

Resolution No. 04-20

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
AMENDING THE DISTRICT'S RULES AND REGULATIONS
FOR THE SALE, USE AND DISTRIBUTION OF WATER

WHEREAS, by Resolution No. 25-16, the District amended and restated its rules and regulations for the sale, use and distribution of water (**Rules and Regulations**) pursuant to California Water Code section 31024; and

WHEREAS, the Board desires to amend the Rules and Regulations to adopt a form of Supplemental Water Purchase and Banking Agreement for greenhouse customers in the Cummings Basin;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT as follows:

1. Each of the matters set forth above is true and correct and the Board so finds and determines.

2. Part Q of the Rules and Regulations is hereby amended to read as follows:

PART Q.

Section 1. Contents. Except in circumstances requiring other forms of agreement, as determined by the Board in its discretion, Water Banking Agreements for spreading and later recovery and use of SWP water shall be substantially in form and content as set forth in Appendix 3 to these rules and regulations, and Supplemental Water Purchase and Banking Agreements for both subsurface delivery of recharged SWP water and for spreading and later recovery and use of SWP water shall be substantially in form and content as set forth in Appendix 4 to these rules and regulations.

Section 2. Policy Concerning Supplemental Water and Water Banking Customers. Not all of the SWP facilities authorized and necessary for the DWR to deliver all of the KCWA's Table A entitlement under the Master Contract (and necessary for the KCWA to deliver all of the District's Table 1 entitlement under the KCWA Contracts) have been constructed. Court decisions adverse to the DWR water supply cast further uncertainty regarding the amount and dependability of the District's SWP

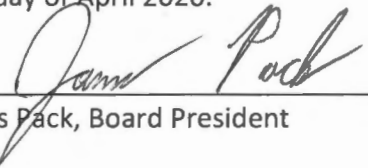
water supply. Before entering into new Water Banking Agreements, Supplemental Water Purchase and Banking Agreements, or other contracts with new customers, it is the District's policy to carefully consider whether any SWP water under the KCWA Contracts, surplus to the anticipated long term needs of the District's existing Term M&I and other contract customers, exists and will continue to exist during the entire duration of the new customer's anticipated demand. In allocating its available water supply, the District will first meet the reasonable present and future needs of its existing M&I Term customers, other existing contract customers, and existing agricultural customers. If and when such needs cannot be met, it is District's policy that new customers, as a condition of service, shall provide the District with such additional water supply as needed to meet such customer's long term water requirements.

Section 3. Substitution of Return Flows for Surface Deliveries.

Provided that sufficient District return flows are in storage and pumping of same by District customers will not adversely affect other pumpers of groundwater exercising valid rights, the District in its discretion may allow customers to pump District return flows in lieu of imported water provided that such customers and the District execute a Supplemental Water Purchase and Banking Agreement substantially in the form and content as set forth in Appendix 4 to these rules and regulations.

3. Appendix 4, as referred to in Sections 1 and 3 of Part Q as amended above, is attached hereto.

PASSED, APPROVED AND ADOPTED by the Board of Directors of TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT this 15th day of April 2020.



James Pack, Board President

ATTEST:



Catherine Adams, Board Secretary

SECRETARY'S CERTIFICATION

I, Catherine Adams, Secretary of the Board of Directors of Tehachapi-Cummings County Water District do hereby certify as follows:

The forgoing is a full, true and complete copy of a resolution duly adopted at a regular meeting of the Board of Directors of the District duly and legally held at the regular meeting place thereof on April 15, 2020. All of the members of the Board of Directors received due notice of the meeting and a majority thereof was present. At the meeting the resolution was adopted by the following vote:

Ayes: Cassil, Hall, Pack, Schultz, Zanutto

Noes: None

Absent: None

Abstain: None

Attest: 
Catherine Adams, Secretary