

ORDINANCE 2023 -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 Tehachapi-Cummings County Water District's (**District**) available supply and/or ability to import in calendar year 2023.
- B. To allow orderly planning, the District desires to establish priorities of use for available SWP water.
- C. The District pumps SWP water from wells in Tehachapi and Cummings Basins and delivers that water through the District's system to turnouts at the point of use.
- D. Existing customer use should have priority over new customer demands.
- E. Direct-delivery M&I customers may have no substitute water supply.
- F. It is important to the local economy and to the tax base that local construction projects are not delayed due to the lack of water.
- G. 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 shortage.
- H. 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.
- I. Land farmed in the prior years should have priority over new cultivation.
- J. Animals, permanent crops, and food crops grown in greenhouses, which involve substantial investment, should be of the highest agricultural priority.
- K. 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.

- L. Food crops for human consumption should be the next priority due to the importance of food sources, particularly during a drought where food production from other areas in California may be severely reduced.
- M. 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 SWP water than some other uses.
- N. Annual crops for animal consumption, such as alfalfa hay, should be given a higher priority than non-food crops because of the substantial local demand for such commodities.
- O. 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.
- P. Irrigation of decorative landscaping and ground cover should be given the lowest priority.
- Q. The District should increase its banked water supply to protect against future shortage and to improve the water table levels and general health of the basins.
- R. The District encourages agricultural users to bank SWP 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.
- S. 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 emergency or shortage.

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 2023 shall be as follows in descending order:

- A. Maintain enough water in the District's system to provide for fire suppression all year.
- B. Direct-delivery M&I use, both for Term M&I and Regular M&I uses, including construction water.
- C. 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
- D. On land that was not cultivated in the preceding year by a new customer;
- E. Conjunctive use recharge water for current year demand;
- F. Recharge water for groundwater banking;

1. To meet BWRA requirements for Term M&I customers and under terms of Contracts with the District
 2. Replenishment of District banked water reserve balances;
 3. Voluntary recharge under Banked Water Reserve Accounts or other Contracts
- G. Irrigation of landscaping and ground cover by direct sale from the District only.

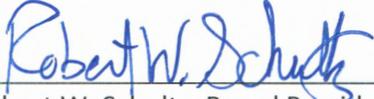
Section 3. If circumstances require, water sales will be curtailed in the reverse of the order listed above. The method and amount of curtailment shall be at the discretion of the General Manager. If any person desires to appeal a decision of the General Manager made pursuant to this Section 3, Part 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 make available for public review a copy of this Ordinance on the District's website and at a minimum of two other publicly accessible locations.

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 15th day of February 2023



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 February 15, 2023. 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: Hall, Sasia, Schultz, Zanutto

NOES: None

ABSTAIN: Ables

ABSENT: None

ATTEST: 
Catherine Adams, Board Secretary

(SEAL)