ORDINANCE 2021 -1

AN ORDINANCE OF THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT ESTABLISHING DISTRICT WATER SALE PRIORITIES IN THE EVENT OF A SHORTAGE

RECITALS

A. Demand for the District's State Water Project (**SWP**) water may exceed the District's available supply and/or ability to import.

B. The District pumps water from District wells in Tehachapi Basin and delivers that water through the District's system to turnouts at the point of use.

C. Direct-delivery M&I customers typically have no substitute water supply. Further, it is important to the local economy and to the District's tax base that local construction projects not be delayed due to the lack of water. All municipal M&I customers operate under approved agreements with the District. These agreements require a specified amount of water banking to provide an assured supply, dedicated to the municipal provider for their exclusive use, in the event of future shortages.

D. Agricultural water service should be prioritized to cause the least economic dislocation to those agricultural water users who have relied on agriculture for their living and to protect the highest irretrievable investment among agriculture.

E. Land farmed in the prior year should have priority over fallowed land.

F. Existing customers should have priority over new customers.

G. Animals, permanent crops, and food crops grown in greenhouses, which involve substantial investment, should be of the highest agricultural priority.

H. Although cover crops are typically not harvested for profit, and therefore have no direct economic impact, their cultivation is critical to preserving topsoil from wind erosion and reducing air particulates. Sufficient water should be preserved in the system to provide for the establishment of cover crops on tilled ground during autumn.

I. Food crops for human consumption should be the next priority due to the importance of food sources, particularly during a drought wherein food production from other areas in California may be severely reduced.

J. Turf sod farmers who have a contract to receive recycled water need a backup supply in the event that the recycled water cannot be delivered or delivered in sufficient quantity.

To encourage these farmers to enroll in the District's recycled water program, they should be given a higher priority for imported surface water than some other uses.

K. Annual crops for animal consumption, such as alfalfa hay, should be given a higher priority than non-food crops because of the substantial local market for such commodities.

L. Non-food crops should be given the lowest agricultural priority because they are not essential to sustaining life and their temporary absence will not cause great harm.

M. Irrigation of decorative landscaping and ground cover should be given the lowest priority.

N. The District should increase the banked water supply available to protect against future shortages and to improve the water table levels and general health of the basins. The amount of water that can be imported and banked is limited by available supply and physical limitations on the importation system.

O. The District desires to encourage agricultural users to bank imported water to assure that they have dedicated supplies in the event of a future shortage. In 2016, the District implemented a Voluntary Banked Water Reserve Account process for agricultural customers.

P. Pursuant to Part L of the District's Rules and Regulations for the Sale, Use and Distribution of Water, the District retains the right and power to establish priorities, restrictions, prohibitions and exclusions in the event of water shortage. Water Code Sections 31026 and 31027 permit this District to establish restrictions and prohibitions of specific uses during a water shortage emergency.

Q. In order to allow orderly planning of deliveries for both customers and the District and enhance conjunctive use the District desires to establish priorities for available SWP water. It is the intent of this ordinance to establish the same through priorities of use.

ORDINANCE

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT AS FOLLOWS:

Section 1. The Board of Directors finds and determines that the recitals set forth above are true and correct.

Section 2. The priority of use for District water sales during calendar year 2021 shall be as follows in descending order:

A. Maintain enough water in the District's system to provide for fire suppression all year.

B. Wheel water for water rights holders in the Tehachapi Basin.

C. Direct-delivery M&I use, both for Term M&I and Regular M&I uses. This includes M&I demand for construction projects.

D. Agricultural water use in descending order:

1. Livestock;
2. Permanent crops and food crops grown in greenhouses;
3. Cover crops planted in the fall primarily for erosion control, including grains and cereals;
4. Annual food crops for human consumption;
    i. On land cultivated in the preceding year, by the same customer
    ii. On land cultivated in the preceding year, by a new customer
    iii. On land that was fallow in the preceding year, by existing customer. Land shall not be deemed fallow the preceding year if the land was fallowed for crop rotation patterns;
5. Turf sod farmers contracted to use recycled water when such water is not available;
6. Annual crops for livestock consumption;
    i. On land cultivated in the preceding year
7. Non-food crops;
    i. Grown in greenhouses
    ii. On land cultivated in the preceding year

E. On land that was fallow in the preceding year by new customer;

F. Conjunctive use recharge water for current year demand;

G. Recharge water for groundwater banking;

1. M&I end uses under terms of service contracts with District
2. District replenishment of previously withdrawn amounts; beneficial recharge for the common good
3. Agricultural end uses under Voluntary Banked Water Reserve Accounts

H. Irrigation of landscaping and ground cover

i. Public property only

Section 3. If circumstances require, water sales will be curtailed in the reverse of the order listed above. The method and amount of curtailment shall be at the discretion of the General Manager. If any person desires to appeal a decision of the General Manager made pursuant to this Section 3, Part N of the District's Rules and Regulations for the Sale, Use and Distribution of Water shall govern to any such appeal. Notwithstanding other provisions of this ordinance, if conflicts occur between different water users within the same category, priority of water service will be given to crops having already been planted over crops anticipated to be planted. Depending on conditions, water may be withheld from any land where the proposed crop is not yet planted, regardless of its place in the priority list.

Section 4. This Ordinance shall be effective and operative immediately upon adoption.

Section 5. The General Manager shall forthwith send a copy of this Ordinance to every current and anticipated District water customer.

Section 6. In accordance with Water Code Section 31027, the Secretary of this District and Board of Directors shall cause a copy of this Ordinance to be published once in the Tehachapi News within ten (10) days, but such publication shall not delay the effective and operative date of this Ordinance.

ADOPTED AND APPROVED this 21st day of April 2021

Robert W. Schultz, Board President

ATTEST:

Catherine Adams, Board Secretary

SECRETARY'S CERTIFICATE

I, CATHERINE ADAMS, Secretary of the Board of Directors of Tehachapi-Cummings County Water District, hereby certify as follows:

The foregoing is a full, true and correct copy of an ordinance 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 21, 2021. 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 ordinance was adopted by the following vote:

AYES: Pack, Schultz, Zanutto

NOES: Cassil, Hall

ABSTAIN: None

ABSENT: None

ATTEST:
Catherine Adams, Board Secretary

(SEAL)