the potential of additional savings.

The District's Equitable Distribution Plan, established in 2006 to manage the available annual water supply, includes a Clearinghouse that allows for the intra-district movement of water within the IID water service area, enabling the District to more effectively manage existing water supplies and maximize the District's ability to move apportioned water where it is needed, especially when the available, unused water supplies can satisfy the local demand for such water.

Based upon known pending requests to the District for water supply assessments/verifications and pending applications to the County of Imperial for various Non-Agricultural Projects, the District currently estimates that up to a net 50,000 acre-feet per year (AFY) of water demand could potentially be requested for Non-Agricultural Projects over the next ten to twenty years. The District continues to

evaluate the projected water demands of such proposed projects and the varying means of supplying that amount of water. The 2009 IWSP[1] designated up to 25,000 AFY of water for potential new Non-Agricultural Projects within IID's water service area which continues to remain substantially available[2]. The sufficiency of the 25,000 AFY reservation of water will continue to be monitored for adequacy on a periodic basis, consistent with the Board's commitment to develop the necessary management policies, programs and tools to support new non-agricultural beneficial uses.

Proposed Non-Agricultural projects may be required to pay a Reservation Fee, further described below. The reserved water shall be available for other users until such Non-Agricultural projects are implemented and require the reserved water supply. This AWSP shall remain in effect pending the approval of further policies that may be adopted to address increased demands.

3.0 Terms and Definitions.

3.1 Agricultural Use. Uses of water for irrigation, related to crop production, duck ponds, algae farming and leaching.

3.2 Connection Fee. A fee established by the District to physically connect a new Water User to the District water system.

3.3 Industrial/Commercial Use. Uses of water that are not Agricultural or for treatment to Potable, as defined herein, including, but not limited to, commercial sales and services, data centers, manufacturing, mining, cooling water supply, energy generation, hydraulic conveyance, gravel washing, fire protection, oil well re-pressurization and industrial process water.

3.4 Potable Use. Uses of water for institutional, community, military, or public water treatment systems, whether in municipalities or in unincorporated areas of Imperial County.

3.5 Mixed Use. Uses of water that involve a combination of Potable Use and Industrial/Commercial Use.

3.6 Non-Agricultural Project. Any project which has a water use other than Agricultural Use, as defined herein.

3.7 Administrative/Processing Fee. A fee charged by the District Water Department to reimburse the District for staff time required to process a request for water supply for a Non-Agricultural Project.

3.8 Reservation Fee. A non-refundable fee charged by the District when an application for water supply for a Non-Agricultural Project is deemed complete and approved. This fee is intended to offset the cost of setting aside the projected water supply for the project during the period commencing from

[1] IID Board Resolution 31-2009. Interim Water Supply Policy for New Non-Agricultural Projects. September 29, 2009. <IID Interim Water Supply Policy for Non-Agricultural Projects>

[2] As of October 2025, the water supply reserve under the 2009 Interim Water Supply Policy had a balance of 18,620 AFY.

the completion of the application to start-up of construction of the proposed project and/or execution of a water supply agreement. The initial payment of the Reservation Fee will reserve the projected water supply for up to two years. The Reservations Fee is renewable for up to two additional two-year periods upon payment of an additional fee for each renewal.

3.9 Water Supply Development Fee. An annual fee charged to some Non-Agricultural Projects by the District, securing AWSP water, as further described in Section 5.2 herein. Such fees shall assist in funding IID water conservation programs or related water supply projects.

3.10 Water User. A person or entity that orders or receives water service from the District.

4.0. CEQA Compliance.

4.1 The responsibility for CEQA compliance for new development projects within the unincorporated area of the County of Imperial attaches to the County of Imperial or, if the project is within the boundaries of a municipality, the particular municipality, or if the project is subject to the jurisdiction of another agency, such as the California Energy Commission, the particular agency. The District will coordinate with the County of Imperial, relevant municipality, or other agency to help ensure that the water supply component of their respective general plans is comprehensive and based upon current information. Among other things, the general plans should assess the direct, indirect and cumulative potential impacts on the environment of using currently available water supplies for new industrial, municipal, commercial and/or institutional uses instead of the historical use of the respective planning area. Such a change in land use, and the associated change in water use, could potentially impact surrounding land uses, various aquatic and terrestrial species, water quality, air quality and the conditions of drains, rivers and the Salton Sea.

4.2 When determining whether to approve a water supply agreement for any Non-Agricultural Project pursuant to this AWSP, the District will consider whether potential environmental and water supply impacts of such proposed projects have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies, before the District approves any water supply agreement for such project.

5.0. Applicability of Fees for Non-Agricultural Projects.[3]

5.1 Pursuant to this Adaptive Water Supply Policy, applicants for water supply for a Non-Agricultural Project shall be required to pay an Administrative/Processing Fee and may be required to pay a Reservation Fee as shown in Table A. All Water Users shall also pay the applicable Connection Fee, if necessary, and regular water service fees according to the District water rate schedules, as modified from time to time.

[3] The most recent fee schedules can be found in a link at IID/Water/ Municipal, Industrial and Commercial Customers; or visit by URL at Imperial Irrigation District : Water Rate Schedules

5.2 A Non-Agricultural Project may also be subject to an annual Water Supply Development Fee, depending upon the nature, complexity, and water demands of the proposed project. The District will determine whether a proposed Non-Agricultural Project is subject to the Water Supply Development Fee for water supplied pursuant to this AWSP as per the following Water Use Categories:

5.2.1. **Potable Use Category**. A proposed project that will require water for treatment and subsequent Potable Use shall be subject to an annual Water Supply Development Fee as set forth in Table B if the projected annual water demand for the project is in excess of the project's estimated population multiplied by the District-wide per capita usage. Potable Use projects without an appreciable residential component will be analyzed under sub-section 5.2.3.

5.2.2. **Industrial/Commercial Category**. A proposed project that will require water for an Industrial/Commercial Use located in an unincorporated area of the County of Imperial shall be subject to an annual Water Supply Development Fee as set forth in Table B if the projected annual water demand for the project is in excess of what has been annually apportioned to the subject property, on average over the most recent five calendar years. The annual Water Supply Development fee will be based on the net difference at the time the water supply request is approved.

5.2.3. **Mixed Use Category**. The applicability of the Water Supply Development Fee set forth in Table B to Mixed Use projects, Industrial/Commercial Use projects located within a municipality, or Municipal Use projects without an appreciable residential component, will be determined by the District on a case-by-case basis, depending upon the proportion of types of land uses and the water demand proposed for the project.

5.3. A proposed Water User for a Non-Agricultural Project may elect to provide some or all of the required water supply by paying for and implementing some other means of providing water in a manner approved by the District, such as conservation projects, water storage projects and/or use of an alternative source of supply, such as recycled water or some source of water other than from the District water supply. Such election shall require consultation with the District regarding the details of such alternatives and a determination by the District, in its reasonable discretion, concerning how much credit, if any, should be given for such alternative water supply as against the project's water demand for purposes of determining the annual Water Supply Development Fee for such project.

5.4 The District Board shall have the right to modify the fees shown on Tables A and B from time to time.

6. Water Supply Development Fees collected by the District under this AWSP shall be accounted for independently, including reasonable accrued interest, and such fees shall only be used to help fund IID Water Conservation Programs or related District water supply projects.

7. Any request for water service for a proposed Non-Agricultural Project that meets the criteria for a water supply assessment pursuant to Water Code Sections 10910-10915 or a water supply verification pursuant to Government Code Section 66473.7 shall include all information required by Water Code

Sections 10910 –10915 or Government Code Section 66473.7 to enable the District to prepare the water supply assessment or verification. All submittals should include sufficient detail and analysis regarding the project's water demands, including types of land use and per capita water usage, necessary to make the determinations outlined in Section 5.2.

8. Any request for water service for a proposed Non-Agricultural Project that does not meet the criteria for a water supply assessment pursuant to Water Code Section 10910-10915 or water supply verification pursuant to Government Code Section 66473.7 shall include a complete project description with a detailed map or diagram depicting the footprint of the proposed project, the size of the footprint, projected water demand at full implementation of the project and a schedule for implementing water service. All submittals should include sufficient detail and analysis regarding the project's environmental compliance, water demands, including types of land use and per capita water usage, necessary to make the determinations outlined in Section 5.2.

9. All other District rules and policies regarding a project applicant or Water User's responsibility for paying connection fees, costs of capital improvements and reimbursing the District for costs of staff and consultant's time, engineering studies and administrative overhead required to process and implement projects remain in effect.

10. Potable Use customers treating water from the District, to deliver to its water users, shall be required to follow appropriate water use efficiency best management practices (BMPs), including, but not limited to those established by the California Urban Water Conservation Council BMP's (see https://calwep.org/wp-content/uploads/2020/04/Residential-BMP-Guidebook.pdf), or other water use efficiency standards, adopted by the District or local government agencies.

11. Industrial/Commercial Use customers shall be required to follow appropriate water use efficiency BMP's, including but not limited to those established by the California Urban Water Conservation Council and California Energy Commission, as well as other water use efficiency standards, adopted by the District or local government agencies.

12. The District may prescribe additional or different BMPs for certain categories of Potable and Industrial/Commercial Water Users.

EXHIBIT 9

Industrial Water Application

Sebastian Rucci <sebastian@imperialdatacenter.com>

Industrial Water Request

Tom DuBose <tom@dubosedesigngroup.com> Wed, Apr 22, 2026 at 1:34 PM
To: Justina Gamboa-Arce <jgamboaarce@iid.com>, Tina L Shields <tlshields@iid.com>, Mike Pacheco <MAPacheco@iid.com>
Cc: Wayne K Strumpfer <wkstrumpfer@iid.com>, "mhartney@allenmatkins.com" <mhartney@allenmatkins.com>, Annette Leon <annette@dubosedesigngroup.com>, Lyndsey <lyndsey@dubosedesigngroup.com>, Sebastian Rucci <sebastian@imperialdatacenter.com>, Hector Casas <Hector@ruccilaw.com>

Good afternoon,

Please see and review the attached Industrial Water Request for the Imperial Valley Data Center project in the County of Imperial. Included below are the following,

Cover letter for the request from Imperial Valley Computer Manufacturing LLC
Certificate of Ownership of the Jesus & Robert Barriaga Parcel currently served off of ND Lateral 44
Certificate of Ownership of the Max and Hermenegilda Leimgruber Parcel also served off of ND Lateral 44
Developer Code of Conduct and Authorization Agreement
Approved Site Plan

Please send us a statement for the required $7500 payment with instructions for transferring payment via bank ACH. Please proceed with your review with this e-mail and attachments when the wire payment is submitted to the IID account. Let us know if you have any questions and when we can schedule a meeting to continue the process of this application. Thank you.

Tom DuBose
DuBose Design Group Inc
tom@dubosedesigngroup.com
1065 State Street
El Centro, Ca 92243
760-353-8110 (o)
760-554-1468 (m)

IVCM - IID Package Combined.pdf
6046K

IMPERIAL VALLEY COMPUTER MANUFACTURING, LLC
16400 Pacific Coast Highway, Suite 212
Huntington Beach, CA 92649
Phone: (562) 901-0199
Fax: (562) 249-6910
Email: Sebastian@RucciLaw.com

April 17, 2026

Imperial Irrigation District Water Department
Attn: Tina Anderholt Shields
333 East Barioni Boulevard
Imperial, CA 92251

RE: Water Supply Request Letter for Imperial Data Center:

Dear Ms. Shields,

The purpose of this letter is to formally initiate the process outlined in the Imperial Irrigation District's Adaptive Water Supply Policy for Non-Agricultural Projects. As discussed in prior communications with IID staff, and consistent with the guidance and checklist previously provided, please accept this letter as the Water Supply Request for the proposed Imperial Data Center located at Aten and Clark Road in unincorporated Imperial County.

Based on our understanding, IID has reserved approximately 25,000 acre-feet per year (AFY) for industrial uses, with a substantial portion of that allocation remaining available. The Imperial Data Center's projected water demand for industrial cooling is approximately 750,000 gallons per day, equivalent to 880 acre-feet per year.

The project encompasses a total of 235 acres, consisting of:
• 75 acres designated for industrial use (Data Center site), and
• 160 acres of contiguous agricultural land currently in production.

The 75-acre industrial site (APNs 044-220-007, 042, 044, 045, and 046) receives water via N. Date Canal 44 (IID Field Nos. 14794 and 14793). The adjacent 160-acre agricultural property (APNs 044-220-016, 021, and 022) is presently irrigated via N. Date Canal 40A (IID Field Nos. 14798 and 14799) and N. Date Canal 41 (IID Field No. 14801).

To fully offset the project's industrial water demand, the applicant proposes to permanently fallow the 160-acre agricultural parcel. At an estimated application rate of 5.5 acre-feet per acre, the current agricultural use totals approximately 880 AFY—equivalent to the proposed industrial demand. Accordingly, the project is designed to result in no net increase in overall water consumption within IID's system.

PROJECT SUMMARY
Project Type: Data Center
Location: Industrial: 75 acres (APNs 044-220-007, 042, 044, 045, 046); Agricultural (Fallowing Offset): 160 acres (APNs 044-220-016, 021, 022)
Canal and Gate (Industrial Site): N. Date Canal 44, IID Field Nos. 14794 and 14793
Water Request (Construction): 880 AFY
Water Request (Operations): 880 AFY
Point of Contact: Tom DuBose

The anticipated construction start date is August 2026, with an estimated construction duration of approximately two years.

We respectfully request confirmation of receipt of this application and guidance on the next steps in the Adaptive Water Supply Policy process. We are available at your convenience to meet with staff, provide additional documentation, or respond to any questions.

Sincerely,

Imperial Valley Computer Manufacturing, LLC

Sebastian Rucci, managing member

IMPERIAL IRRIGATION DISTRICT

CERTIFICATE of OWNERSHIP
and AUTHORIZATION of OWNER DESIGNEE or TENANT

The information contained on this certificate is required in order for an Owner, Owner Designee or Tenant to order irrigation water from the Imperial Irrigation District (IID), and establishes who is directly obligated to pay for ordered water, where the ordered water can be used, who has certain rights, authority and obligations under current IID rules and regulations, and who will receive notice with respect to proposed changes in water rates. THE IID WILL RELY ON THE COMPLETENESS AND ACCURACY OF THE INFORMATION ON THIS WATER CERTIFICATE. IT IS YOUR OBLIGATION TO UPDATE THIS CERTIFICATE SHOULD ANY OF THE INFORMATION CHANGE. A Notice of Change to this certificate is available on the IID Web site at www.iid.com and should be used whenever any change to the information occurs. Please note that regardless of how this certificate is completed; the Owner - and any other party receiving water services - are jointly and severally responsible for the payment of water delivered to property.

By signing the Certificate of Ownership and Authorization of Owner Designee or Tenant, the signatory expressly acknowledges that all water delivered will be untreated and is to be used solely for irrigation or other agricultural purposes.

NOTE: HUMAN CONSUMPTION OF UNTREATED WATER IS ABSOLUTELY PROHIBITED.

A. DETAILED FIELD DESCRIPTION

1. Canal/Gate/Field NDA 44 2. ID Field No. (*see map*) 14794 3. Farmable Acres (*see map*) 2.3 AC
4. Plot description Please see Legal Description
5. Section or Tract Please see Legal Description Attached T. _____ S., R. _____ E., SBM
6. Assessment No. (s) _____

B. OWNER *(required)*, and OWNER DESIGNEE *(if applicable)*:

1. Owner legal name (*print*) Jesus & Roberto Barriaga
2. IID water account no. _____ 6. Date _____
3. Position/Title (*if applicable*) Owner 7. Owner signature _____
4. Company (*if applicable*) N/A 8. Phone number _____
5. Address 2304 Clark Road 9. Cell phone _____
City, State, Zip Imperial, CA 92251 10. E-mail address _____

Fill in #11-20 below ONLY if the Owner acts through an Owner Designee, who is authorized to order water:

11. Owner designee legal name (*print*) _____
12. IID water account no. _____ 16. Date _____
13. Position/Title (*if applicable*) _____ 17. Designee signature _____
14. Company (*if applicable*) _____ 18. Phone number _____
15. Address _____ 19. Cell phone _____
City, State, Zip _____ 20. E-mail address _____

C. TENANT *(if applicable)*:
☐ **Owner** orders water (no Tenant) *(Do not fill in #1-11 below if checked)*
☐ **Designee** authorized to order water (no Tenant) *(Do not fill in #1-11 below if checked)*

1. Tenant legal name (*print*) Imperial Valley Computer Manufacturing, Sebastian Rucci
2. IID water account no. _____ 6. Date 4.15.26
3. Position/Title (*if applicable*) Owner, CEO 7. Tenant signature *(optional)* _____
4. Company (*if applicable*) Imperial Valley Computer Manufacturing 8. Phone number (760) 353-8110
5. Address 16400 Pacific Coast Highway, Suite 212 9. Cell phone (562) 901-0199
City, State, Zip Huntington Beach, CA 92649 10. E-mail address sebastian@ruccilaw.com

D. *(Optional)* Check who may have online access to just this field's water bill statement: ☒ Owner ☐ Designee ☐ Tenant

FOR OFFICE USE ONLY:

TYPE: ☐Gate ☐Pipe ☐Pump **USE:** ☐Ag Land ☐Pipe/Small Acreage ☐Municipal ☐Industrial ☐Feedlot/Dairy ☐Environmental

Div. _____ Date _____ FileNet _____ Date _____ Real Estate _____ Date _____

The form of policy of title insurance contemplated by this report is:

A.L.T.A. Homeowner's Policy (07-01-21) with A.L.T.A. Loan Policy (7-1-21)

The Policy of Title Insurance, if issued, will be underwritten by: Stewart Title Guaranty Company
NOTE: The premium for a policy of Title Insurance, if issued, will be based on:

A liability of TBD Subject to any filed rate increases and/or changes in the liability.

Schedule "A"

The estate or interest in the land hereinafter described or referred to covered by this report is:

A fee

Title to said estate or interest at the date hereof is vested in:

Roberto Barriga, a married man as his sole and separate property and Jesus Barriga, a married man as his sole and separate property as joint tenants

The land referred to in this report is situated in an unincorporated area known as Imperial, the County of Imperial, State of California, and is described as follows:

The West 5 acres of the South half of the South half of Tract 57, township 15 South, Range 14 East, S.B.M., in an Unincorporated Area of the County of Imperial, State of California, according to the Official plat thereof.

Assessor's Parcel Numbers(s): 044-220-007-000

IMPERIAL IRRIGATION DISTRICT

CERTIFICATE of OWNERSHIP
and AUTHORIZATION of OWNER DESIGNEE or TENANT

The information contained on this certificate is required in order for an Owner, Owner Designee or Tenant to order irrigation water from the Imperial Irrigation District (IID), and establishes who is directly obligated to pay for ordered water, where the ordered water can be used, who has certain rights, authority and obligations under current IID rules and regulations, and who will receive notice with respect to proposed changes in water rates. THE IID WILL RELY ON THE COMPLETENESS AND ACCURACY OF THE INFORMATION ON THIS WATER CERTIFICATE. IT IS YOUR OBLIGATION TO UPDATE THIS CERTIFICATE SHOULD ANY OF THE INFORMATION CHANGE. A Notice of Change to this certificate is available on the IID Web site at www.iid.com and should be used whenever any change to the information occurs. Please note that regardless of how this certificate is completed; the Owner - and any other party receiving water services - are jointly and severally responsible for the payment of water delivered to property.

By signing the Certificate of Ownership and Authorization of Owner Designee or Tenant, the signatory expressly acknowledges that all water delivered will be untreated and is to be used solely for irrigation or other agricultural purposes.

NOTE: HUMAN CONSUMPTION OF UNTREATED WATER IS ABSOLUTELY PROHIBITED.

A. DETAILED FIELD DESCRIPTION

1. Canal/Gate/Field NDA 44 2. ID Field No. (*see map*) 14793 3. Farmable Acres (*see map*) 13.55 AC
4. Plot description Please see Legal Description
5. Section or Tract Please see Legal Description Attached T. _____ S., R. _____ E., SBM
6. Assessment No. (s) _____

B. OWNER *(required)*, and **OWNER DESIGNEE** *(if applicable)*:

1. Owner legal name (*print*) ~~Max Leimgruber and Hermenegilda Leimgruber~~ Max LEIMGRUBER J. PRINCIPAL DESIGNEE
2. IID water account no. 003P0 - 02 6. Date 04/15/2026
3. Position/Title (*if applicable*) Owner 7. Owner signature [signature]
4. Company (*if applicable*) N/A 8. Phone number 760-455-2133
5. Address APN: 004-220-046 9. Cell phone 760-455-2133
City, State, Zip Imperial, CA 92251 10. E-mail address max.leimgruber@yahoo.com

Fill in #11-20 below ONLY if the Owner acts through an Owner Designee, who is authorized to order water:

11. Owner designee legal name (*print*) _____
12. IID water account no. _____ 16. Date _____
13. Position/Title (*if applicable*) _____ 17. Designee signature _____
14. Company (*if applicable*) _____ 18. Phone number _____
15. Address _____ 19. Cell phone _____
City, State, Zip _____ 20. E-mail address _____

C. TENANT *(if applicable)*: ☐ **Owner** orders water (no Tenant) *(Do not fill in #1-11 below if checked)*
☐ **Designee** authorized to order water (no Tenant) *(Do not fill in #1-11 below if checked)*

1. Tenant legal name (*print*) Imperial Valley Computer Manufacturing, Sebastian Rucci
2. IID water account no. _____ 6. Date 4.15.26
3. Position/Title (*if applicable*) Owner, CEO 7. Tenant signature (*optional*) _____
4. Company (*if applicable*) Imperial Valley Computer Manufacturing 8. Phone number (760) 353-8110
5. Address 16400 Pacific Coast Highway, Suite 212 9. Cell phone (562) 901-0199
City, State, Zip Huntington Beach, CA 92649 10. E-mail address sebastian@ruccilaw.com

D. *(Optional)* Check who may have online access to just this field's water bill statement: ☒ Owner ☐ Designee ☐ Tenant

FOR OFFICE USE ONLY:

TYPE: ☐Gate ☐Pipe ☐Pump **USE:** ☐Ag Land ☐Pipe/Small Acreage ☐Municipal ☐Industrial ☐Feedlot/Dairy ☐Environmental

Div. _____ Date _____ FileNet _____ Date _____ Real Estate _____ Date _____

The form of policy of title insurance contemplated by this report is:

C.L.T.A. Standard Coverage Policy - 2022 (Owners Policy or Joint Protection)

Schedule "A"

The estate or interest in the land hereinafter described or referred to covered by this report is:

A Fee

Title to said estate or interest at the date hereof is vested in:

Max Leimgruber and Hermenegilda Leimgruber, Trustees of the Max and Hermenegilda Leimgruber Living Trust, Dated October 13, 2014

The land referred to in this report is situated in an unincorporated area known as Imperial, the County of Imperial, State of California, and is described as follows:

That portion of Tract 57, Township 15 South, Range 14 East, S.B.M., in the County of Imperial, State of California, shown and designated as Parcel 1 of Parcel Map M-653 on file in Book 2, Page 56 of Parcel Maps in the Office of the County Recorder of Imperial County.

Assessor's Parcel Numbers(s): 044-220-046-000

Developer Code of Conduct and Authorization Agreement Required For Developers Engaging With Imperial Irrigation District

1. Purpose

This Developer Code of Conduct ("Code") establishes the standards of ethical conduct, regulatory compliance, and professional behavior expected of all developers and prospective customers ("Developer") engaging or working in collaboration with **Imperial Irrigation District** (IID).

It also authorizes IID to conduct **Know Your Customer (KYC) or other similar** background and due diligence checks on the Developer and its principal officers to ensure compliance with IID's internal policies, practices, applicable regulations, and relevant laws.

2. Commitment to Regulatory and Tariff Compliance

Developers shall:

- Acknowledge and comply with all IID tariffs, regulations, rates, rules, and procedures.
- Abstain from actions that could result in a violation of energy market rules, customer rate misapplications, data manipulation, or interference with regulated billing and tariff systems.
- Ensure that any software, systems, or processes developed or integrated with IID's infrastructure align with IID's operational standards and regulatory obligations.
- Promptly report any potential conflict, noncompliance, or system anomaly that could impact regulatory adherence or customer billing accuracy.

3. Ethical and Professional Standards

Developers must:

- Conduct themselves in all activities and engagements with IID with honesty, integrity, and transparency.
- Not engage in fraud, corruption, bribery, or any form of unethical conduct.
- Maintain respectful and professional communication with IID personnel, customers, and stakeholders.
- Avoid conflicts of interest that may compromise impartiality or IID's reputation.
- Immediately disclose in writing any change in ownership, management, or principal officers that may affect the Developer's engagement with IID.

4. Data Security, Confidentiality, and Systems Integrity

Developers shall:

- Implement and maintain robust cybersecurity measures to protect IID data, customer information, and energy systems.
- Treat all technical and operational data, including rate structures, customer usage data, and tariff models, as confidential and proprietary to IID, as appropriate.
- Not access, modify, or disclose IID data or systems except as explicitly authorized.
- Report any suspected data breach, system vulnerability, or unauthorized access incident immediately.

5. Governance Structure and Authority. Developer acknowledges and agrees that IID staff may engage in one or more discussions with Developer in an effort to facilitate project or concept implementation. Developer expressly acknowledges that staff have no authority to bind the IID in any respect and that authority to bind the IID rests solely with the Board of Directors or executive management when delegated by the Board of Directors. Developer will not rely upon information or discussions with IID staff as a basis for insistence upon IID to accept any particular transaction or structure for such project or concept.

6. Threatened Litigation; Dispute Resolution. Developer acknowledges and agrees that any direct or implied threats of litigation to resolve any dispute or discrepancy by and between Developer and IID will immediately be referred to IID's General Counsel for further handling. In such event, all further engagement between Developer and IID will be by and through the General Counsel's office and all meetings between Developer and IID staff will be recorded to ensure the accuracy of communications and party understanding.

7. Compliance Cooperation

Developers shall:

- Cooperate with all audits, assessments, and compliance reviews conducted by IID or regulatory bodies.
- Provide timely and accurate documentation or information as requested.
- Ensure that subcontractors, affiliates, or third-party vendors engaged by the Developer also comply with this Code and IID's applicable policies.

8. Background and KYC Authorization

To safeguard the integrity of its operations, IID requires background and KYC (or other similar form) verification of all Developers and their principal officers, owners, and key management personnel.

The Developer hereby grants IID authorization to:

- Conduct KYC or other equivalent, due diligence, and background checks through third-party services or regulatory databases.
- Verify business registration, ownership structure, identity, and professional credentials.
- Review relevant criminal, financial, or regulatory records to the extent permitted by law.

The Developer consents to:

- IID collecting, processing, and securely storing relevant personal or corporate data for verification purposes.
- IID sharing necessary data with approved third-party verification providers under confidentiality agreements.
- IID making determinations regarding engagement or continued collaboration based on verification outcomes.

Refusal to provide authorization or failure to pass required checks may result in **suspension, termination, or disqualification** from further engagement and/or contracting with IID. Developer acknowledges and agrees that identification of a criminal conviction or convictions or multiple bankruptcies are disqualifying events and that IID may rely on that information to suspend, terminate or disqualify Developer from contracting with IID.

9. Consequences of Noncompliance

Violations of this Code, including breaches of IID tariffs, regulations, or rules, may result in:

- Immediate termination of engagement.
- Reporting to appropriate regulatory or law enforcement authorities.
- Legal or contractual remedies being pursued by IID.

Remainder of Page Blank; Signature Page Follows

10. Acknowledgment and Acceptance

By signing below, the Developer acknowledges and agrees to:

- Comply with all provisions of this Developer Code of Conduct.
- Abide by all IID **tariffs, rates, regulations, and operational rules.**
- Authorize IID to conduct KYC or similar organization and background checks as described above.

Developer Information

Developer Name/Company: IMPERIAL VALLEY COMPUTER MFG., LLC

Authorized Representative: HECTOR CASAS

Title: MEMBER

Signature:

Date: 4/17/26

For Imperial Irrigation District:

Authorized Signatory: _____

Title: _____

Date: _____

EXHIBIT 10

IID Denial of Water Application

May 1, 2026

Sebastian Rucci, Managing Member
Imperial Valley Computer Manufacturing, LLC
16400 Pacific Coast Highway, Suite 212
Huntington Beach, CA 92649
sebastian@imperialdatacenter.com

RE: Water Supply Request for proposed Imperial Data Center at Aten and Clark Road within an unincorporated area of Imperial County

Dear Mr. Rucci,

This letter is in response to your April 17, 2026 request on behalf of Imperial Valley Computer Manufacturing, LLC (IVCM) for a water supply that will be treated on site to serve a new industrial data center project proposed to be located in an unincorporated area of Imperial County, and more specifically on parcels 044-220-007, -042, -044, -045, and -046 (Exhibit 1). The five-parcel project site is in the process of consolidation via a lot merger through the County of Imperial, and your request from the District is for 880 acre-feet of non-agricultural water supplies per year via IID's North Date Canal, Gate 44.

The proposed project site is located within the City of Imperial's Sphere of Influence and abuts areas generally served with treated water by the City. As previously communicated by IID's engineering staff via email on March 24, 2026 (Exhibit 2) to IVCM's designated contact, Mr. Tom Dubose of Dubose Design Group (DDG), IID Regulation 21 restricts new water service installations within any areas that have reasonable access to potable water supplies from a private or municipal water system. Based on Imperial's facility maps, the City owns and operates a 14-inch to 16-inch diameter water distribution pipeline within 300 feet of the proposed project site along Aten Road (Exhibit 3). Please refer to Regulation 21 of IID's Rules & Regulations Governing the Distribution & Use of Water regarding small parcel service restrictions (Exhibit 4).

IID Regulation 21 is implemented by IID to support its Safe Drinking Water Act commitments outlined in its 1998 Compliance Agreement with the California Department of Health Services (now the State Water Resources Control Board's Department of Drinking Water). In this Agreement, IID committed to long-term efforts to reduce, where feasible, service connections where untreated canal water is piped into rural residential or similar use sites in Imperial County. DHS's May 16, 2000 determination that IID is "not a public water system," and a more recent November 5, 2018 audit confirming IID remains in compliance with its SDWA commitments, is of critical importance to the district. The

SWRCB DDW maintains oversight of IID's SDWA compliance monitoring and overall efforts to improve rural access to safe drinking water supplies, and IID values its collaborative working relationship with the state, Imperial County and local cities as the district works to manage rural domestic water use issues within its water service area.

For reasons stated in this communication, and consistent with IID's November 10, 2025, Preliminary Plan Review Comments letter for the proposed North Date Canal Pipeline Project, as coordinated by Mr. Tom DuBose, all water service connection to the North Date Canal Gate 44 (which has no water use history for the referenced parcels) would be removed as part of the related pipeline project.

Thank you for the water service inquiry. Should the City of Imperial need to supplement its annual municipal apportionment to serve this project, the City may submit a request to utilize IID's Adaptive Water Supply Policy mechanism for this new non-agricultural purpose. If you have any questions regarding this communication, I can be contacted via email at watermanager@iid.com.

Sincerely,

Tina Shields

Tina L. Anderholt Shields, PE
Water Manager

cc: Tom Dubose, DDG
Dennis Morita, City of Imperial
Jeff Lamoure, IC Environmental Health Services
Aaron Kent, SWRCB Imperial District
IID Water Engineering/SDWA Compliance Program Mgr/Sr Water Planner
Wayne Strumpfer, IID General Counsel
Mark Hartney, IID Outside Counsel

Exhibit 1: IVCM Project Site

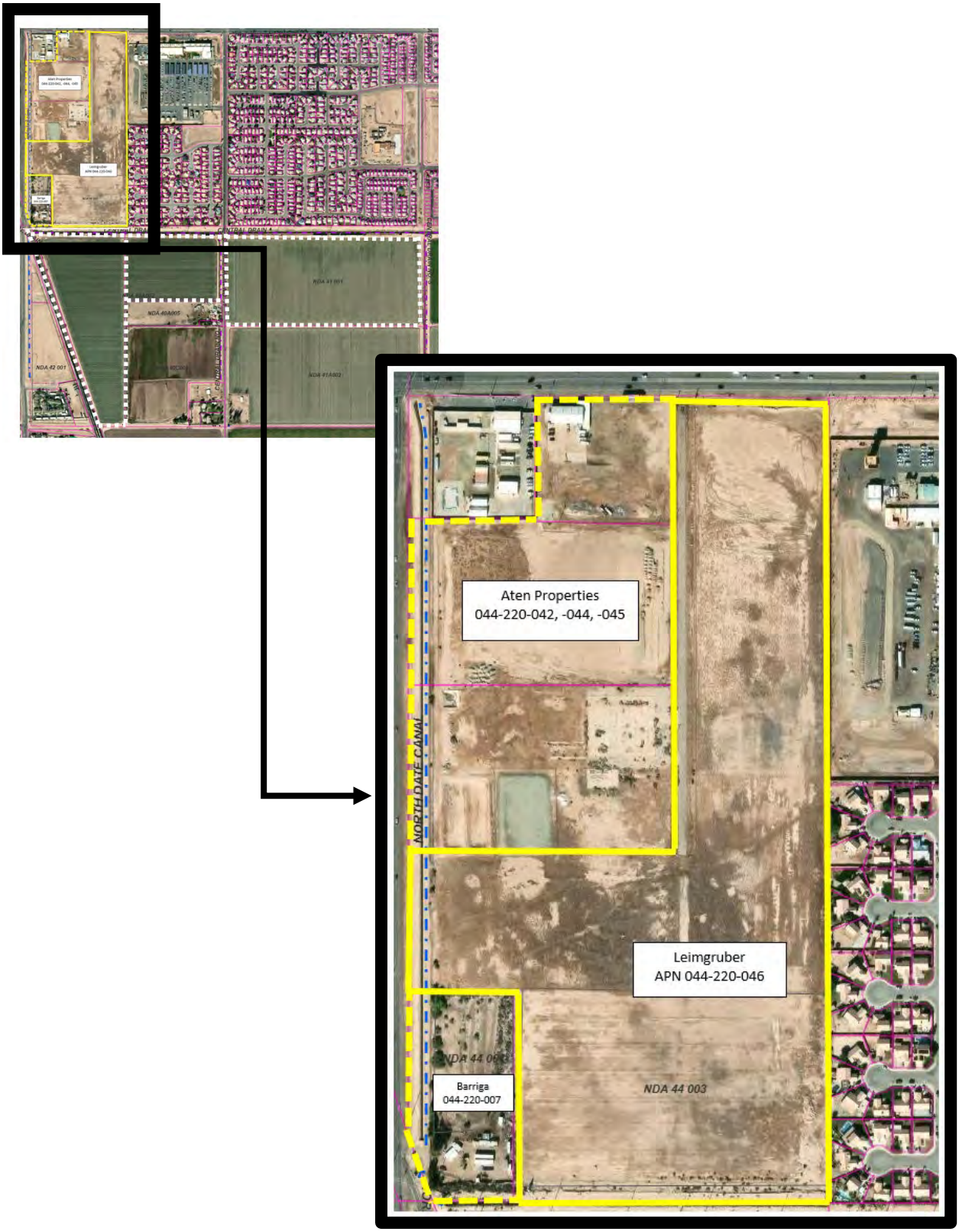


Exhibit 2: IID March 24, 2026 Email Communication

From: Kilps, John R <JRKilps@IID.com>
Sent: Tuesday, March 24, 2026 8:47 AM
To: 'Annette Leon' <annette@dubosedesigngroup.com>
Cc: Dollente, Henry <HVDollente@IID.com>; Pacheco, Jorge <jpacheco@IID.com>; Lyndsey <lyndsey@dubosedesigngroup.com>; 'Tom DuBose' <tom@dubosedesigngroup.com>; Gamboa-Arce, Justina <jgamboaarce@IID.com>; Van Lam, Duc <DVLam@IID.com>
Subject: IV DATA CENTER - IID Water Service

Hello Annette,

Responding to your inquiry regarding IID water access to parcel 044-220-042 of the IV Data Center site. As stated in our IID letter dated 11/10/2025, historical agricultural IID water service was provided to the parcel through North Date Lateral 5 Delivery 44. IV Data Center's submittal indicates the Data Center project will connect to the City of Imperial water system.

According to IID records, there has not been any IID water service to parcel 044-220-042 for several decades. IID proposes to abandon North Date Lateral 5, based on Data Center's submittal.

Note that a proposed change in land use would require application for a new industrial water service per IID Regulation No. 21, attached (and available on IID's website). According to IID Regulation No. 21, *"New installations will not be allowed within any city limits or areas that have reasonable access to potable water supplies from a municipal water system."*.

If you have any questions regarding IID Water service, please contact IID Senior Water Resources Planner, Justina Gamboa-Arce:

Justina Gamboa-Arce
Planner, Water Resources, Senior
IMPERIAL IRRIGATION DISTRICT
333 E Barioni Blvd, Imperial CA 92251
(760) 339-9085 | email: jgamboaarce@IID.com

Sincerely,

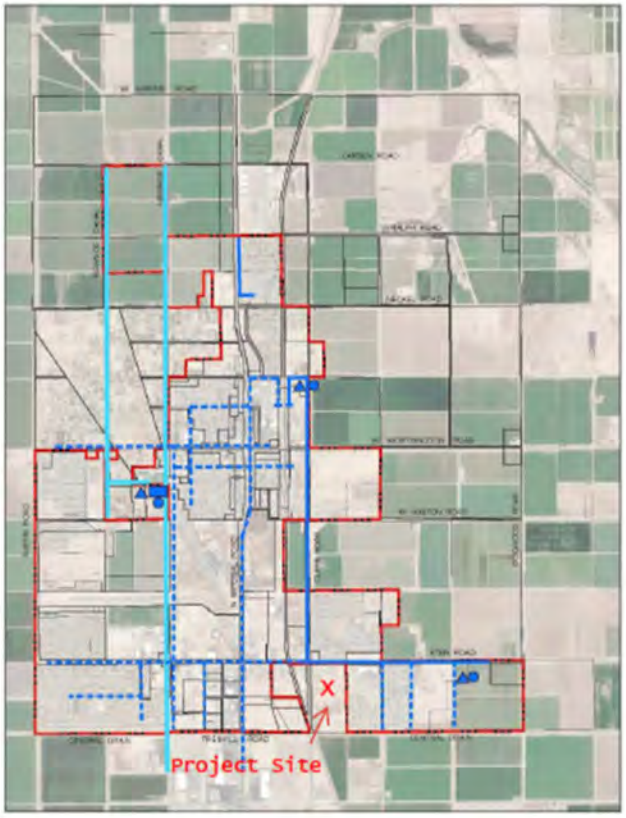
John Kilps

John R Kilps
Engineer, Principal
IMPERIAL IRRIGATION DISTRICT
333 E Barioni Blvd, Imperial CA 92251
(760) 339-9189 | email: JRKilps@IID.com

The foregoing electronic message, together with any attachments thereto, is confidential and may be legally privileged against disclosure other than to the intended recipient. It is intended solely for the addressee(s) and access to the message by anyone else is unauthorized. If you are not the intended recipient of this electronic message, you are hereby notified that any dissemination, distribution, or any action taken or omitted to be taken in reliance on it is strictly prohibited and may be unlawful. If you have received this electronic message in error, please delete and immediately notify the sender of this error.

Exhibit 3: City of Imperial Water Facilities

Exhibit 12 – Water Facilities



LEGEND:

- CITY LIMITS
- Raw Water Pipelines
- 14" to 16" Diameter Main Water Distribution Pipelines
- 10" to 12" Diameter Main Water Distribution Pipelines
- Water Treatment Plant
- PUMP STATION
- 2 MG Water Storage Tanks

NOTE: Pipeline under 10" omitted. (See Water Master Plan For Details)

HOWES | WEILER | LANDY PLANNING & ENGINEERING

SCALE: 1"=2000'

CITY OF IMPERIAL
EXISTING WATER FACILITES

Exhibit 4: Section of Regulation 21 Small Parcel Service – IID Rules and Regulations Governing the Distribution and Use of Water

Requirements for Installation

New installations will NOT be allowed within any city limits or areas that have reasonable access to potable water supplies from a private or municipal water system. Reasonable access is determined as within a distance of no greater than 300-feet from a potable water source having sufficient capacity. The Water Manager may consider other unreasonable factors, on a case by case basis, including costs that may result in an unreasonable financial burden.

All such installations shall be subject to inspection and approval by the district and shall be constructed and maintained at all times without expense to the district. The district will not be responsible for damage to such installations as a result of its operations on the canal.

Small parcel service installations shall be made only on through canals, and are not permitted on dead-end laterals with intermittent service, except upon prior written approval of district.

Each landowner will be required to furnish any other landowner, requiring the same, a right-of-way across the landowner's land for small parcel service installation.

Due to operating problems arising in connection with the installation of turnouts for small parcel service, no new small parcel service installations will be permitted within 330 feet of an existing installation, on each bank of the canal.

Small parcel service connections shall not exceed six inches in diameter unless approved by the manager of the Water Department.

Water Delivery

The district will at no time be required to deliver water to such installations when no other water is being delivered through the canal and will not allow the water user to pond water on the canal for the purpose of delivery through such installation. IID may also require the installation of a locking device, shut-off valve, and/or meter in a public right-of-way on new or existing raw water connections as a condition of new or continued service. Costs associated with the purchase and installation of these devices is the sole responsibility of the water user and not the IID.

As urbanization, rural development, and/or annexations occur IID will require domestic raw water users with reasonable access to potable water supplies to connect to the treated water system to facilitate IID's long-term Safe Drinking Water Act compliance. IID will encourage and support LAFCO, Imperial County, City, and other agency efforts to reduce rural domestic dependence on IID's canal water system, including the termination of raw water service when appropriate. Canal abandonments or relocations resulting from agricultural conversion may also preclude IID's ability to continue to provide raw water service to certain small parcel or service pipe accounts.

EXHIBIT 11

IID Service of City Land Near City Water Lines

PROPERTY WITHIN CITY OF IMPERIAL WITH CITY WATER WITHIN 300 FEET RECEIVING WATER FROM IID

IID Field No. 14683 owned by Shahabad Development (42.4 acres) located within the City of Imperial; zoned Industrial; receives raw water from IID at Gate New 3 which IID identifies as a 35.6 acre farm.

Water is purchased from IID for land within the City of Imperial even though City of Imperial 12 inch water main is located along La Brucherie Road a mere 60 feet from the south property line; 8 inch City water is also located 175 feet from the west boundary at Heathrow Drive; 8 inch City water main is located 275 feet from the south property line at Industrial Way

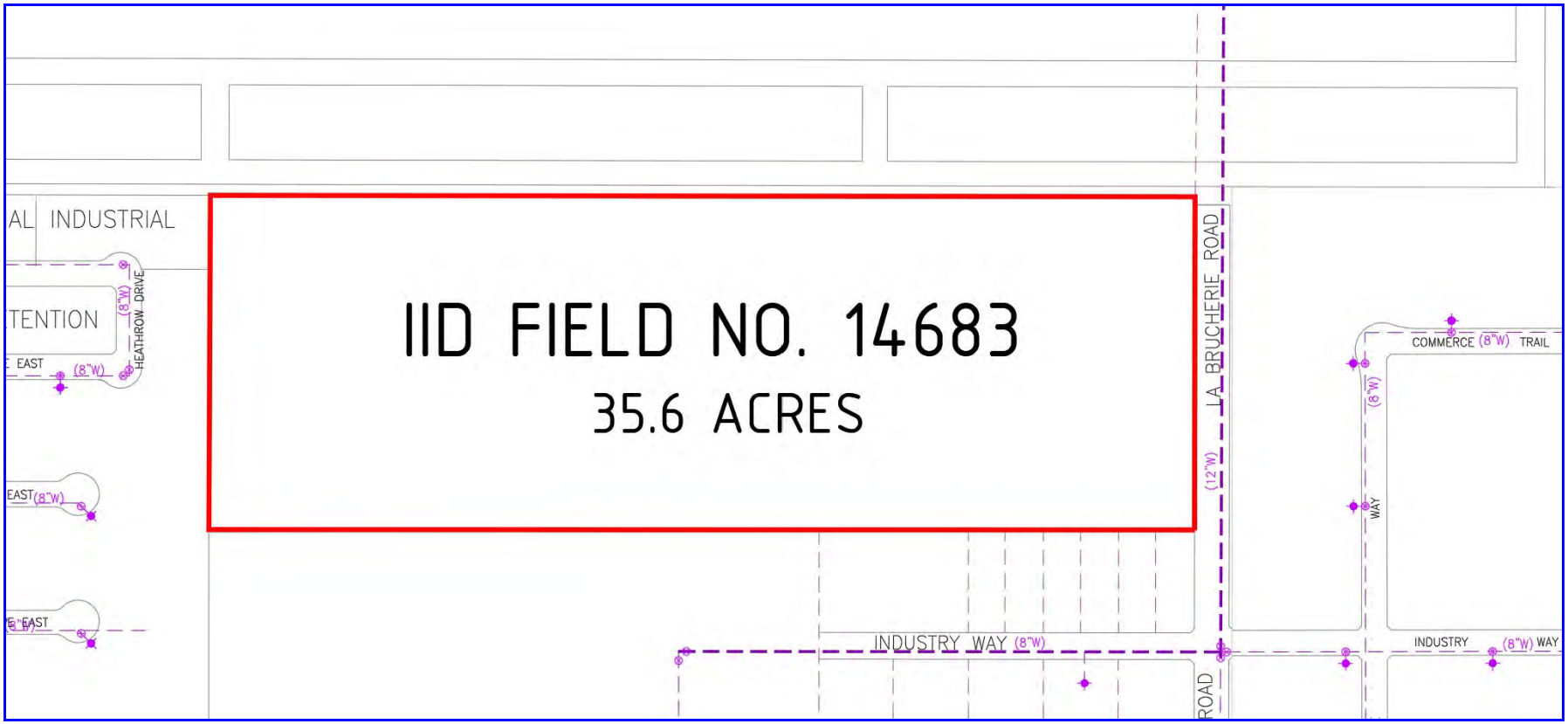
IID WATER MAP

1. City of Imperial 12 inch water main is located 60 feet from the south property line along La Brucherie Road

2. City of Imperial 8 inch water main is also located 175 feet from the west property boundary at Heathrow Drive

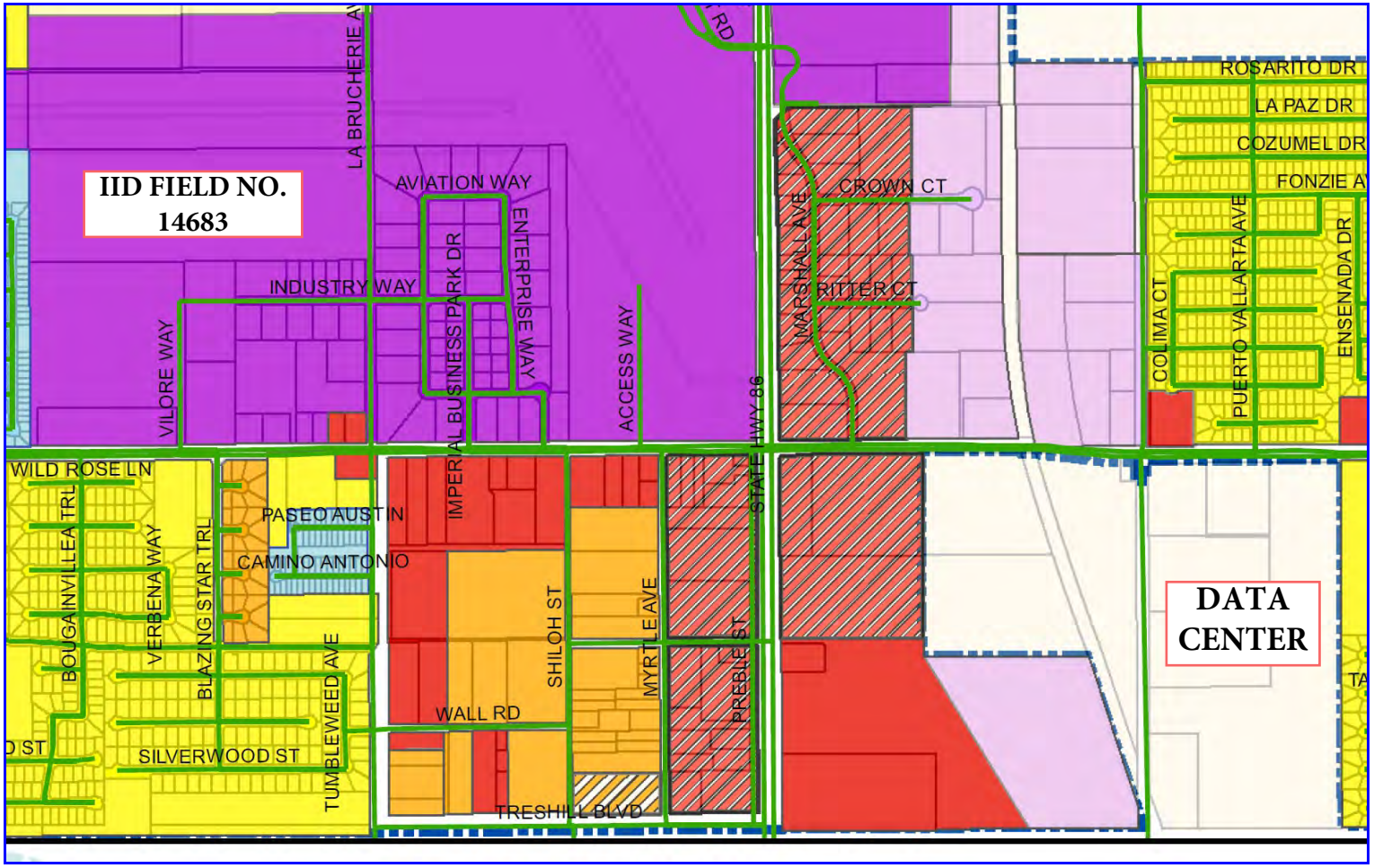
3. City of Imperial 8 inch water main is also located 275 feet from the south property line at Industrial Way

CITY OF IMPERIAL WATER MAP



IID Field No. 14683 (42.4 acres)
ZONED INDUSTRIAL on City of Imperial zoning map

CITY OF IMPERIAL ZONING MAP



Imperial Irrigation District
PO Box 937
Imperial CA 92251

Shahabad Development LLC
8772 Rainbow Ridge Dr
Las Vegas, NV 89117

10/27/2025

2026 Offered Apportionment Summary (Landowner)

Account #:3520603

Name: Shahabad Development LLC

8772 Rainbow Ridge Dr
Las Vegas, NV 89117

			2026 Agricultural Field Calculation					
			Farmable acres	10 yr Avg History	Historical Portion (af)	Straightline Portion (af)	Acre-Feet	af/ac
Tenant Name	**Tenant Acct#**	**customerAccount**	**A**	**B**	**C = B x 0.5**	**D = A x 2.78**	**E=C+D**	**F=E/A**
Joe Heger Farms LLC	3023233	NEW 3 001	36.5	302.8	151.4	101.5	252.9	6.93
		Total	**36.5**	302.8			**252.9**	6.93

This apportionment and any transfers of water apportioned to a field within farm units or through the Clearinghouse are only applicable to the relevant calendar year and do not create any rights to that apportionment in future years. Only fields marked with * may be eligible to request water from the Clearinghouse reserve account.

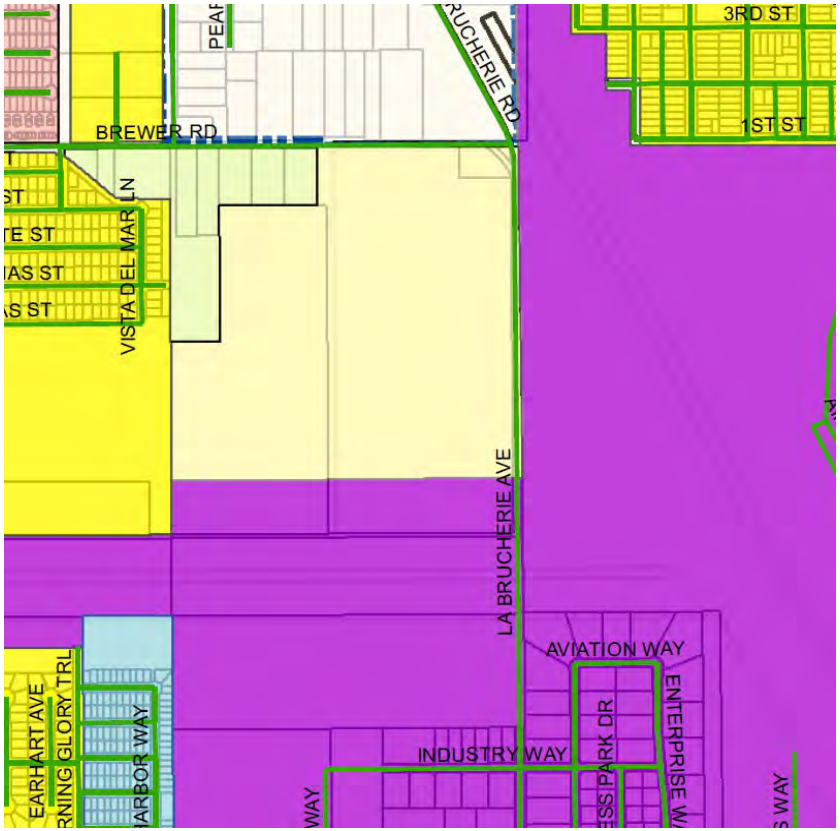
10/27/2025

PROPERTIES WITHIN CITY OF IMPERIAL WITH CITY WATER WITHIN 300 FEET BUT RECEIVING WATER FROM IID

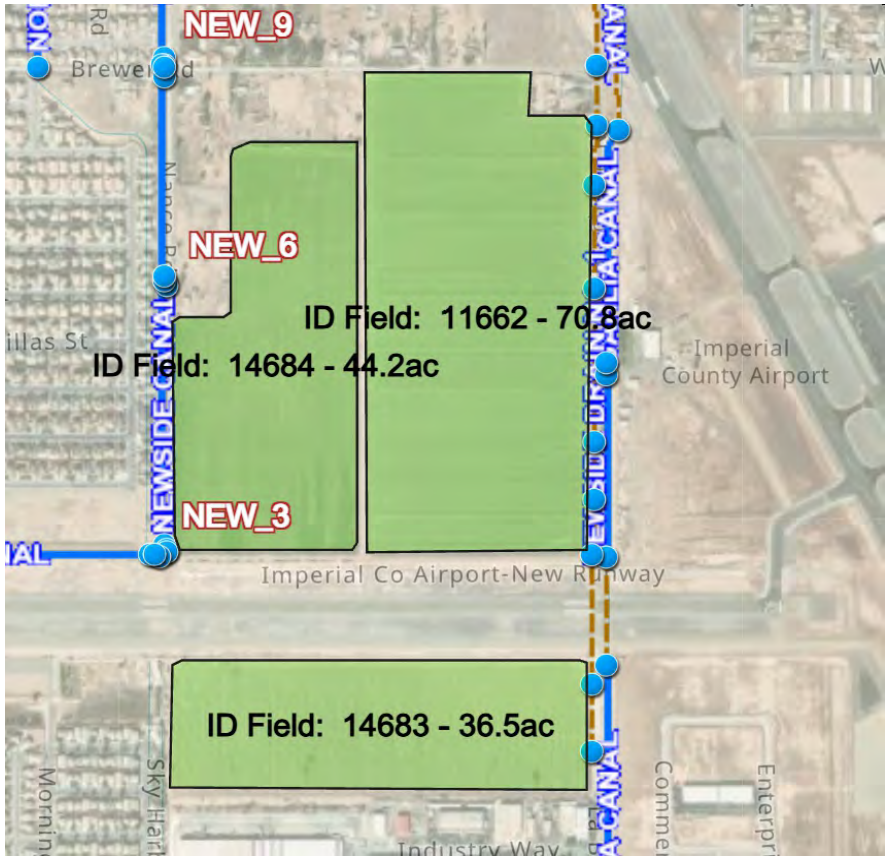
1. IID Field No. 11662 (70.8 acres) is located within the City of Imperial; southern part zoned Industrial; the parcel receives raw water from IID at Gate New 4, even though City of Imperial water at Brewer Road within 50 feet of its north property boundary.

2. IID Field No. 14684 (44.2 acres); is located in City of Imperial; southern part zoned Industrial; receives raw water from IID at Gate New 5 for farming even though City of Imperial water at Brewer Road within 50 feet of its north property boundary.

CITY OF IMPERIAL ZONING MAP

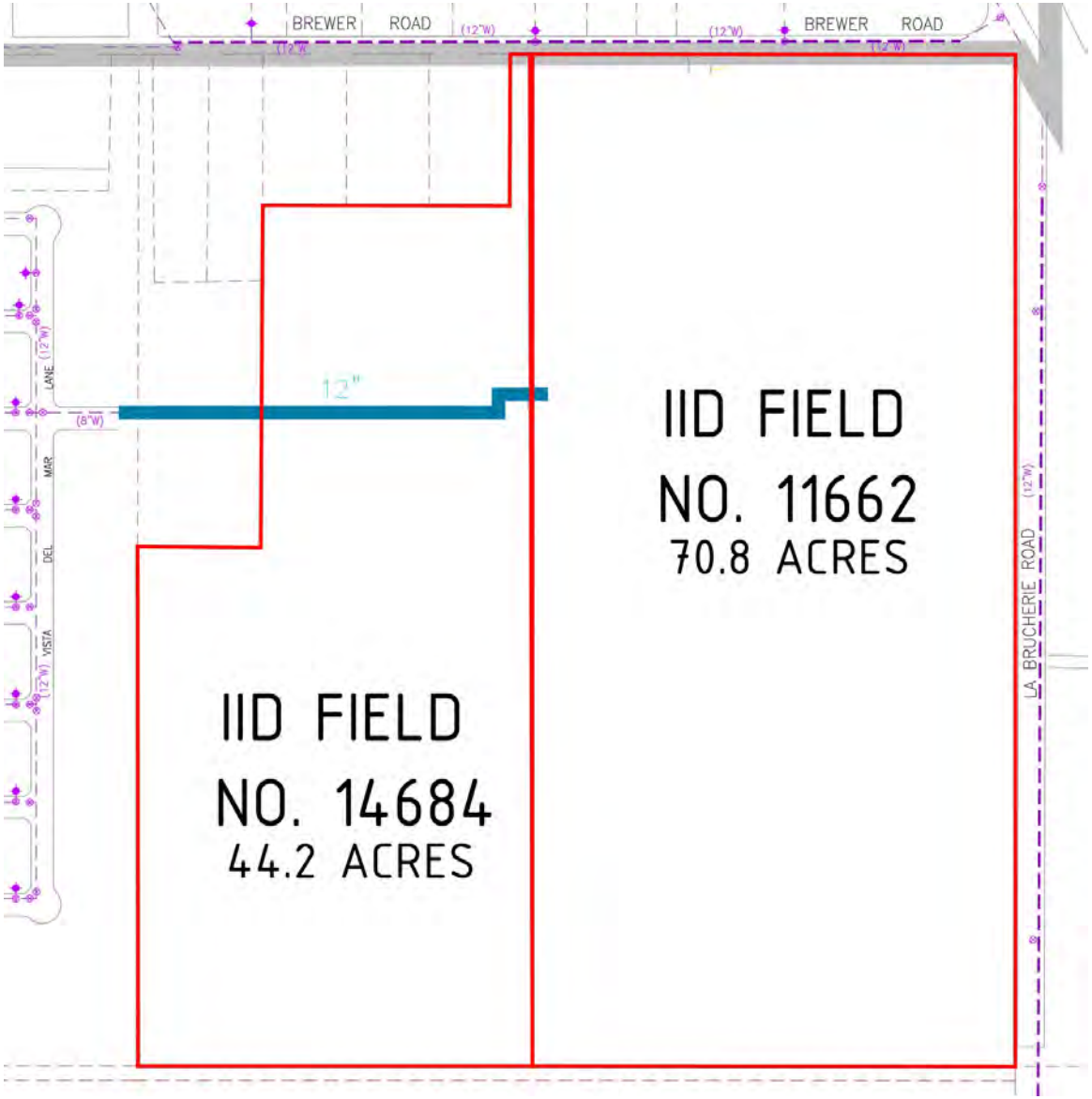


IID WATER MAP



1. IID Field No. 11662 (70.8 acres) has a 12 inch water main along La Brucherie Road within 60 feet of its eastern property line, also an 12 inch water main exists along Brewer Road within 50 feet of its north property boundary.

2. IID Field No. 14684 (44.2 acres) has 12 inch water main along Brewer Road within 50 feet of its north property boundary, also a 12 inch line goes through the property, also an 8 inch water main is available along Vista Del Mar 150 feet from the properties western boundary.



25 NOV

LARGE-SCALE DATA CENTER COMPLEX AT THE SOUTHEAST CORNER OF ATEN & CLARK

Notice Regarding County of Imperial's Potential Approval Associated with a Large-Scale Data Center Complex at the Southeast Corner of Aten & Clark

The City of Imperial has recently become aware that the County of Imperial has approved, or is in the process of finalizing approval of, an approximately 950,000 square foot data center (330MW), emergency backup generator building (330 MW) and Energy Storage System (862MWh). The project is planned to be built on approximately 74 acres situated on the southeast corner of the intersection of Aten and Clark roads. The City of Imperial is not the permitting authority because this property is within the unincorporated County of Imperial limits. Because this project is unprecedented in its magnitude and use, the City Council feels it is critical to notify our residents of this project. While the City Council supports development, economic progress and job creation - it is important to empower our residents to provide feedback to the County when such large projects are built in our neighborhoods.

News Releases

Current IID News

IID Launches Public Information Initiative on Data Center Interest in its Service Area

The Imperial Irrigation District today announced the launch of a new public information initiative to help the community understand the growing interest from data center developers seeking to locate in the District's service territory.

Post Date: 11/26/2025

The Imperial Irrigation District today announced the launch of a new public information initiative to help the community understand the growing interest from data center developers seeking to locate in the District's service territory.

A new webpage titled “Data Center Facts for IID Customers” is now available at www.iid.com/datacenterfacts and includes an associated fact sheet, “Data Center Facts for IID Customers,” and related news.

Customers are encouraged to visit the site and review the resources that explain what data centers are, why developers are considering the IID service area, and how the District evaluates proposals to protect ratepayers, water resources, and long-term system reliability.

“IID welcomes and fully supports economic development opportunities, and we are open to creative solutions,” said Jamie Asbury, IID’s General Manager. “Data centers use significant amounts of electricity and cooling water. We are not here to get in the way, but we must ensure that any proposal aligns with our reliability standards, cost-recovery requirements, and the long-term interests of the people we serve.”

This effort reflects IID’s commitment to providing clear, accessible information on initiatives of public interest linked to IID’s services — a practice the District will continue for other emerging topics of interest.

In the near future, IID will host a public workshop, providing residents with the opportunity to learn more, ask questions, and engage directly with District staff and subject-matter specialists. Additional details will be provided as they become available.

A data center is a physical facility that houses a network of computers, servers, and other IT infrastructure such as storage drives and networking equipment.

IID welcomes economic development opportunities, but the District must ensure that any proposal aligns with its energy reliability standards, cost-recovery requirements, and the long-term interests of local customers.

Return to full list >>

Gmail

Sebastian Rucci <sebrucci@gmail.com>

IID Schedules Public Workshop on Topic of Data Centers

1 message

Imperial Irrigation District <rdschettler@iid.com> Fri, Dec 5, 2025 at 11:34 AM
Reply-To: rdschettler@iid.com
To: sebrucci@gmail.com

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IMPERIAL IRRIGATION DISTRICT
NEWS RELEASE

IID Schedules Public Workshop on Topic of Data Centers

EL CENTRO, Calif. – (December 5, 2025) – The Imperial Irrigation District (IID) will be conducting a public workshop on Tuesday, December 9, 2025, to discuss, in general, data center development and the potential impacts to the District's service area.

The workshop will be held from 6 p.m. to 7:30 p.m. in the IID Board Room, 1285 Broadway, El Centro. It will also be available by livestream over the IID website at: https://www.iid.com/about-iid/news-resources/misc-live-meetings. For those who cannot attend or view the livestream, questions can be emailed to: publicworkshops@iid.com.

During the workshop, an overview will be provided of the electrical infrastructure required to support new energy loads, as well as the measures IID is implementing to ensure continued reliability and affordability for all customers.

The workshop is part of the District's ongoing commitment to transparency and open communication with the communities it serves, ensuring residents, stakeholders, and elected leaders have clear and accurate information.

For general data center facts for IID customers, please visit www.iid.com/datacenterfacts.

View of a data center, a facility that houses a network of computers, servers, and other information technology infrastructure and networking equipment.

# # #

Imperial Irrigation District | P.O. Box 937 333 E. Barioni Blvd. | Imperial, CA 92251 US

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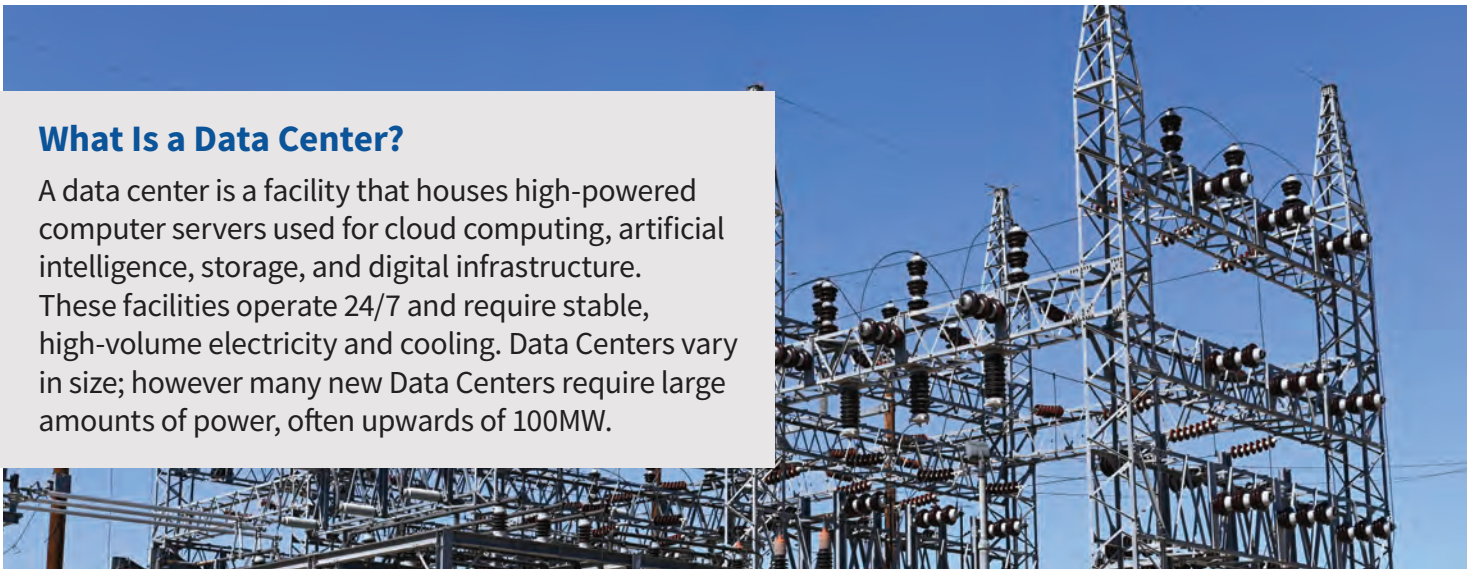
Data Center Interest in the Imperial and Coachella Valleys

What You Need to Know

Like many utilities in the United States, the Imperial Irrigation District is receiving increased interest from data-center developers seeking to locate in IID's service territory. These inquiries represent both opportunities and challenges.

IID is committed to ensuring its ratepayers are fully informed about what these projects mean for our community, our energy system, and our focus on long-term reliability and affordability for our customers.



What Is a Data Center?

A data center is a facility that houses high-powered computer servers used for cloud computing, artificial intelligence, storage, and digital infrastructure. These facilities operate 24/7 and require stable, high-volume electricity and cooling. Data Centers vary in size; however many new Data Centers require large amounts of power, often upwards of 100MW.

Why Are They Interested in Coming Here?

Developers have expressed interest in the Imperial and Coachella Valleys because of:

- Available land
- Relatively low power and water costs
- Proximity to major metropolitan markets

What Resources Do Large Data Centers Require?

Data centers typically require:

- Large electricity demand: upwards of 100 MW per site — equivalent to powering a small city
- Cooling systems: which may require a significant amount of water
- Large footprint over many parcels of land: generally, 40–80+ acres
- Reliability guarantees: high redundancy, long-term interconnection arrangements, and customized grid infrastructure

What Are the Potential Benefits for the Valley?

- New job opportunities (mainly temporary construction jobs, as operations only require small number of workers)
- Increased private investment in the region
- Potential attraction of other technology-sector businesses
- Increased property tax base

Imperial Irrigation District
333 E Barioni Blvd, Imperial, CA 92251
Toll-free: 1-800-303-7756
Local: 760-335-3640
www.iid.com

What Are the Potential Challenges or Risks?

- **Energy cost impacts:** major electric loads may require new substations, lines, transformers, and system upgrades and generally those are borne by the developer.
- **Water usage:** significant volumes of cooling water
- **Grid stress and reliability concerns:** sudden or large load additions may pressure core system reliability. NERC has asked utilities a series of over 100 questions in an effort to hone in on potential reliability compliance efforts to ensure stability and reliability.
- **Ratepayer burden:** if infrastructure is underutilized or abandoned, the cost could fall on the community
- **Stranded assets:** substations or lines built for a project that fails or scales down would leave ratepayers exposed.
- **Environmental impacts:** Large construction operations may have the potential to affect the environment and are subject to applicable review and compliance requirements under CEQA and/or NEPA.
- **Financial concentration risk with large loads that are disproportionate to the native customer base:** For a utility with a relatively limited number of large industrial customers, a single data center can represent an unusually large share of total electricity sales. This can create a structural imbalance in which one customer becomes disproportionately important to the utility's overall financial health.

What Is IID's Role?

IID evaluates these proposals on a non-discriminatory basis to:

- Ensure system reliability
- Protect existing customers from costs that wouldn't exist but for these projects
- Confirm water and power demands are feasible and do not cost shift to other ratepayers
- Verify economic viability and cost recovery
- Establish interconnection, design, and operational requirements
- Serve as the interconnected utility

How Does IID Protect the Community?

IID requires that:

- Developers pay fully for the infrastructure they trigger
- Projects demonstrate long-term financial feasibility
- Developers adhere to all environmental rules and regulations
- Cooling technologies align with water availability
- Interconnection and load commitments are firm and enforceable
- Infrastructure costs are not shifted to existing customers
- System upgrades support reliability and resilience
- Minimize the risk of stranded assets

IID will not expedite any project at the expense of due diligence. We will ensure thorough analysis and appropriate evaluations to protect grid reliability and to prevent our customers from bearing undue risk, stranded-asset exposure, or inappropriate costs.

Want to Learn More?

IID will host a workshop with Data Center experts, where community members can learn more, ask questions, and gain a deeper understanding of this emerging topic.

Visit **www.iid.com/datacenterfacts** for details and future updates.

Gmail

Sebastian Rucci <sebrucci@gmail.com>

IID Advocates for Ratepayer and Community Protection at Data Center Workshop

1 message

Imperial Irrigation District <rdschettler@iid.com> Wed, Dec 10, 2025 at 4:18 PM
Reply-To: rdschettler@iid.com
To: sebrucci@gmail.com

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IMPERIAL IRRIGATION DISTRICT

NEWS RELEASE

IID Advocates for Ratepayer and Community Protection at Data Center Workshop

IID Deputy Power Department Manager Paul Rodriguez, right, helps inform residents about data centers, their growing national presence, and their potential implications, while underscoring the District's commitment to advocating for ratepayer and community protection.

IMPERIAL, Calif. – (December 10, 2025) – The Imperial Irrigation District (IID) today issued a statement following a well-attended community workshop held on December 9

aimed at informing residents about data centers, their growing presence nationally, and their potential implications for local energy systems, water resources, and communities.

The workshop was educational in nature and did not address any specific project. Instead, it provided foundational information on how data centers operate, what resources they typically require, and how utilities evaluate large-load proposals. Dozens of residents attended, asked questions, and expressed a strong desire for transparency and public involvement in any major development affecting their community.

The District affirmed that these priorities align directly with the IID's mission to protect ratepayers, safeguard reliability, and conduct thorough, fact-based reviews of large energy users seeking service.

"IID supports economic development that strengthens our region, creates jobs, and respects our shared resources," said IID Board Chairwoman, Gina Dockstader. "But development must be technically feasible, transparent, and aligned with our responsibility to protect ratepayers from undue risks. Our due diligence is not a barrier—it is a safeguard. We owe that to every customer we serve."

IID's Role Regarding Data Center Proposals

During the workshop, IID reiterated the following facts to help residents understand the District's role:

- IID is not a land-use or siting authority. Other jurisdictions, including cities and counties—not IID—decide whether and where data centers may be built. IID does not approve, site, promote, or develop these projects.
- IID's obligation is nondiscriminatory service paired with rigorous technical review. If a county or a city approves a project within IID's service territory, the District must evaluate whether it can be reliably served. This includes assessing grid impacts, water and power feasibility, cost recovery, and ensuring that no costs or risks are shifted to existing customers. To date, IID has not received any requests for water service from any data-center proposal, only power.
- Regarding the power requests received to date, IID is evaluating the optimal way to secure a long-term power supply to serve large industrial load.
- IID is conducting strict due diligence through a disciplined, expert-driven strategy. The District has engaged specialists in regulatory policy, data-center planning, and rate design; strengthened internal processes; and benchmarked its standards against leading utilities nationwide. This proactive, structured approach reflects IID's commitment to safeguarding reliability, affordability, and long-term system integrity.
- IID's analysis applies this expert-driven approach while addressing the particular characteristics of our region. Our service area is shaped by a unique water-power nexus, challenging geography, drought-related constraints, and a significant share of low-income communities. These factors require a careful, region-tailored evaluation.
- Ratepayer protection is paramount. Any developer must fully fund the infrastructure upgrades their project requires. IID will not expose customers to stranded assets, long-term cost burdens, or system risks.

Clarifying Claims About the Proposed Project in Imperial County

According to public County documents and media reporting, a private developer has proposed an approximately 330-megawatt data center campus near the City of Imperial. The proposal includes multiple buildings, on-site backup generation, and significant electric demand.

Recent public statements have included inaccurate descriptions of IID's role and review status. To ensure the public has clear, factual information, IID provides the following clarifications:

- IID has not approved or endorsed the project. IID will fulfill its legal obligations. As a public agency, IID processes applications for service it receives in a nondiscriminatory

manner.

- Technical studies do not equal approval. Even where informational interconnection studies may exist, they do not represent feasibility, endorsement, or a commitment to serve power.
- Reliability impacts have not been validated. Public claims that the project poses no grid risk are not based on IID's findings. We continue our due diligence in accordance with our policies.
- Revenue claims attributed to the project have not been reviewed or validated by IID. IID is a cost-of-service public utility and does not evaluate projects based on potential for profit or speculative revenue projections.

Commitment to Transparency and Next Steps

IID acknowledges and appreciates State Senator Steve Padilla's ongoing work to ensure transparency and community protection regarding data centers in Imperial County. His engagement underscores the importance of public input, full review, and safeguards against unfair cost shifts—principles fully aligned with IID's mission and the purpose of the December 9 workshop.

"Our community deserves honest information and full involvement regarding any major initiatives of interest like data center proposals," said Board Member Karin Eugenio. "We will not compromise the reliability of our grid, the affordability of service, or the public's right to understand how large-scale development could affect them."

IID will continue to:

- Provide clear, factual information to the community.
- Conduct thorough technical and financial review of all large-load proposals.
- Ensure compliance with environmental laws and public-process requirements.
- Protect ratepayers from cost shifts and stranded-asset risks.

For more information visit: https://www.iid.com/about-iid/community/data-center-facts.

###

Imperial Irrigation District | P.O. Box 937 333 E. Barioni Blvd. | Imperial, CA 92251 US

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Data Center Facts for IID Customers

Data Center Interest in the Imperial and Coachella Valleys: What You Need to Know

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- Interconnection and load commitments are firm and enforceable
- Infrastructure costs are not shifted to existing customers
- System upgrades support reliability and resilience
- Minimize the risk of stranded assets

IID will not expedite any project and will ensure appropriate analysis and treatments to ensure grid reliability and so that our customers do not shoulder undue risk, stranded-asset exposure, or inappropriate long-term costs.

Related News

- Associated Press Article - Future data centers are driving up forecasts for energy demand. States want proof they'll get built

DOWNLOAD / VIEW
Fact Sheet - Data Center Interest in the Imperial and Coachella Valleys - English [PDF]
Fact Sheet - Data Center Interest in the Imperial and Coachella Valleys - Spanish [PDF]
Presentation - Data Center Public Workshop 12-9-2025 - English [PDF]
Presentation - Data Center Public Workshop 12-9-2025 - Spanish [PDF]

CITY OF EL CENTRO
1275 W. Main Street
El Centro, CA 92243
www.cityofelcentro.org

FOR IMMEDIATE RELEASE

Contact: Mario Renteria
Public Information Officer – City Manager's Office
Office: (760) 337-4541, Mobile: (760) 234-2307
MarioRenteria@cityofelcentro.org

City of El Centro Addresses Community Questions Regarding Proposed Data Center

EL CENTRO, Calif. — Dec. 12, 2025 — The City of El Centro is aware of information circulating regarding a privately proposed data center north of the City and claims related to the use of reclaimed wastewater.

The City of El Centro wishes to clarify that no agreement of any kind has been entered into with any data center developer. The City has not received or approved an application, has not authorized the use of reclaimed or wastewater, and has not committed to constructing infrastructure to support such a project.

While the City proudly welcomes new businesses and economic opportunities that benefit our community, residents, and environment, no commitments or decisions have been made regarding any proposed data center. Any entity expressing interest in locating within El Centro or acquiring services from the City must undergo a formal, transparent, and thorough review process, which includes evaluating potential impacts on City services, infrastructure, natural resources, and overall community well-being.

Separately, questions have been raised regarding potable water service. The City did receive a request for a will-serve letter from the data center developer, which is a standard, informational tool commonly requested by developers and financial institutions to assess whether water service could potentially be available. A will-serve letter does not constitute a commitment to provide water or approval of a project, and in this case was issued with clear conditions and additional safeguards stating that no commitments exist and that any future consideration would require formal studies, applications, environmental review, and public approval.

The City of El Centro remains committed to responsible, sustainable economic development that aligns with community values and long-term goals. Should a formal proposal be submitted, the City will ensure that residents are notified and fully informed as part of the public review and decision-making process.

We welcome interest from prospective businesses, but it is important to underscore that the City has not entered into any agreement or made any commitments related to a data center project.

For ongoing updates, residents are encouraged to follow official City communications including our free Mass Notification System available at our website, www.cityofelcentro.org.

###

THE DESERT REVIEW
Imperial Valley news that matters to you

Why I Oppose the Proposed Imperial Data Center

By Karin Eugenio, IID Director – Division 5
Dec 13, 2025

I represent Imperial, where families have built their lives around quiet neighborhoods, nearby schools, and a sense of safety and wellbeing. That is why I deeply understand the fear and frustration many residents are feeling about the proposed data center in our community.

Imperial is not opposed to progress. But residents are rightly worried about what this project could mean for their homes, their children, and their quality of life. They are asking fair and necessary questions: Will this change our neighborhood forever? Will it strain our infrastructure? Will the promised benefits truly reach the community that would bear the impacts?

Those concerns deserve respect.

As a public servant, my responsibility is not just to listen, but to advocate. While the Imperial Irrigation District is not the authority that decides if or where projects are built — that responsibility lies with Imperial County — I believe it is my duty to speak up when a proposal raises serious concerns about ratepayers, reliability, and community well-being.

Economic opportunity matters. Jobs matter. Growth matters. But growth without discretion can come at too high a cost. Development should enhance a community, not overwhelm it or make residents feel unheard or unsafe.

The people I represent are asking for care, transparency, and common sense. I believe they deserve nothing less.

Signed,

Karin Eugenio

Imperial

OPINION: Why I oppose the proposed Imperial Data Center

KARIN EUGENIO IID Director — Division 5
Dec 16, 2025

I represent Imperial, where families have built their lives around quiet neighborhoods, nearby schools, and a sense of safety and wellbeing. That is why I deeply understand the fear and frustration many residents are feeling about the proposed data center in our community.

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Economic opportunity matters. Jobs matter. Growth matters. But growth without discretion can come at too high a cost. Development should enhance a community, not overwhelm it or make residents feel unheard or unsafe.

The people I represent are asking for care, transparency, and common sense. I believe they deserve nothing less.

Gmail

Sebastian Rucci <sebrucci@gmail.com>

IID Board Sets Guardrails to Protect Ratepayers as Interest Grows in Large Industrial Energy Loads

1 message

Imperial Irrigation District <rdschettler@iid.com> Tue, Dec 23, 2025 at 2:32 PM
Reply-To: rdschettler@iid.com
To: sebrucci@gmail.com

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IMPERIAL IRRIGATION DISTRICT

NEWS RELEASE

IID Board Sets Guardrails to Protect Ratepayers as Interest Grows in Large Industrial Energy Loads

EL CENTRO, Calif. – *(December 23, 2025)* – The Imperial Irrigation District Board of Directors has adopted a resolution that calls for the setting of guideline principles to ensure that new large electric energy loads do not compromise the reliability of the local electric grid or impact the costs to existing customers.

The Board's action, taken during its meeting on Monday, December 22, supports the need for clear safeguards to protect ratepayers and establish careful planning in light of the recent interest in large industrial loads, such as data centers, on the utility and its customers.

"Our concern is for the overall well-being of our ratepayers by having proper parameters in place, and we are taking these precautions very seriously," said Director Karin Eugenio, newly elected IID Board Chairwoman for 2026.

The Board's resolution states that "prudent utility governance requires clear safeguards, expert analysis, and transparent processes to ensure that new electric loads do not burden ratepayers or compromise electrical reliability."

The resolution affirms the following principles: ratepayer protection, maintaining reliability, full cost recovery and speculation controls, expert-driven decision-making, and transparency and public accountability. The document directs the development and implementation of the appropriate policies and procedures consistent with these directives.

IID General Manager Jamie Asbury will coordinate the implementation and maintenance of the policies, procedures, and evaluation frameworks consistent with the principles in the resolution and provide necessary recommendations.

In the resolution, the District clarifies that it is not a land-use or permitting authority and does not determine whether or where development projects are built.

"We are not opposed to progress," added Director Eugenio, "but development should enhance the community, and we need to be vigilant when a proposal raises concerns about ratepayers, reliability, and community well-being."

While the resolution does not mention any specific project, there is current interest across the nation regarding data centers due to the large energy demands they require, as well as the water needed for cooling.

Current local public interest concerns an unincorporated area of Imperial County, near the City of Imperial and surrounding areas, where a large data center is being considered by the County of Imperial and developers.

###

An example of a large data center.

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Imperial Irrigation District adopts protections against large industrial power demands

ARTURO BOJORQUEZ Editor
Dec 24, 2025

Resolution No. 37-2025 establishes a "ratepayer first" framework. It mandates that any infrastructure upgrades or system impacts caused by large-scale industrial projects must be entirely funded by developers, rather than being passed down to the district's existing residential and small-business customers. IVP FILE PHOTO

IVP FILE PHOTO

EL CENTRO – The Imperial Irrigation District Board of Directors moved Monday to shield local residents from the rising costs of industrial development, passing a resolution to ensure that massive new energy users–such as data centers–pay their own way.

The measure, Resolution No. 37-2025, establishes a "ratepayer first" framework. It mandates that any infrastructure upgrades or system impacts caused by large-scale industrial projects must be entirely funded by developers, rather than being passed down to the district's existing residential and small-business customers.

"The district's foremost obligation is to protect existing ratepayers from financial risk while maintaining a safe and reliable electric system," the board stated in the resolution.

The policy shift comes as the Imperial Valley sees an uptick in interest from energy-intensive industries. While these projects offer potential economic growth, they also place a significant strain on the electrical grid and resource adequacy.

Director Karin Eugenio introduced the motion for approval.

In her speech, Director Eugenio said, "It is critical that we as a district prepare for new and large industrial loads such as data centers without impacting our ratepayers. And it is critical that we have proper parameters in place."

According to the director, the resolution clearly states that, as a reliable and cost-effective power provider, the IID's largest concern is to protect constituents and ratepayers in both the Imperial Valley and Coachella Valley.

"There has been an increased interest in large industrial electric loads as we've seen so recently, and this is just the beginning of that transition," she noted. "So it is important, again, that we have those proper parameters in place."

Director Eugenio emphasized that the district is not a land use, zoning or permitting authority.

"That is not within our jurisdiction. But once a project comes to us, we are obligated to provide power," she continued. "But we can do so in a way that doesn't impact our ratepayers."

Public support

Calexico resident Kristian Salgado took to the podium to express her support for the resolution.

“I believe it is a step in the right direction, especially Principle 3: Full cost recovery and speculation control,” Salgado told the board. “With the current AI boom happening across the country, I do have concerns about speculative projects flooding the grid’s interconnectedness. I think that’s what we’re experiencing right now. These projects often lack real site control, realistic timelines, and firm financial commitment, yet they can still drive infrastructure planning decisions that ultimately impact rate payers.”

According to Salgado, implementing higher standards for financial commitment, such as deposits and fees, along with stricter requirements like proof of site control and project milestones, is critical.

“These safeguards help filter out speculative and unrealistic projects, support accurate energy planning, prevent overbuilding infrastructure, protect consumers from higher bills, and ensure the actual energy demand is being met, not just speculative requests driven by the market frenzy AI thing happening,” Salgado stated.

However, the Calexico resident expressed her concerns that, while setting the right intent, the resolution might not have enough teeth.

“Guiding principles alone may not fully protect our public utility from loopholes or future exploitation, especially as technologies and markets change, as well as leadership. Board members and program managers come and go, but strong policy is good, and it remains,” Salgado mentioned. “For that reason, I encourage the board not only to adopt this resolution today but also to view it as a beginning, not an end, of a broader effort.”

She urged the board to consider additional legal and policy changes that can turn these principles into enforceable safeguards.

“As we move into 2026, I hope these conversations around ratepayer protection, speculation control, and long-term planning continue to evolve and strengthen,” she said. “Thank you for taking these steps to protect IID consumers and our community.”

“I really love this resolution because this board is finally stepping up to the plate. Well, not finally, but always has been looking out for our residents, our ratepayers,” Pete Rodriguez said. “The workshop that you held previously, before this resolution came about, was outstanding.”

He underlined the IID board for informing the public about the data center and other issues by being very open and transparent.

“I support this resolution 100%,” Rodriguez said. “Thank you for standing up to the ratepayers. You guys deserve a pat on the back and applause.”

Next came IID Director Alex Cardenas, who recognized Director Eugenio for first being the shepherd of this policy–something that he definitely welcomed and supported.

“The Imperial Irrigation District has always had policies that protect our rate payers, especially when it comes to ensuring that our reliability is not compromised, but putting this through a resolution is something that I do appreciate,” Director Cardenas said. “For the last couple of months, you’ve seen the Imperial Irrigation District not only hold workshops but also double down on their efforts by bringing a resolution forward.”

Director Cardenas also acknowledged General Manager Jamie Asbury for providing her tremendous amount of experience in dealing with issues like the data center. She was also commended for being the ultimate gatekeeper when it comes to projects like this and bringing viable projects before the board that do not compromise the district’s grid resiliency.

“So the fact that we are now identifying that we’re not in the land use situation, never have been, but memorializing it through the resolution is something that’s important,” Director Cardenas said. “Furthermore, our pledge to full cost recovery is also something that we work very hard on as a publicly owned utility.”

Director Cardenas seconded the motion that was unanimously approved during Monday’s meeting.

The new policy outlines five core principles:

• Ratepayer Protection: Existing customers will not be financially responsible for the infrastructure needed for new industrial loads.

• Grid Reliability: The district will reject any service arrangements that compromise the safety or long-term stability of the power grid.

• Full Cost Recovery: Developers must pay evaluation fees, security deposits, and demand charges to prevent “speculative applications” that waste district resources.

• Expert Analysis: Decisions will be guided by technical, engineering, and rate experts to ensure industrial impacts are accurately measured.

• Public Accountability: The district committed to transparent communication regarding how large-scale proposals will affect regional planning and costs.

While the IID provides essential water and power services, the resolution clarifies that the district does not act as a land-use or zoning authority. It does not decide where projects are built but rather focuses on the technical and financial logistics of providing power and water to those sites once they are approved by local municipalities.

The board’s action directs the general manager to begin implementing specific policies and evaluation frameworks to formalize these principles immediately.

THE DESERT REVIEW
Imperial Valley news that matters to you

Eugenio seeks re-election, vows to protect ratepayers amid data center debate

Mar 4, 2026

(L) Karin Eugenio, chairwoman of the Imperial Irrigation District Board of Directors and representative for Division 5.
FILE PHOTO

IMPERIAL — As concerns grow in Imperial over a proposed large-scale data center project, Imperial Irrigation District Board Chairwoman Karin Eugenio announced today that she will seek re-election to represent Division 5, serving the communities of Imperial and parts of Calexico and Holtville.

Eugenio said her campaign will focus on protecting ratepayers, strengthening electric reliability, defending the region's water rights and continuing critical investments in the infrastructure families and businesses depend on every day.

A major issue is the proposed data center near the city of Imperial, which has raised concerns about electricity demand, grid reliability, rising power costs and impacts on the community's quality of life.

Eugenio has taken a strong stance that any large industrial development must not threaten the reliability of IID's electric system or shift costs onto local customers.

"Families in Imperial Valley should never have to worry that a massive industrial project could drive up their electric bills or weaken the power grid our community depends on," Eugenio said. "Protecting reliability means protecting the health, safety, and quality of life of our neighborhoods. Our community deserves responsible development that respects our families, our homes, and the Imperial Valley way of life."

In December 2025, Eugenio led the adoption of a new IID Board resolution establishing strict safeguards for large new electric loads. The policy ensures that economic development never comes at the expense of local residents, public safety or the stability of the Valley's power system.

"As an organizer of NIMBY Imperial, a coalition of Imperial County residents opposing the proposed Imperial Data Center, a teacher and a father, I fully endorse Karin Eugenio for IID director of Division 5," said Christopher Scurries, Imperial resident and high school band teacher. "When others remained neutral, Karin stood her ground with her constituents. She continues to fight for our families and students, and I am confident she will keep advocating for responsible development and the health and well-being of our community."

Strengthening the reliability of IID's power system has been a central focus of Eugenio's work on the board.

In September 2025, Tropical Storm Mario struck the Imperial Valley with damaging winds and flooding that toppled more than 100 power poles and left nearly 7,000 customers without power, particularly in Holtville and Calexico. Eugenio met directly with residents in both communities to provide updates and hear concerns from families and businesses affected by the outages.

"As a mother and a ratepayer myself, reliability is personal," Eugenio said. "When power goes out during extreme heat or storms, families feel it immediately. That's why I'm committed to strengthening our grid and making sure our communities have power they can count on."

Eugenio has supported major investments to strengthen IID's electric system, including the repowering of the nearly 60-year-old Unit 4 power plant at the El Centro Generating Station, replacing aging infrastructure with modern fast-start generators that will improve reliability during peak summer demand.

She has also supported IID's Advanced Distribution Management System project, a major grid modernization initiative designed to improve outage response, automate operations and strengthen restoration efforts across the district's electric system. Eugenio has continued advocating for more than $18 million in federal funding for the project.

Since 2023, Eugenio has traveled to Washington, D.C., to advocate for IID with federal agencies and members of Congress, helping secure millions of dollars in federal funding for infrastructure and grid modernization projects. She has also worked with state leaders in Sacramento to address legislation affecting IID and protect local control of water and power resources.

Eugenio has also supported IID's long-term infrastructure modernization effort. In 2024, the IID Board adopted a goal to modernize the district's water and power infrastructure by 2040, ensuring critical infrastructure remains in good condition and within its useful life.

She has also focused on affordability for local families. In 2025, Eugenio helped lead an initiative approving an additional $10 million investment in customer relief and energy savings programs, bringing total public benefits funding that year to nearly $20 million.

"I am glad to endorse Karin Eugenio once again for IID," said James Tucker, Imperial City Council member and multiple-time mayor of Imperial. "Working with Karin while on the City Council and now at IID, we can always count on her to put this community front and center."

An Imperial Valley native, Eugenio was first elected to the IID Board in June 2022 and was unanimously elected by her fellow directors to serve as IID Board chairwoman for 2026, becoming the fourth woman to hold the position in the district's history.

She previously served as mayor of the city of Imperial and was appointed by California's governor in 2025 to the 45th District Agricultural Association Board of Directors.

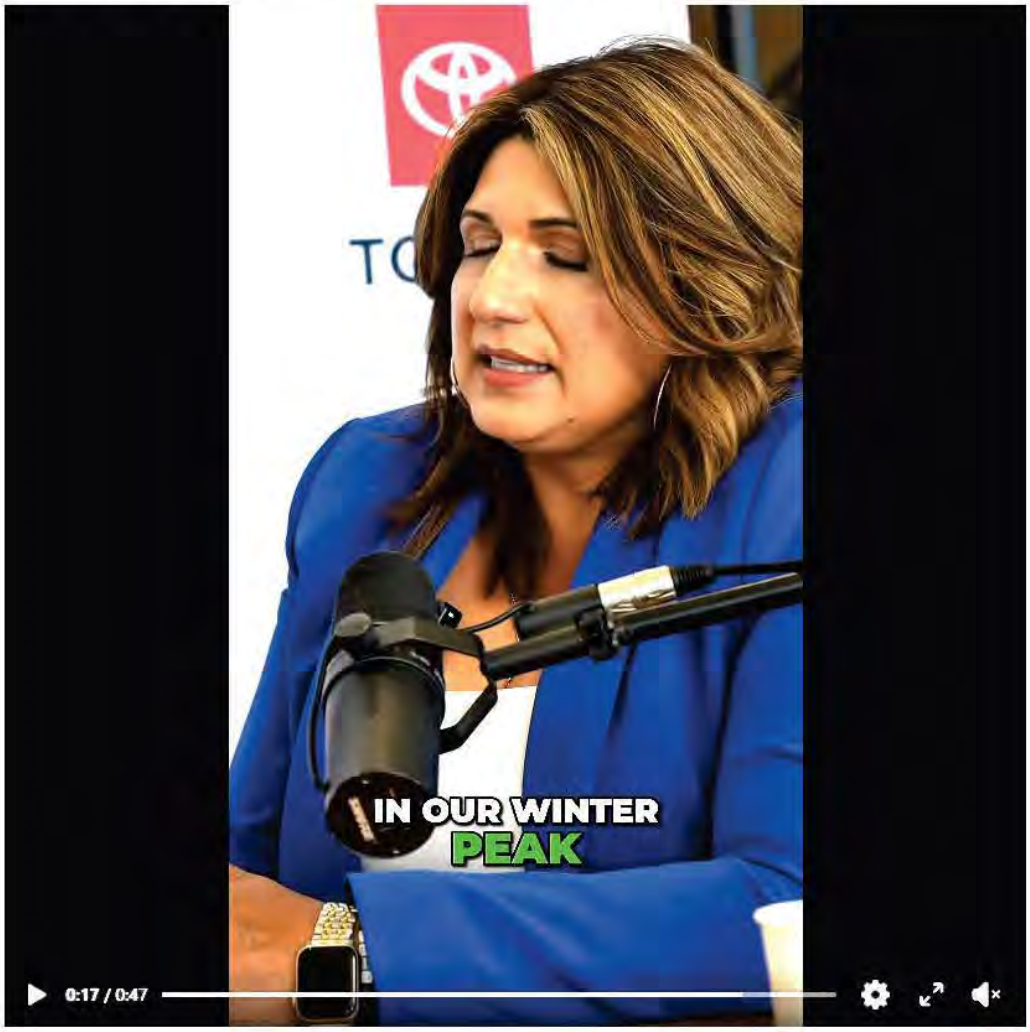
"I will continue fighting for our communities, our water and the reliable power our families depend on," Eugenio said.

Karin Eugenio - IID Director Division 5's Post

Karin Eugenio - IID Director Division 5
April 7 at 9:42 PM

When one project next to residential homes is asking for nearly as much power as Imperial County and Coachella Valley use during winter peak combined, people have every right to speak up.

I stand with the people of our city and county, and I stand against this proposal.



189 33 56

Most relevant

Luis Zendejas
Build solar plants in the iid non prductive ground,or require any developer to build them
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Delya Cartwright replied · 1 Reply

Kim Branigan
Thank you for saying that on the record Karin! You will have my support if you hold to your word!
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Michelle Hollinger
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Mary Miramontes
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Harry G Silva
"My city"?

Transcript of the Alex Cardena Interview (April 14, 2026)

INTERVIEWER: How do other projects kind of fall into place with IID? Such as the hot topic now is the data centers, right? Yeah. So what do you think, or where is that at right now today, and what would it bring to the valley?

ALEX CARDENAS:
Yeah, so data centers are a hot topic — not only here in Imperial Valley, but all over the country.

You know, the fact that we're a publicly owned utility — what we call a POU — there's a POU, which is like IID, publicly owned, and there's an IOU, investor-owned, like SDG&E or Edison.

The IOUs, the investor-owned utilities, they're responsible to shareholders, and that's why currently their rates are fifty percent higher than IID.

We're a publicly owned utility, so our publicly owned utility is subject to the five people that get elected to the board.

Because we have our own balancing authority — one of thirty-eight in the Western Grid here — we get to set our rates.

Now, we are tethered to a cost-of-service, so we cannot charge you more than our cost of service. So when you look at IID, our responsibility is to cover our cost. We're not here to make a profit; we're here to ensure that costs are recovered.

And not only by our residential ratepayers, but also folks like data centers that want large-load service.

So we are subject to predatory developers.

And in the last four years, I have witnessed firsthand predatory development come to the valley because we're a publicly owned utility. They're more likely to want to come here and put a data center here because they think we're a bunch of wimps and are not gonna hold our ground when it comes to cost recovery.

So Imperial Irrigation District and the board that's currently serving, and our general manager along with Legal, are fully aware of predatory developments. These are folks that have never,

ever developed a data center in their lives and all of a sudden wanna come here and claim that they're experts in developing data centers.

So when it comes to data centers, it's really three things — three very important things — that we memorialized in December of 2025 in terms of making sure that we're protecting our community.

One, and the first and foremost — and again, this was done through a resolution, so it's not bumper-sticker talk saying "Oh well, we're gonna do this" or "We're gonna promise that" — no, we memorialized our position as a full board through Resolution 37-2025 in December. That basically says three things.

Number one: ratepayer protection is a non-negotiable. Our ratepayers will be protected. So we came together as a board, and if you wanna connect to us and provide some economic development, fundamentally you need to know that our ratepayers will be protected. That is a fact. That is memorialized through a resolution.

So if you're coming here and wanna put in a data center and you're gonna subject our ratepayers to an unstabilizing or unstable grid or something to that effect, it's probably gonna have a hard time getting across the finish line. So ratepayer protection is absolutely important.

DEBATE TRANSCRIPT

Imperial Irrigation District (IID)

Subject: Data Centers, Electricity, and Water

Policy *Transcript Date: May 7, 2026*

https://www.facebook.com/reel/2145700656223809

DISCLAIMER:

This transcript has been prepared from video subtitle files. Speaker identifications are as labeled in the original source material. All statements are attributed as they appear in the recording.

Alex Cardenas Describes Data Centers as Dangerous, Grid-Destabilizing, and Profit-Driven

Question:

"Imperial Valley is seeing increased energy demand from new development, including industrial projects and potential large users like data centers. How will you ensure IID's grid can handle this growth while maintaining reliable service for existing customers?"

Response by Alex Cardenas:

"The only thing I can guarantee you with a potential data center, if not studied correctly, is an unstable grid."

"Data centers can be incredibly dangerous in the wrong locations."

"In addition, they can be very disruptive to the grid."

"We only have 979 megawatts of control power. You want to add 330 megawatts to that and go to the spot market and purchase that power at a premium?"

"Do you have any idea what the impact would be to you as a ratepayer and the stability to the grid?"

"Do you think I'm going to put her at risk because some guy wants to come here and profit in a data center and put at risk the folks that have medical equipment?"

"These folks that are looking at putting data centers never built a data center in their life."

"And they want to come here and tell you that there's community benefit to it?"

"No, not under my watch."

Question:

"A data center is now being proposed in the city of Coachella. If this data center meets all of the IID requirements set by IID, will you support its approval for power?"

Alex Cardenas Response

"No."

"I will not support any project, any project."

"I cannot speak specifically to any project that's in our queue, but any project that is before us that is not properly studied, that is not properly assessed through the environmental impacts, I will not support."

"So my answer is no, subject to a full-blown assessment."

"800 megawatts, 900 megawatts data center is a bridge too far."

Alex Cardenas Statements Regarding Developers and Outside Interests

"outside interests are increasingly looking at our region, not to invest in our community, but to profit from it."

"IID belongs to you, not to developers, not to outside interests, not to speculation."

"I will not allow our ratepayers to subsidize private profit."

Question (from your transcript context):
The moderator asked how IID would address increasing demand and large loads.

"these large load in data centers, they will not, will not, be allowed to provide instability to our grid."

"the developer will pay for their impacts."

"your power comes first before their power."

"they will be subject to interruptible power."

Alex Cardenas Praises Certain Developers as "True Developers"

"We have done an incredible job in Coachella Valley. 70% of the 160,000 meters are located in Coachella Valley. They're knocking on our door right now for an additional 500 megawatts."

"Actuars Sports Arena, the equestrian capital of the country, is going to be in Thermal, California."

"Hunter's Arena is moving there, okay?"

"Actuar arena is going to be building a new campus there, okay?"

"We've got all kinds of development now because they're true developers."

"They know how development works."

"And guess what? They're building in IID territory because we know how to work with them."

"We understand it's equitable, and now cities like Coachella, cities like Indio, cities like La Quinta have entered into JPAs with IID, Joint Power Authorities, that enter into a cost-sharing program so that we can build substations and they can build a thousand homes."

"One megawatt, folks, is 1,000 homes."

"And the homes that they're building in Coachella Valley right now, because of our Joint Power Authority, shared cost agreement, it's an equitable relationship, they're now begging us to stay there."

"No more legislative attacks to put board members on our board."

"No more ex officio type of relationships."

"No more assemblymen coming in and going after our sovereignty because we have stood tall."

"We have stood tall in terms of protecting our interests, having the infrastructure there, and that's why there's a tremendous amount of development and we will conserve it."

"We are already in negotiations."

"They have overcommunicated, please don't go away, IID in Coachella Valley."

— END OF TRANSCRIPT —

https://www.thedesertreview.com/elections/iid-candidate-eugenio-outlines-priorities-on-water-and-energy/article_a1ac810b-154b-4806-9e9e-bdcd80aac45b.html

FEATURED

IID candidate Eugenio outlines priorities on water and energy

By Hannah Larson
May 16, 2026

IID Division 5 Director Karin Eugenio outlined her views on water and power issues during a debate Thursday, May 14.
By Hannah Larson

IMPERIAL — Division 5 Director Karin Eugenio won the Imperial Irrigation District (IID) debate by default on Thursday, May 14, after challenger Eric Rodriguez did not appear.

Eugenio answered questions about energy, development and senior water rights during the debate, which COLAB and the Regional Chamber of Commerce hosted at Imperial Valley College.

Q1: IID manages an extensive water delivery system, much of which is aging, and there are ongoing concerns about water loss due to infrastructure inefficiencies. Significant investment is required to modernize canals, pipelines and delivery systems.

What specific infrastructure improvements would you prioritize to reduce water losses and improve reliability? How would you propose funding those upgrades without placing an undue burden on ratepayers?

Eugenio explained that “there is a certain amount of water that is consistently lost to seepage” in earthen canals and said IID is lining 3 miles of canals a year with concrete to save water. Eugenio said there are about 200 miles of these channels which need to be lined with concrete.

She noted that zanjeros are equipped with technology to “release and stop water using supervisory control and data acquisition” to further reduce water loss.

Another of the district’s top priorities is building reservoirs, Eugenio said.

“We still have about 21 reservoirs that we need to build here in the Imperial Valley, and the building of those reservoirs ensures that our growers can recycle the same water as opposed to continually withdrawing water from our very depleted reservoirs from Lake Mead and Lake Powell,” Eugenio concluded.

Q2: Imperial Valley is seeing an increased energy demand from new development, including industrial projects like Gateway of the Americas and potential large users like data centers. How will you ensure IID’s grid will handle this growth while maintaining reliable service for existing customers?

Eugenio said that one of the conversations IID directors would be having at their May 15 board meeting would “be specifically about large scale industrial use and data centers.” She said that California Environmental Quality Act compliance will be required for these large scale projects.

She specified that the county “gets to decide what projects come into our queue and then we at the IID can be good stewards to our community by establishing parameters and guardrails that protect ratepayers from these kinds of projects.”

Eugenio said that in the May 15 meeting, directors would discuss tariffs for large projects. She said such projects would be subject to interruptible power, meaning that if the district has “to shed load in high peak seasons like summer, then it will be those large scale industrial use centers that will be taken off the grid in those moments.”

Q3: How will you work to protect Imperial Valley's senior water rights, and what strategies will you support to ensure our region's water supply is preserved long term?

Eugenio began by establishing that the Imperial Valley has "present perfected water rights that have been established over 100 years ago" and emphasized that IID has "the largest water rights among the Colorado River users."

"That's how we are able to provide 90 percent of the nation's agriculture, in the winter months especially," Eugenio said.

"Because we are in the worst drought in recorded history, we've been asked by the Bureau of Reclamation to all make accommodations to preserve the water levels at Lake Mead and Lake Powell," Eugenio said. She said IID would continue working towards seven-state Lower and Upper Basin agreements alongside the reclamation commissioner.

"Our agricultural industry is a billion-dollar industry, and we will continue doing everything we can to preserve those rights," Eugenio said. "We will never give up fighting for our most valuable asset, which is water."

Q4: What is your vision for IID's infrastructure over the next 10-20 years? How should the district prepare now for the future growth and impact?

Eugenio said that IID is "working towards autonomy and not relying on purchasing outside energy" by creating more megawatts here. She said IID also can "contribute power at our lower peak months like winter, when we have extra energy. We can sell it at the Energy Imbalance Market."

Q5: IID produces a significant amount of energy, yet many residents feel they don't fully benefit from it. What policies would you support to ensure local communities see economic and ratepayer benefits from this energy development?

Eugenio pointed to ratepayers' ability to set their home thermostats and air conditioning to 69-72 degrees "when we're reaching historic levels of 124 degrees," saying, "I feel that's kind of a magical power that we are able to supply our customers."

"Our ability to survive in those kinds of extreme weather conditions is just a direct benefit to our ratepayers," Eugenio said.

She noted that this energy development especially supports elderly residents, people who use medical devices and other vulnerable populations, which “can never be without air conditioning in these extraordinarily hot summer months.”

Eugenio closed by saying, “IID was created to protect the resources of the people of Imperial Valley. Our water was never meant for special interests or unchecked development. It belongs to the people of this Valley. Right now, there are growing pressures from outside interests and predatory development, threatening our land, our water and our communities.”

“This is not the time for instability,” Eugenio concluded. “This is not the time for political theater. This is the time for experienced, steady leadership and informed decision-making.”

For the full debate, visit COLAB Imperial on Facebook.

Hannah Larson
Reporter

Re-Elect Alex Cardenas - IID Director Division 1's Post

Most relevant

Sharline Walker
You made no mention of the significant water usage and the fact that california is in a severe water shortage. It has been stated that water had to be pumped into lake powell just to keep the power generators going.

6d Like Reply

Author
Re-Elect Alex Cardenas - IID Director Division 1
Sharline Walker In regard to water supply agreements, the Imperial Irrigation District (IID) is not classified as a "public water system" under the Safe Drinking Water Act. Therefore, developments located within an unincorporated area of Imperial County that have access to a municipality within that city's Sphere of Influence are generally expected to pursue potable water service through the appropriate municipal provider.
For raw water supply requests located outside a municipality's Sphere of Influence, applicants are required to comply with IID's rigorous Water Supply Agreement (WSA) process. Due to the scale and potential impacts associated with these requests, the process often requires formal approval by the IID Board of Directors and must be properly agendized to ensure transparency and provide the public with an opportunity for input.
IID's water policy for non-agricultural projects was updated on December 2, 2025, transitioning into the Adaptive Water Supply Policy (AWSP). The AWSP continues to designate up to 25,000 acre-feet of IID's annual Colorado River water supply for new non-agricultural projects. The policy establishes both the mechanism and process for developing water supply agreements for appropriately permitted projects, while also creating the framework and fee structure necessary to ensure that new water demands do not adversely impact existing users. This is accomplished through funding water conservation and augmentation projects designed to offset additional demand.
Currently, the 25,000 acre-foot allocation is limited and is already being utilized by several approved projects, with additional projects presently in the queue seeking access to the remaining available supply.
Here is the link to our policy updated in December/2025

6d Like Reply

Author
Re-Elect Alex Cardenas - IID Director Division 1
https://www.iid.com/.../municipal-industrial-and...

IID.COM
Municipal, Industrial and Commercial Customers | Imperial Irrigation District

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IID Candidate Forum — Duran Debate

Video Transcript **https://fb.watch/HwDBNGQJyP/**

Source video: Duran Debate 05 22 26 - HD 1080p.mp4 (29:15) **Recording date:** May 22, 2026
Transcript prepared: May 22, 2026
Total runtime: Approximately 29 minutes 15 seconds

Full Debate Transcript

Timecodes [MM:SS] mark the approximate start of each turn relative to the start of the video.

[00:00] Candidate (challenger): Mic one, mic one. … This is my first time running for political office. I'm excited. Estoy emocionado, porque estoy aquí para la comunidad, para el pueblo. (Here for the community, for the people.) My responsibility is to respond exclusively to the community — not to political friends, political allies, or any type of nepotistic situation. My strict responsibility is to the community, whether that's economic development or transparency, or making those decisions that are going to benefit the IID as a whole, but as well, the community. Thank you.

[00:46] Candidate (incumbent): Good morning, and good evening. … [running] for re-election, Division 5. The reason I ran for public service eight years ago — I ran for city council because my daughter at the time was two years old. [There was] a great disparity between where parks were and where they should be. So I ran on communication, on community efforts, on more trees, on more ways to improve our community for our children and my daughter. Four years ago, I decided to run for IID because there was a great challenge about that IID. In addition to obvious water [and] power, there was a situation with a lack of diplomacy that had been created for a very long time. This seat, this IID division — [the decisions made] by all of us — [are] very critical, because we hold [significant] water rights amongst all of the Colorado River users; that's 40 million people, seven cities. And what we do is very critical, not only [to] our community. Thank you.

[01:58] Alex Cárdenas (incumbent, Div. 1): Good morning, and thank you for being here today. We recognize the real estate professionals and developers, managers, and business leaders in this room. You help families achieve their dream of home ownership, create opportunities for investment, and play a major role in strengthening our local economy. Rising property values and community investment don't happen by accident — they happen because of the people who are willing to invest their time, expertise, and energy into the future of Imperial Valley. My name is Alex Cárdenas. I'm currently your IID director for Division One. Over the last eight years, including two terms as board president, I [have worked] to protect affordable energy, to defend Colorado River rights, and to make sure IID is focused on the people it serves. As our region grows, we're seeing increased interest in large industrial users. Those projects include data centers, and that matters to the real estate community because these projects can influence everything from land values to infrastructure demand, utility planning, and long-term investment. Your property values are at risk today because of people who represent

data centers. We stand here to protect you, folks. The worst thing we can do is put data centers in your residential communities — and there is only one side here that represents that.

[03:13] Moderator: So the first question. We give each person [time] and then move along to the next person. … [Up to] two minutes. First question: IID's water delivery system is aging and losing water to inefficiency, yet lining canals and pipelines is expensive. What specific infrastructure would you prioritize, and how would you pay for that without large rate increases on ratepayers?

[03:50] Alex Cárdenas (incumbent, Div. 1): Over the last two years we have identified and improved our asset management plan. Out of the asset management plan, we came up with a capital improvement plan — the CIP. That CIP has around $800 million [in] investment into our water conveyance system. We have this incredible system of water conveyance, and the reason it's so successful is because of gravity. In that capital improvement plan, we have identified 11 reservoirs that we will be building over the next five years. These reservoirs are absolutely critical, not only to the raw-water [users and] suppliers but to the folks that are looking at building homes. What I can assure you is that we are going to make a significant investment in infrastructure. Obviously, real estate [plays] an important component in that. What you will see over the next five years is what you haven't seen over the last 20 years in terms of investment into the conveyance of our water system. Along with our chairwoman, Karen [Sandra Genio], who has been the champion of unveiling this capital improvement plan … What I am asking is that the community have a seat at the table, so they will participate in how we build projects, how we identify these projects, and how we improve the delivery of water. And the most important thing behind that is system conservation. We need to turn those earthen channels into concrete lining so we avoid losing water to seepage and evaporation. Thank you.

[05:24] Incumbent director (female speaker): A lot of the efforts were stated by my fellow director, Alex [Cárdenas], but just to follow on what he said about canal lining: we are averaging about three miles annually in canal lining, as Director [Cárdenas] mentioned. We lose a lot of our water through seepage, and so it is critical that we continue lining those channels. We have about 200 miles of canal lining that must continue occurring. We also have technology for [those] who deliver water, called SCADA — software they can use from the comfort of their vehicles for how they release and withhold water, which is ultimately toward the better conservation of water. We also are implementing on-farm conservation programs, and they have deficit irrigation programs with an equitable distribution plan. All these efforts are for the conservation of water — and that is for our farmers and our growers. So our farmers are continuing to modify their irrigation systems in order to conserve the most amount of water possible, because we are in the worst drought in recorded history. We are supported by the Bureau of Reclamation to continue that conservation, so that water — our most critical asset — is protected continually.

[07:05] Carlos Durán (challenger): That [was] a nice question, but I think the public deserves transparency, and I have another question for the incumbent, Mr. Alex [Cárdenas]: Why did you place [an image] on my campaign signs? I'm sorry, but my job is to bring transparency. That's what I stand for. … I'm here to bring transparency, and this question needs to be asked. Why

did the incumbent put [that image] on my sign? … The incumbent has not [run] a fair election. I think it's time we bring this out and let the public know what kind of [person] the incumbent is.

[08:13] Moderator / panel: This is not the time and place.

[08:17] Carlos Durán (challenger): This connects to real estate because the incumbent is not an ethical candidate. How is it going to benefit real estate as a whole? Why did you put [that image] on my sign?

[08:45] Moderator: We'll start with the next question. New housing cannot be built without water and power. How would you ensure IID reliably [serves] new residential development, so housing supply can grow?

[09:05] Incumbent director (female speaker): Obviously, water and power are very critical to [housing] development in this valley. We have taken great efforts at the district to really be cognizant of the fact that our infrastructure has been left [behind] for four decades. We have been relying on purchasing outside power for decades, which has [made] us vulnerable. We have made these investments into our own infrastructure [to ensure] that we are autonomous and that we can continue to provide reliable power, especially needed for the development of new houses. IID's chairwoman, last year, created a resolution that stated our promise to this community that we will protect our current property owners from the data centers and any kind of territorial developers. One of these candidates is actually being paid by a data center that is compromising the safety of our homes, our children, and the future of our community. So we are continuing to make those investments, continuing to protect people. As I stated, our water efforts are continually the biggest priority of our district, because without water and power, we cannot exist.

[10:24] Moderator: [Repeating the question:] New housing cannot be built without water and power. How would you ensure IID reliably [serves] residential development, so housing supply can grow?

[10:36] Alex Cárdenas (incumbent, Div. 1): One of the exciting things at IID right now is our inventory — it's roughly $100 million-plus. When you look at step-up transformers, step-down transformers, breakers — the fact that we are a public utility with over $100 million in inventory right now that's ready for housing development — there's no other public utility in the state of California that has the inventory levels we have right now. What that means is that we have the switching [gear], we have the ability to create the substations. You have the projects, the rooftop development, the investors that want to make a commitment and provide affordable housing to the Imperial Valley. You come up, fill out the application, work with some of the best engineers in the state — and that's at IID — and they will work with you to ensure you can get projects across the finish line. When it comes to IID, you're dealing with a publicly owned utility, not an investor-owned utility. That means all we have to do is recover our costs. As long as we recover our costs, we can build those housing developments. We can build those substations in six to 12 months. As long as there are defined roles and responsibilities in terms of how those will be paid, IID is open for business. One megawatt equals 1,000 houses, and we have close to 1,200 megawatts available for this valley. Let's build a community that people envy.

[12:29] Carlos Durán (challenger): Well, that's funny — you've been here for eight years and you haven't done that in eight years. What makes you think you're going to do anything differently in the next four? So why do many local contractors, Alex, believe they have been effectively shut out of participating in IID-related energy-efficiency work? And what specific steps is IID taking to ensure local businesses have access to public-benefit energy?

[13:31] Carlos Durán (challenger): Respectfully, I think this is a major issue with Imperial County — everything is cookie-cutter. You're getting cookie-cutter answers here for the past eight years, and I think people are tired of this already. We want change. So that's why I'm here.

[14:09] Alex Cárdenas (incumbent, Div. 1): I will give every contractor a fair shot — not just a selected few that benefit somehow [from] personal interest.

[14:32] Moderator: [Next question, for Carlos:] Ratepayer and water affordability directly affect the cost of housing and development. What is your concrete plan to keep IID rates affordable while funding needed upgrades?

[14:45] Carlos Durán (challenger): Look, economics is fairly basic — common sense. I think we need to start by asking questions like: in the midst of the grid falling apart, why did the incumbent give himself a close to 40% salary raise? This ties into your question. It ties in because if we're thinking about lowering the energy rates — this guy is giving himself a raise, and then he increases the energy rates. … Starting by not making decisions that are going to benefit me, my family, my friends — that's going to be my focal point.

[15:56] Moderator: [Repeating:] What is your concrete plan to keep IID rates affordable while funding needed upgrades?

[16:29] Alex Cárdenas (incumbent, Div. 1): We have spent the last four years on this board working on that. Most importantly, making sure the grid is strong enough to support this community. We had relied on outside energy for so long, and we were subject to volatile market rates. There was no cap on what we were going to pay if we didn't make an adjustment to the base rate. We need, at our peak, 1,200 to 1,300 megawatts to service the valley; we produce part of that locally, which means 400 to 500 has to be purchased on the outside market. If we can create that power ourselves, without having to rely on the outside volatile market — that is the basic principle of economics. When demand is high — and our summer temperatures reach 120-plus degrees — we get charged the most. If we can create that power ourselves, which we are working on, then reliability will be consistent, and we don't have blackouts or brownouts, which would be dire and fatal to our most vulnerable populations. Thank you.

[17:40] Alex Cárdenas (incumbent, Div. 1): I love our chairwoman, Karen — she's done an amazing job; she just kind of answered the question. It's very simple, and I've explained it before. When it comes to IID's $1.3 billion budget, only 16% of that is wages-related. The real cost in terms of managing and keeping energy [affordable] was $400 million that we spent in three months purchasing the power that was just shared by our chairwoman. What we're doing is declaring war on geopolitics and market volatility — and the way we declare war on market volatility and geopolitics is to reinvest into our system. That's why we unveiled a $3 billion capital improvement plan over the next 10 years. That's $300 to $400 million a year that's going to be

invested back into apprentice programs and workforce development — and these folks are going to be looking for homes. As we rebuild our infrastructure to go vertical, so that we don't depend on market conditions and market volatility — that's going to create an economy that people envy. So be prepared for these folks to come knocking on your door to make their first home purchase or trade up, because the reinvestment of our community is coming. That money is not for me, not for him, and is not for a data center developer. That is something you can prosper from in terms of creating economics — through the redevelopment of our generation plan, so that we can reduce our dependency on market volatility and geopolitics.

[19:23] Moderator: Karen, now we're going to move on to the closing statements.

[19:31] Incumbent director (female speaker), closing: I would like to make something noticeable: that is my opponent, who is not here. He was also not here at the last candidate [forum]. We need consistency. We need someone who shows up. I have been showing up for this community for eight years. I have given up so much of my personal time to make sure that my daughter grows up in a place that is safe, that is growing, that is prosperous. And if elected for another four years, I would continue to do the same thing. We have made massive investments in infrastructure that support not only housing but schooling — our children, and every person here in the Imperial Valley and also the Coachella Valley. It is now more important than ever, in this water crisis that we are in, that we protect our most valuable asset, and that we do not give this position to people who do not know what they're doing and who are being paid by developers who are here only to reap benefit off the backs of every hard-working person. Thank you.

[20:45] Alex Cárdenas (incumbent, Div. 1), closing: I work hard to be a [model of] civility, professionalism, and respect, because public service is about serving people. Many of you noticed that I chose not to shake my opponent's hand. Why is that? Because I believe [there] comes a point when we have to draw the line. I can disagree with somebody politically. I can debate somebody. I can defend my record. But I cannot normalize the rhetoric and behavior [directed at] members of our community — especially [at] IID employees. [We've] spoken about how to treat people with respect … [Cross-talk and interruption.] In the middle of the night, we come to work every day serving our families, farmers, and businesses. We deserve professionalism, we deserve respect, and we deserve leadership that will protect [us] from harassment, humiliation, and personal attacks.

[21:53] Carlos Durán (challenger): George, come over here. This guy is a liar. He created that meme of Jamie Asbury [in] lingerie — so you can know what type of guy this guy is. Vote for me. I'm here for the people, for the community, and I'm not afraid of bullies. I'm here for the community, for the [marginalized] people. Vote for me — Carlos Durán. Thank you.

[22:27] Cross-talk / removal: [Audible commotion; a participant is asked to leave. Multiple voices: “Get away from me,” “He needs his bag,” “Let's go,” “Thank you.”]

[24:07] Carlos Durán (challenger, outside): Okay, so I was asking the right questions, the tough questions, and they kicked us out. Every time you try to attack them, they would [shut] you [down] … Cookie-cutter politicians. If you want that, vote for what you have right now. If you want cookie-cutter, vote for Alex. If you want change — someone who's going to stand up for

change, for the people, for the community, for the women, for the young adults who need work and opportunities — I'm your guy. Carlos Durán.

[25:00] Moderator: Okay — [our panelists today]: Karen Sandra Genio, Alex Cárdenas, and Carlos Durán. Thank you.

[27:19] Moderator (closing remarks): We'll finish up. Before I start, I'd like to introduce myself — [I'm with the Realtor association] — and I am accompanied by [colleagues]. … We are committed to supporting our members with professional service to the public. We all play a meaningful role in the environment in which our community lives. As realtors, we really care about people and the future of the Imperial Valley, and we believe in community empowerment. Each candidate was given one minute for an opening statement and one minute for a closing statement. We ask that everyone be mindful of time, so that each of us can have an equal opportunity to be heard. We look forward to a respectful and informative dialogue — one that sheds light on the goals and perspectives that [shape] the industry. Thank you.

EXHIBIT 13

Rate No. 6 Water Availability Charge

Imperial Irrigation District
Imperial, California

WATER RATES
SCHEDULE NO. 6

Stand-by Service (Water Availability Charge)

Applicable to lands within the service area of the District, which are entitled to water service in accordance with the District's Rules and Regulations, except lands not subject to assessment (City, County, State and Federal lands including public water districts).

Annual Stand-by Charge

For each gross acre, or fraction thereof, whether water is actually used or not	$4.00
Less minimum allowance for any and all right-of-way considerations	5%
Net per acre charge	$3.80

Special Conditions

(a)
Annual Billing. Billing for stand-by service will occur annually in advance of January 1, payable on a semi-annual basis. The date of delinquency is established as being February 15 and August 15 for the respective six-month periods.

(b)
Minimum Charge. There shall be no charge for parcels of 5.0 acres or less.

(c)
Private Water Agencies. Charges for acreage within the Imperial Irrigation District which are directly served by private water systems, mutual water companies, or other private agencies providing water service shall be collected from said agencies.

Board Action - Revised November 10, 1998 Date Effective - January 1, 1999

EXHIBIT 14

Equitable Distribution Plan

Equitable Distribution Plan

Adopted December 11, 2007
Revised November 18, 2008
Revised April 07, 2009
Revised April 23, 2013
Revised May 14, 2013
Revised October 28, 2013
Revised June 21, 2022
Revised July 26, 2023

1.0 **Purpose**.

1.1 Purpose. The Imperial Irrigation District ("District" or "IID") is authorized by the Irrigation District Law, specifically California Water Code Section 22252, to adopt rules and regulations for the equitable distribution of water within the District. The IID Board of Directors has approved this plan for the equitable distribution of the available water supply (the "Equitable Distribution Plan"). This Equitable Distribution Plan is for the management of the District's available water supply and does not transfer water and/or water rights outside the IID service area, but does allow for an intra-district clearinghouse for the movement of water within the IID water service area. Pursuant to Resolution No. 31-2022, the IID Board of Directors has adopted this revised Equitable Distribution Plan.

2.0 **Terms and Definitions**.

2.1 Agricultural Water. Water used for irrigation, related to agricultural purposes, duck ponds, and algae farming. Pipe and small parcel water service as identified by the District's *Rules and Regulations Governing the Distribution and Use of Water* is not included in this definition pursuant to Section 2.22.

2.2 Agricultural Water User(s). A District Water User that uses Agricultural Water.

2.3 Agricultural Water Users Category. A category of District Water Users comprised of Agricultural Water Users.

2.4 Apportionment. The amount of water equitably apportioned among District Water Users within each Water User Category pursuant to Sections 3.2, 3.3, and 3.4.

2.5 Available Water Supply. Water available each Calendar Year for Apportionment, which shall not include Operational and System Water and may be subject to a Water Management Reduction.

2.6 Calendar Year. Each 12-month period that begins on January 1 and ends on December 31.

2.7 Category Apportionment. The amount of water equitably apportioned to each Water User Category as a category, which is calculated by the Calendar Year average of the historical water use for that Water User Category as a whole during the years 2003 to 2012, eliminating the highest Calendar Year and lowest Calendar Year of water use history.

2.8 Clearinghouse. A mechanism administered by the District or other entity authorized by the IID Board of Directors to provide a means by which qualified

District Water Users can transfer water within the IID water service area during a Calendar Year pursuant to Section 6.0.

2.9 Cropland. Irrigable acreage within the District service area divided into fields based on the [proprietary] District Geospatial Data Base compiled from IID records, inspections and U.S. Consolidated Farm Service Agency (CFSA) Common Land Unit (CLU) standards, or other defined acreage database such as the assessor's parcel records.

2.10 District or IID. The Imperial Irrigation District.

2.11 District Conservation Assignment. Apportionment contractually or automatically assigned to IID for water conservation purposes from lands participating in or designated for participation in any District On-Farm Efficiency Conservation Program, District Fallowing Program or other District conservation programs, or subject to the Temporary Land Conversion Fallowing Policy or Interim Water Supply Policy per the terms and conditions set forth in those program agreements and/or IID policies.

2.12 District Fallowing Program. Any program administered by the District to create conserved water by fallowing agricultural lands per the terms and conditions set forth in those program agreements and/or IID policies, including the Temporary Land Conversion Fallowing Policy.

2.13 District On-Farm Efficiency Conservation Program. Any program administered by the District to create conserved water by on-farm efficiency conservation measures and/or projects per the terms and conditions set forth in those program agreements and/or IID policies.

2.14 District System Conservation Program/Projects. An integrated package of system improvements to existing infrastructure and construction of new facilities designed to conserve water.

2.15 District Water User. Any user of water supplied by the District receiving an Apportionment.

2.16 Eligible Agricultural Acre(s). Acreage that is subject to the Temporary Land Conversion Fallowing Policy or meets all the following:

a. Cropland greater than 5 acres;

b. Used for crop production, duck ponds or algae farming;

c. Current with water availability charges and water bills; and

d. Connected to District water distribution system.

2.17 Farm Unit. A grouping of two or more Agricultural Water accounts of one or more fields leased or owned by the same Agricultural Water User; a single Agricultural Water account is automatically a Farm Unit.

2.18 Hybrid Apportionment. A Method of Apportionment used to calculate the Apportionment per Eligible Agricultural Acre within the Agricultural Water Users Category as set forth in Section 3.2.

2.19 Industrial/Commercial Water User(s). District Water Users receiving water directly from the District, and not from a Potable Water User, for industrial and commercial uses.

2.20 Industrial/Commercial Water Users Category. A category of District Water Users comprised of Industrial/Commercial Water Users.

2.21 Method of Apportionment. The method of apportionment used to calculate the Apportionment for District Water Users within each Water User Category during a Calendar Year.

2.22 Operational and System Water. Water not available for Apportionment because it is: (i) required by law, contract, and/or regulatory order or permit to be delivered or used for another use or user and failure to do so would impact the District's operations, maintenance and/or Available Water Supply; (ii) required for the District's operations and maintenance, including operational carriage and discharge water, system losses, seepage (excluding water from seepage interception conservation projects), evaporation or other losses in the District's distribution system, such as unmetered uses which cannot otherwise be calculated, including small parcel and pipe water service, recreation/lakes, and feedlots, adjusted for calculated losses from the District's point of diversion; or (iii) created by District System Conservation Program/Projects and absent the District System Conservation Program/Projects the water would not have been available for Apportionment because it would have been otherwise lost, such as through seepage or discharge.

2.23 Other District Conservation Program. Any program administered by the District to create conserved water by any means identified by the District per the terms and conditions set forth in program agreements and/or IID policies.

2.24 Overrun Payback Program. A program consistent with the federal Inadvertent Overrun and Payback Policy or other federal policies or programs to which the District may be subject, by which the cost of and/or responsibility for any District payback obligation will be borne by those District Water Users responsible for exceeding the Apportionment in a Calendar Year (adjusted for any Clearinghouse water transferred) should a District overrun occur in that Calendar Year; provided that this Overrun Payback Program shall not be available to District Water Users in any Calendar Year the federal

Inadvertent Overrun and Payback Policy is suspended and/or the District is not allowed to overrun pursuant to a federal law, rule, or regulation.

2.25 Potable Water User(s). District Water Users receiving water from the District and treating that water through a water treatment system to deliver potable water to its water users, including but not limited to municipalities and special districts.

2.26 Potable Water Users Category. A category of District Water Users comprised of Potable Water Users.

2.27 Take-or-Pay Basis. An obligation that District Water Users pay, pursuant to the District's Water Rate Schedules and *Rules and Regulations Governing the Distribution and Use of Water*, for all of the Apportionment accepted by the District Water User and not used during the Calendar Year.

2.28 Three-Year Average Apportionment. A Method of Apportionment used to calculate the Apportionment for each District Water User within the Potable Water Users Category and the Industrial/Commercial Water Users Category as set forth in Sections 3.3 and 3.4.

2.29 Water Card. The common term for the "Certificate of Ownership and Authorization of Owner Designee or Tenant" described in Regulation No. 3 of the District's *Rules and Regulations Governing the Distribution and Use of Water*. The Water Card provides information i.e., Cropland, name and address of owner and any lessees, APN, gate and canal providing water service, identity of person authorized to order water/receive notices from the District, who is obligated to pay, and similar information.

2.30 Water Management Reduction. A reduction in Available Water Supply for Apportionment, or a percentage reduction in each Category Apportionment, because of a District-wide overrun payback requirement mandatory program, or regulatory limitation of or reduction in the District's Colorado River water supply.

2.31 Water Users Category(ies). The Agricultural Water Users Category, the Potable Water Users Category, and the Industrial/Commercial Water Users Category.

3.0 **Equitable Distribution**.

3.1 Category Apportionment and District Water User Apportionment. Each Water User Category shall receive a Category Apportionment from the Available Water Supply to be distributed to the District Water Users within that Water User Category. Once the Category Apportionment is calculated for each Water User Category, each District Water User within each Water User Category will be apportioned water in accordance with Sections 3.2, 3.3, and 3.4, provided that the aggregate apportioned water to District Water Users within each Water User Category shall not exceed the Category Apportionment for that Water User Category.

3.2 Agricultural Water User Apportionment. Apportionment models understood and discussed to date are historical, straight line, soil type and hybrids of a combination of these methods. The default Method of Apportionment for Agricultural Water Users is the Hybrid Apportionment, which may be changed for any Calendar Year prior to the notification period set forth in Section 4.1 at the discretion of the IID Board of Directors. The Hybrid Apportionment is comprised of a historical use component and a straight line component and is calculated for each Eligible Agricultural Acre as the sum of:

a. One-half of the average amount of water used each Calendar Year between 2003 to 2012, excluding the highest and lowest Calendar Years, up to a maximum of 10 acre-feet (i.e., 5 acre-feet will be maximum 1/2 of 10 acre-feet limit); and

b. After the historical use component is calculated for every Eligible Agricultural Acre within the Agricultural Water User Category and that amount is subtracted from the Category Apportionment, the remaining amount of Category Apportionment for the Agricultural Water User Category is divided by the Eligible Agricultural Acres resulting in a flat amount for each Eligible Agricultural Acre.

3.3 Potable Water User Apportionment. The default Method of Apportionment for Potable Water Users is the Three-Year Average Apportionment, which may be changed for any Calendar Year prior to the notification period set forth in Section 4.1 at the discretion of the IID Board of Directors. The Three-Year Average Apportionment is calculated as up to the average amount of water used each of the most recent three Calendar Years that such data is available for each District Water User within the Potable Water User Category.

3.4 Industrial/Commercial Water User Apportionment. The default Method of Apportionment for Industrial/Commercial Water Users is the Three-Year Average Apportionment, which may be changed for any Calendar Year prior to the notification period set forth in Section 4.1 at the discretion of the IID Board of Directors. The Three-Year Average Apportionment is calculated as up to the average amount of water used each of the most recent three Calendar Years that such data is available for each District Water User within the Industrial/Commercial Water User Category.

4.0 **Apportionment Acceptance on Take-Or-Pay Basis**.

4.1 A written notice of the Apportionment for each District Water User shall be sent no later than October 31 prior to the beginning of the next Calendar Year. For Agricultural Water Users, the written notice of the Apportionment will be identified per Eligible Agricultural Acre and the number of Eligible Agricultural Acres per landowner, which shall be sent to the landowner, lessee and the authorized representative.

4.2 Prior to the start of the Calendar Year, the District Water User and/or, as applicable, the landowner or authorized representative (of Eligible Agricultural Acres

for the Agricultural Water Users Category), with written consent of the lessee (if any), must, using a District form:

a. Accept some, all or none of the Apportionment on a Take-or-Pay Basis.

b. Reserve some or all of the Apportionment on a Take-or-Pay Basis for the use of a future lessee, if applicable. The landowner remains responsible for payment on a Take-or-Pay Basis for the amount reserved for the future lessee, if applicable, unless and until payment is made by the future lessee.

c. Designate the person or entity responsible for payment of accepted and unused Apportionment on the Take-or-Pay Basis.

For Agricultural Water Users only, approve or disapprove the use of the Apportionment on other fields within the Farm Unit.

a. Allow or disallow a lessee to offer accepted and unused Apportionment to the Clearinghouse.

4.3 The District Water User and/or landowner will only be responsible for payment on a Take-or-Pay Basis for Apportionment that is accepted and remains unused in the water account at the end of the Calendar Year. On December 31 of the Calendar Year, payment for any remaining amount of the unused Apportionment will be included in the year end invoice.

4.4 Apportionment not affirmatively rejected is considered accepted. In the event a District form accepting Apportionment is not received for a field, IID will provide water delivery service to an owner or lessee with a valid Water Card in an amount not to exceed the Apportionment.

5.0 **Farm Units**.

5.1 The Farm Unit allows for the creation of a master Agricultural Water account under which individual Agricultural Water accounts are aggregated. The District will continue to bill for delivered water by individual Agricultural Water account and not by the Farm Unit or “master water account.”

5.2 The primary purpose of a Farm Unit is to allow an Agricultural Water User to order water on any field within the Farm Unit as long as there is a remaining water balance for the Farm Unit greater than the water order. If water is not available within the Farm Unit, the water order will not be accepted, unless and until procedures are developed and implemented under this Equitable Distribution Plan, including procedures for the Overrun Payback Program, that allow for the acceptance of the water order.

5.3 The District will account for water and track a water balance for each field. Fields can move between Agricultural Water accounts when there is a change to the Water Card and the water balance for the field will move with the field.

5.4 Agricultural Water Users must complete and keep current the Water Card and any Farm Unit designations to receive an Apportionment and delivery of water. It is the Agricultural Water User's responsibility to keep Farm Unit designations current.

5.5 An Agricultural Water account may only be associated with a single Farm Unit at any one time. Any Agricultural Water account not designated as part of a Farm Unit will be tracked and identified as an individual Farm Unit comprised solely of that Agricultural Water account.

5.6 The amount of Apportionment available to an Agricultural Water User on leased fields included in a Farm Unit must be approved by the landowner and lessee of those fields.

5.7 Water can be added to a Farm Unit by transferring water through the Clearinghouse, but the transfer must be made to individual fields within the Farm Unit. If no particular fields are specified, the District will select a field within the Farm Unit to initially receive the water or (as closely as possible) equally divide the water among all Eligible Agricultural Acres within the Farm Unit.

5.8 An Agricultural Water User may designate multiple Farm Units. Apportionment may only be transferred between Farm Units via the Clearinghouse.

5.9 The priority of water use within a Farm Unit is (a) accepted Apportionment authorized for use on the field, (b) water from other fields authorized for transfer within the Farm Unit, and (c) water from the Clearinghouse; or as otherwise provided in procedures developed and implemented under and pursuant to this Equitable Distribution Plan. Water from a higher-priority category must be fully-used before water from a lower-priority category may be used within a Farm Unit.

6.0 **Clearinghouse**.

6.1 Purpose. The Clearinghouse is a mechanism to facilitate the movement of water between District Water Users and/or between Farm Units. Administration of the Clearinghouse may be delegated by the District to an entity authorized by the IID Board of Directors on a non-profit basis under rules approved by the IID Board of Directors, however all final transactions must be reported to the District for implementation.

6.2 Eligibility. Any District Water User may be a transferee. Any District Water User may be a transferor. All transferees and transferors must be current on their District water accounts and billings, including water availability charges.

6.3 Transfers. Water made available to the Clearinghouse for transfer will be assigned to Clearinghouse accounts and water shall be transferred through the Clearinghouse pursuant to procedures developed and implemented under and pursuant to this Equitable Distribution Plan. Water available for transfer will be made on a first-come, first-serve basis for those District Water Users that have submitted an offer to transfer water or submitted a request for additional water; except that a District Water User may direct the transfer of their offered water to a designated requesting District Water User within the same Water User Category.

6.4 Clearinghouse Transfer Form. The transfer form will be the Clearinghouse form used to document all transfers of water including the relevant transactional information to execute the transaction between the transferor and transferee.

6.5 Water Transferred Through the Clearinghouse. The transferee shall be billed and shall pay the District for the transferred water when ordered for delivery in the same manner, time and amount as any other water ordered pursuant to the District's Water Rate Schedules and *Rules and Regulations Governing the Distribution and Use of Water*. After the District processes the Clearinghouse transfer form, the transferor shall have no further obligation for payment of that water on a Take-or-Pay Basis. Any supplemental transactional information or fees associated with the transfer of the water between the transferor and transferee but not relevant to the implementation of the transaction are a private matter and shall not be reported to the District. Any transfers of water, whether within the Farm Unit or via the Clearinghouse, are only for the Calendar Year in which they occur and do not constitute a permanent transfer of water, or create a right to be apportioned water in future years.

6.6 Offers Remaining at Calendar Year End. Any offers for water to be transferred through the Clearinghouse not transferred by the end of the Calendar Year may be used by the District to meet the needs of other District Water Users, fulfilling conservation responsibilities, or for other District purposes. Use by the District in this manner will not relieve the District Water Users of payment required on the Take-or-Pay Basis.

7.0 **On-Farm Conservation and Land Fallowing Programs**.

7.1 An Agricultural Water User that participates in the District On-Farm Efficiency Conservation Program, District Fallowing Program, or Other District Conservation Program is subject to a District Conservation Assignment of the Agricultural Water User's accepted Apportionment for the Farm Unit equal to the amount of water conserved for which the Agricultural Water User is contracted.

7.2 If the Agricultural Water User's Apportionment is less than the District On-Farm Efficiency Conservation Program, District Fallowing Program, or Other District Conservation Program contracted amount, the Agricultural Water User must procure this

difference from either: the Agricultural Water User's accepted Apportionment on other Eligible Agricultural Acres within the Farm Unit, or the Clearinghouse.

7.3 If the Agricultural Water User's Apportionment is more than the District Fallowing Program contracted amount, the Agricultural Water User may use the difference on other Eligible Agricultural Acres within the Farm Unit not participating in a District Fallowing Program, on the fallowed field after the term of the District Fallowing Program, or offer it to the Clearinghouse.

8.0 **Miscellaneous**.

8.1 The IID Board of Directors, at its sole discretion, which may include consideration of recommendations by the Agricultural Water Advisory Committee, may declare a 15-day period in which all offers of water received by the Clearinghouse, of up to 7% (seven percent) of the District Water User's Apportionment, shall be accepted by the District thereby relieving the District Water Users of payment of that water on the Take-or-Pay Basis. This water accepted by the District will be offered back for transfer to other District Water Users via the Clearinghouse.

8.2 The General Manager is authorized and directed to do any and all things necessary to implement and effectuate these Regulations in a manner consistent with this policy, including the temporary modification of any dates necessary to facilitate implementation.

8.3 In the event of a Water Management Reduction, the IID Board of Directors, at its sole discretion, may take any actions it determines and finds are necessary to protect the public health and safety.

8.4 The IID Board of Directors may terminate the implementation of an annual Apportionment at any time at its discretion or upon recommendation of the Agricultural Water Advisory Committee. The District shall track actual water demands during the Calendar Year.

EXHIBIT 15

IID Clearinghouse Forms

IMPERIAL IRRIGATION DISTRICT

CLEARINGHOUSE TRANSFER FORM

The information contained on this form is required for an Owner, Owner Designee, or Authorized Tenant to transfer water through the Clearinghouse. By signing this form, the signatory expressly acknowledges that the right to order and receive water is subject at all times to IID's Rules and Regulations Governing the Distribution and Use of Water, the Equitable Distribution Plan and any existing contractual obligations.

Check only one of the following (offer or request):

☐ **Offer** to transfer out _____ AF

☐ **Request** for transfer in _____ AF

A. APPLICABILITY: FARM UNIT *(your account number if you did not group any accounts)* or **ENTITY**

1. **Ag:** Farm Unit _____ (required)/Service Location (Field) _____

2. **Non-Ag**: Customer Account No. _____(required) Service Location (Gate) _____

B. OWNER/OWNER DESIGNEE *(required)* **or TENANT** *(if authorized)*

3. Legal name (*print*) _____

4. Position/Title (*if applicable*) _____

5. Phone _____ 6. E-mail _____

7. Date _____ 8. Signature _____

Please email completed form to **clearinghouse@iid.com**. Forms *must be received prior to 11:00 am* to be processed that day.

-- FOR OFFICE USE ONLY --

Date received ____/____/____ Time received (email timestamp)_____

	AF Transferred	Balance carried	Date
Received by (*print*) _____	_____ AF	_____ AF	___/___/___
Signature _____	_____ AF	_____ AF	___/___/___
Processed in TP by *(print)* _____ Date ____/____/____	_____ AF	_____ AF	___/___/___

WITHDRAWAL of CLEARINGHOUSE TRANSFER FORM

The District will honor this Withdrawal of Clearinghouse Transfer Form only for water that was the subject of the original Clearinghouse Transfer Form that has not been fully processed.

By signing this portion of the form, the signatory expressly acknowledges that this Clearinghouse Transfer Form offered and signed above is hereby rescinded.

1. Name (*print*)_____ 2. Position/Title (*if applicable*) _____

3. Date ____/____/____ 4. Signature _____

-- FOR OFFICE USE ONLY --

Received by (*print*) _____ Signature _____ Date received ____/____/____

Processed in TP by *(print)* _____ Date ____/____/____

IID 415 (R6 08-2023)

IMPERIAL IRRIGATION DISTRICT

CLEARINGHOUSE DIRECT TRANSFER FORM

The information contained on this form is required for an Owner, Owner Designee, or Authorized Tenant to transfer water through the Clearinghouse. By signing this form, the signatories expressly acknowledge that the right to order, transfer and receive water is subject at all times to IID's Rules and Regulations Governing the Distribution and Use of Water, the Equitable Distribution Plan and any existing contractual obligations. Transferring parties must be members of the same category of apportioned water users. Signatories further acknowledge that any water apportioned and thus any transfer of water through the Clearinghouse to any service location does not create any rights to that water in future years.

-DIRECT TRANSFERS MAY NOT BE WITHDRAWN ONCE SUBMITTED-

Water User Transfer Request

Transferor hereby requests to transfer _____ AF of water out of Transferor's account and to the **Transferee** identified herein**; Transferee** hereby accepts the requested transfer applicable to the current calendar year.

A. FARM UNIT OR ACCOUNT *(your account number if you did not group any accounts)*

1. **Transferor: Farm Unit/Account No.** (required) _____; **Service Location**(optional) Field/Gate _____
2. **Transferee**: **Farm Unit/Account No.** (required) _____; **Service Location**(optional) Field/Gate _____

B. CONTACT INFORMATION AND AUTHORIZATIONS (information and signatures required for both

3a. Legal name of Transferor (*print*)

_____

4a. Position/Title (*if applicable*)

_____

5a. Phone _____ 6a. Email _____

7a. Date

_____

8a. Transferor Authorizing Signature

_____

3b. Legal name of Transferee (*print*)

_____

4b. Position/Title (*if applicable*)

_____

5b. Phone _____ 6b. Email _____

7b. Date

_____

8a. Transferee Authorizing Signature

_____

Please email completed form to **clearinghouse@iid.com**. Forms *must be received prior to 11:00 am* to be processed that day.

-- FOR OFFICE USE ONLY --

Date received ____/____/____ Time received (email timestamp)_____

	AF Transferred	Balance carried	Date
Received by (*print*) _____	_____ AF	_____ AF	___/___/___
Signature _____	_____ AF	_____ AF	___/___/___
Processed in TP by *(print)* _____ Date ____/____/____	_____ AF	_____ AF	___/___/___

IID-415A (08/2023)

IMPERIAL IRRIGATION DISTRICT

FARM UNIT DESIGNATION

The Farm Unit enables those water accounts that are being farmed by the same water user to be aggregated for the primary purpose of ordering water on any field within the Farm Unit as long as there is a remaining water balance for the Farm Unit greater than the water order for the field. This form is available on the IID Web site at www.iid.com/edp and must be resubmitted whenever any change to the information occurs.

THE IID WILL RELY ON THE COMPLETENESS AND ACCURACY OF THE INFORMATION ON THIS FORM. IT IS YOUR OBLIGATION TO UPDATE THE INFORMATION ON THIS FORM SHOULD ANY OF THE INFORMATION CHANGE.

1. A water account may reside in only one Farm Unit at a time. When a water account is listed as part of a Farm Unit, all the fields in that water account are part of that Farm Unit.
2. An agricultural water user may have more than one Farm Unit at a time.
3. A field may be moved out of, into and between Farm Units. This would require a change to the water account identified for that field, which is accomplished by submitting a new Certificate of Ownership & Authorization form.
4. There is no limit to the number of water accounts a Farm Unit may contain as long as the agricultural water user is authorized to order water on the associated fields.
5. Agricultural water users will continue to be billed by their water account number. Designating Farm Units does not change or impact how customer account billing is administered.

The first account number (*) you list below will serve as your master farm unit designation name and ID#.

No.	Account #	Account name
* 1	**MID3** _ _ _ _ _ _	
2	3 _ _ _ _ _ _	
3	3 _ _ _ _ _ _	
4	3 _ _ _ _ _ _	
5	3 _ _ _ _ _ _	
6	3 _ _ _ _ _ _	
7	3 _ _ _ _ _ _	
8	3 _ _ _ _ _ _	
9	3 _ _ _ _ _ _	
10	3 _ _ _ _ _ _	

1. Submitted by *(print)* _____ 2. Phone number _____

3. Submitted by *(signature)* _____ 4. Date ___/___/___ 5. E-mail _____

-- FOR OFFICE USE ONLY -- *(please print legibly)*

Received by _____ Date ____/____/____

Assigned Farm Unit Designation name: M I D 3 ___ ___ ___ ___ ___ ___

Entered in TP by _____ Date ____/____/____ Entered in FileNet by _____ Date ____/____/____

IID-412 (R3 11/13)

EXHIBIT 16

Temporary Land Conversion Fallowing Policy

IMPERIAL IRRIGATION DISTRICT
TEMPORARY LAND CONVERSION FALLOWING POLICY

1.0 Purpose.

This *Temporary Land Conversion Fallowing Policy* supplements the *Interim Water Supply Policy* (IWSP) and meets multiple policy objectives such as water transfer obligations, storage, 3.1 maf Quantification Settlement Agreement cap management, payback requirements, intentionally created surplus, mitigation requirements or other beneficial uses. This policy, pursuant to Water Code Section 1013, addresses projects that will remove land from agricultural production on a long-term temporary basis, and is intended to increase the local benefits of new non-agricultural projects, such as the renewable energy businesses being developed within IID's service area, by creating conserved water for transfer or for environmental mitigation purposes.

2.0 Background.

On September 23, 2008, the IID Board of Directors adopted a strategic plan, in which Objective B tasked the Water Department with the development of an integrated water resources management plan (IID Plan). The purpose of this plan objective was to assist IID in planning for and meeting future water resource demands.

On September 29, 2009, a draft IID Plan was accepted by the IID Board of Directors, which then directed staff to initiate a collaborative process to receive direct input from stakeholders and the public through the development of an *Integrated Regional Water Management Plan* (IRWMP) that conforms to California Department of Water Resources guidelines. One of the ideas explored in both of these planning efforts was to accommodate future water demands, in particular those related to the renewable energy projects that have been the focus of local economic development efforts. Unfortunately, the short-term nature of the county of Imperial's conditional use permits was not compatible with addressing long-term or permanent water supply demands; this idea therefore proved difficult to develop further.

At the general manager's direction, staff then began to develop the framework for a new fallowing program that could be used to supplement the IWSP and meet the same multiple policy objectives envisioned for the coordinated land use/water supply strategy. There are multiple proposed private projects that, if implemented, will temporarily remove land from agricultural production within the district service area. These projects, which include renewable energy and other non-agricultural projects, may need a short-term water supply for construction activities and longer-term water service for facility operation and maintenance, but conserved water will be created to the extent the water use for project construction, operation and maintenance is less than the water use would be if the land were to remain in agricultural production during that long-term temporary period.

The water demands for certain non-agricultural projects are typically less than that required for agricultural production; this reduced demand allows additional water to be made available for other users under IID's annual consumptive use cap. This also provides the district an opportunity to avail itself of the ability, under California Water Code Section 1013 and during the life of the QSA, to create conserved water through these projects as temporary land fallowing conservation measures. This conserved water can then be used to satisfy the district's conserved water transfer obligations and for environmental mitigation purposes.

3.0 Terms and Definitions.

3.1 The terms and definitions set forth in the IID *Interim Water Supply Policy for Non-Agricultural Projects* adopted on September 29, 2009 are hereby adopted for this IID temporary land conversion fallowing policy. Additional terms and conditions not found in the IWSP for non-agricultural projects are below.

3.2 Agricultural Production. Use of land for crop production or related agricultural purposes, fish farming and algae farming.

4.0 CEQA Compliance.

4.1 The county of Imperial is responsible for California Environmental Quality Act (CEQA) compliance for new non-agricultural projects within the unincorporated area of the county of Imperial. Alternatively, if the project is within the boundaries of a municipality, or if the project is subject to the jurisdiction or regulation of another agency (such as the California Energy Commission, for example), CEQA responsibility rests with that particular agency or municipality (land use/regulatory agencies). Non-agricultural projects must obtain various permits and approvals from the land use/regulatory agencies and locally such projects are typically sited in the unincorporated areas of the county, so the county serves as the lead agency for compliance with CEQA. The conditions for county approval of any particular non-agricultural project will vary according to the type of project, its location, size and other factors. The county customarily evaluates the potential environmental and economic impacts for each such project and determines whether the project under consideration will have unreasonable environmental or economic impacts in the county of Imperial. Unreasonable environmental or economic impacts, if any, require adequate measures imposed by the county to avoid or mitigate any such impacts.

4.2 As the raw water provider for the IID water service area, the district is a responsible agency under CEQA for non-agricultural projects and has the right to comment on draft environmental impact reports to ensure that the potential impacts of a proposed project on the environmental resources within IID's area of expertise are adequately assessed. The county's permitting and CEQA compliance process provide it and IID the opportunity to consult about each non-agricultural project individually to determine whether there are adequate measures to avoid or mitigate unreasonable economic or environmental impacts in the county of Imperial.

4.3 IID staff shall review the permitting and CEQA process at the county for any non-agricultural projects that would qualify as temporary land conversion fallowing policy projects in the IID service area that have not commenced construction to determine whether the county has approved the project with appropriate mitigation for unreasonable economic or environmental impacts in the county. If IID's review determines that the county has concluded that its permits or approvals include adequate measures to avoid or mitigate unreasonable economic or environmental impacts due to the temporary removal of land from agricultural production in the county of Imperial, then the requirements of Water Code Section 1013 have been satisfied.

4.4 If the county has not yet issued its approval of any particular non-agricultural project that would qualify as a temporary land conversion fallowing policy project, then IID staff will consult with county of Imperial staff, and await a determination from the Board of Supervisors that the given project includes adequate measures to avoid or mitigate unreasonable economic or environmental impacts in the county of Imperial. Any approval by the county of Imperial for such project shall be deemed a determination by the county that the project includes adequate measures to avoid or mitigate unreasonable economic or environmental impacts in the county of Imperial and the requirements of Water Code Section 1013 have been satisfied.

5.0 <u>The Interim Water Supply Policy (IWSP).</u>

5.1 All non-agricultural projects that require a raw water supply from IID must apply for water service pursuant to the IID's IWSP. While the majority of land in the IID water service area is currently used for agricultural production, certain non-agricultural projects may temporarily remove land from agricultural production. The number of proposed non-agricultural projects is anticipated to increase as the economy of Imperial County diversifies and develops to address new business opportunities. If it appears to IID, that the proposed water usage for a non-agricultural project applying for water supply will require less water than the historical water usage associated with the agricultural production on that land, IID will determine, in its sole discretion, that the proposed project is suitable and qualifies for temporary land conversion fallowing to create conserved water for transfer or environmental mitigation purposes under this policy.

5.2 The determination of how much water is conserved and made available for transfer or environmental mitigation purposes due to the temporary removal of land from agricultural production will be made using IID historical data to determine an appropriately calculated water conservation yield attributable to the land being temporarily fallowed under this policy. Any project water use on lands subject to this temporary land conversion fallowing policy will be deducted each year from the project's water conservation yield, with the difference between the two being the amount of water conserved and available for transfer or environmental mitigation purposes each year during the term of the QSA. IID may recognize as part of the historical data for the land any water conservation yield attributable to the land being temporarily fallowed under this policy.

5.3 To the extent the temporary removal of land from agricultural production creates conserved water, IID shall have total and absolute control over such conserved water for reasonable and beneficial use and subject to this policy, and under no circumstances shall a project developer or landowner have any right to control the use of such conserved water or to receive any payments or compensation for the conserved water.

6.0 Equitable Distribution Plan.

6.1 In the event an apportionment is implemented under the *Equitable Distribution Plan* (EDP), the EDP and any associated rules, procedures or protocols shall apply. Water conservation created by the land fallowing conservation measure resulting through the removal of the land from agricultural production on a temporary long-term basis under this policy will be automatically assigned to IID in accordance with the EDP.

7.0 Project Removal and Future Agricultural Water Service.

7.1 As a condition of any future agricultural water service, the land must be returned to agricultural production by the project owner/operator or landowner. Provided that the project has been removed from the land and all infrastructure facilities necessary for agricultural water service is in place to allow for the land to be returned to agricultural production, the landowner has the right to seek agricultural water service for the land consistent with then-existing IID water service rules, regulations and policies.

8.0 Agreements Not Prohibited.

8.1 Nothing in this policy prohibits an agreement between IID and a landowner for the recognition of conserved water created by the land fallowing conservation measure resulting through the removal of the land from agricultural production on a temporary long-term basis under this policy.