TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

Resolution No. CW 1-2021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT ACTING AS WATERMASTER PURSUANT TO THE JUDGMENT ENTERED IN *TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT v. FRANK ARMSTRONG, ET AL,* KERN COUNTY SUPERIOR COURT NO. 97209, AS AMENDED, APPROVING AND ADOPTING RULES AND REGULATIONS FOR THE CUMMINGS BASIN WATERMASTER

WHEREAS, on March 6, 1972, the Kern County Superior Court entered judgment in *Tehachapi-Cummings County Water District v. Frank Armstong*, et al., case number S-1500-CV-97209 (**Judgment**) declaring and determined (1) the safe yield and water rights of parties within the Cummings Basin (**Basin**), (2) appointing the Tehachapi-Cummings County Water District (**District**) as Watermaster and giving the District certain powers, including the power to establish rules, and (3) reserving continuing jurisdiction;

WHEREAS, the Fifth District Court of Appeal in its 1975 decision (49 Cal.App.3d 992), reversed certain portions of the Judgment, rejected the groundwater allocations, provided guidance for determining the allocation of water where there is insufficient water for the current reasonable needs of all overlying owners, and remanded the action for further proceedings;

WHEREAS, on January 5, 2021, the Kern County Superior Court entered an Amended and Restated Judgment and Physical Solution for the Cummings Basin in case number S-1500-CV-97209 (**Amended Judgment**);

WHEREAS, the Kern County Superior Court through the Amended Judgment reappointed the District as Watermaster and gave the District certain powers and duties, including the power and duty under Paragraph 15 of the Amended Judgment to establish written rules consistent with the Amended Judgment and necessary for the orderly and efficient administration and operation of the Cummings Basin and implementing the established policy of this State regarding the use of water resources; and

WHEREAS, the District has considered the Cummings Basin Watermaster Rules and Regulations attached as Exhibit 1 to this Resolution, which the District desires to adopt as the written rules of the Cummings Basin Watermaster pursuant to the Amended Judgment.

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

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

2. The Cummings Basin Watermaster Rules and Regulations attached as Exhibit 1 to this Resolution are hereby approved and adopted as the written rules of the Cummings Basin Watermaster pursuant to the Amended Judgment.

PASSED, APPROVED AND ADOPTED by the Board of Directors of TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT this 20th the day of December, 2021.

Robert W. Schultz, Board President

ATTEST:

Catherine Adams, Board Secretary

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

SECRETARY'S CERTIFICATION

I, Catherine Adams, Secretary of the Board of Directors of Tehachapi-Cummings County Water District do hereby certify that the forgoing Resolution No. CW 1-2021 was introduced at a regular meeting of the Board held on the 20th day of December, 2021 and was passed by the following vote:

Ayes: Cassil, Hall, Pack, Schultz, Zanutto

Noes: None

Absent: None

Abstain: None

Catherine Adams, Board Secretary

Exhibit 1

Cummings Basin Watermaster
Rules and Regulations

Section 1—General Provisions

1.1 Definitions

(A) "**Allowed Pumping Allocation**" refers to the annual allocation of Natural Safe Yield permitted from time to time under Paragraph 5 of the Amended Judgment.

(B) "**Amended Judgment**" refers to the Amended and Restated Judgment and Physical Solution adjudicating groundwater rights in the Cummings Basin dated January 5, 2021, in the Kern County Superior Court, Case No. S-1500-CV-97209, as may be amended from time to time.

(C) "**Rules**" refers to these Cummings Basin Watermaster Rules and Regulations.

(D) "**SWP**" refers to the State Water Project.

1.2 Terms Defined in Amended Judgment. All capitalized terms used in these Rules and not otherwise defined above shall have the meanings assigned to them in the Amended Judgment.

1.3 No Conflict. Nothing in these Rules is intended to conflict with the Amended Judgment. In the event of a conflict between these Rules and the Amended Judgment, the Amended Judgment shall control.

1.4 Prior Rules and Regulations. These Rules supersede any and all prior rules and regulations.

Section 2—Administration

2.1 Offices and Records. The Watermaster's offices and records shall be kept at 22901 Banducci Road, Post Office Box 326, Tehachapi, California, telephone number (661) 822-5504, or at any other location that the Watermaster may designate by resolution. Such records shall be available for inspection by any Party or other member of the public during the District's regular business hours.

Copies of the records may be had by any Party or member of the public upon payment of the duplication costs.

2.2 Fees and Assessments. The Amended Judgment empowers the Watermaster to levy and collect Over-Extraction Fees and Annual Administrative Assessments.

(A) **Over-Extraction Fees.** The Watermaster shall levy and collect fees in each year to replace over-Extraction by any Overlying Owner from the prior Water Year. The fee shall be equal to 1.3 times the District's then-current Term M&I Rate or Agricultural Rate, as the case may be, plus all surcharges for spreading losses and for capital, operations, maintenance, and replacement costs of the District's recharge facility, per acre-foot, times the amount of the over-Extraction. Such Overlying Owner must pay the Watermaster on or before March 1 of the following year.

(B) **Annual Administrative Assessments.** Annually, at the same time the District adopts its annual budget for District operations, the Watermaster shall adopt a budget estimating its costs of carrying out its duties under the Amended Judgment in the following year. These costs shall include any deficits incurred from past year's operations. The costs will be assessed on each Extractor's parcel in the same proportion that each parcel's total annual allocation expressed in acre-feet bears to all of that year's annual allocations combined.

2.3 Effect of Noncompliance by Watermaster with Time Provisions. The Watermaster's failure to perform any duty or responsibility or to exercise any power set forth in these Rules within a time limitation herein set forth shall not deprive the Watermaster of authority to subsequently discharge the duty or responsibility or to subsequently exercise the power.

2.4 Delegation of Watermaster Functions. The performance of each duty and function of the Watermaster set forth herein and in the Amended Judgment, other than making determinations in response to an objection to or appeal from a rule, determination, order, or finding initially made by the Watermaster, is delegated to the District's General Manager or, in the General Manager's absence, to the General Manager's designee.

Section 3—Annual Allocation of Natural Safe Yield

3.1 Initial Allocation. The rights of the Overlying Owners to Extract Native Groundwater from the Cummings Basin are correlative and, in the aggregate, may not exceed the Natural Safe Yield. The Watermaster shall allocate annually

the Natural Safe Yield among the Overlying Owners for each Calendar Year as set forth in Paragraph 5 of the Amended Judgment.

3.2 Ongoing Allocation

(A) **M&I Uses**. Any Overlying Owner desiring an ongoing annual M&I allocation for 2022 and later years, other than CDCR, shall apply to the Watermaster on or before January 15 of 2022 or of the first year after 2022 that the Overlying Owner desires an ongoing M&I allocation, on the forms attached hereto as **Exhibits A.1 – A.5,** dependent on the type of ownership. Each application shall be signed and verified by the Overlying Owner, or Person designated by an Overlying Owner to execute applications on its behalf.

(B) **Irrigation Uses**. Any Overlying Owner desiring an annual Irrigation allocation for 2022 and later years shall apply on or before January 15 of such year in the form attached hereto as **Exhibit B**. Each application shall be signed and verified by the Overlying Owner, or Person designated by an Overlying Owner to execute applications on its behalf.

3.3 Addition of New Extractors

Any Overlying Owner who is not a Party must become a Party before applying for an annual allocation. A new Extractor Overlying Owner may become a Party by executing and filing with the Court and serving on all Parties a Motion to Intervene as a defendant in the form attached hereto as **Exhibit C**, serving a copy of it on the Watermaster, and complying with the Amended Judgment and these Rules. Any new Party is bound by the Amended Judgment in the same way as any current Party.

Section 4—Monitoring

4.1 Water Production Measuring Devices

All Extraction wells, except for existing single-family residential wells Extracting less than 2 AFY, shall be equipped with a cumulative metering device by January 1, 2022. All existing single-family residential wells Extracting less than 2 AFY shall be equipped with a cumulative metering device by January 1, 2025. Each meter of less than 4" diameter shall have a totalizer recording in gallons. Each meter of 4" or larger shall have a totalizer recording in acre-feet. The meter shall be of a make and model as the Watermaster shall approve in writing. The totalizer on each such meter shall be susceptible to correction only by changing mechanical gear equipment.

(A) Each such meter shall be accessible, be installed in a level position where there are at least 10 diameters of continuous straight pipe upstream and 5

diameters of continuous straight pipe downstream from the position, be installed so as to provide for a full flow of water for proper accuracy, and otherwise be installed according to good design practices. Watermaster personnel shall assist any Party having any question about installation requirements.

(B) No seal on any such well may be broken without the Watermaster's prior written approval, except for emergency repairs only, in which event the Party must immediately notify the Watermaster by telephone and in writing of the time and date on which broken.

4.2 Water Production Reports to Watermaster

(A) Each Party who must meter Extractions as provided in Rule 4.1(A) above shall render to the Watermaster by the 25th day of the following month a monthly report of water they produced from Cummings Basin on forms provided by the Watermaster. Notwithstanding the foregoing, the Watermaster may permit a lesser frequency of reporting as to any Party or as to any Party during portions of a year and adjust any forms accordingly. Attached hereto as **Exhibit D** is the form of water production report to be used for monthly reports under this rule. Variations thereof may be employed by the Watermaster for reports covering more than one month or to reflect other pertinent facts.

(B) Each Party who must meter Extractions as provided in Rule 4.1(A) above shall file with the Watermaster on or before February 1 of each year an Annual Report of Extractions and Use for the prior Calendar Year on forms provided by the Watermaster. Attached hereto as **Exhibit E** is the form of water production report to be used for annual reports under this rule.

(C) If any meter reading appears to have been incorrect, the Watermaster may require other information upon which to compute water production and may adjust meter readings by any reasonable method.

4.3 Designees to Receive Future Notice. Attached hereto as **Exhibit F** is a form by which each Party shall designate the Person to whom and the address at which all future notices, determinations, requests, demands, objections, reports, and other papers and processes to be served upon or delivered to that Party are to be so served or delivered under Paragraph 20 of the Amended Judgment. The Watermaster shall mail such a form on each Party as expeditiously as possible

and, within 30 days after the service, each Party shall file a fully executed form with the Court, with proof of service of a copy of it on the Watermaster.

4.4 Artificial Replenishment

(A) **Introduction**. So long as there is enough storage space within the Cummings Basin for both Natural Replenishment and Artificial Replenishment, and any particular Artificial Replenishment program does not unreasonably interfere with any other Party's rights in the Cummings Basin, the Watermaster shall encourage Artificial Replenishment, thereby raising water tables and avoiding the cost of surface reservoir and conveyance facilities. The District owns and operates spreading facilities overlying the Cummings Basin and artificially replenishes the Cummings Basin with SWP water. The Watermaster maintains records of SWP water as it is banked and Extracted. These records are compiled annually as part of the Watermaster's Annual Report.

In addition to District spreading operations, any Person having a Banked Water Reserve Account with the District may claim the right to later Extract Imported Water purchased from the District and intentionally spread and stored in the Cummings Basin, provided that the Party complies with the procedures set forth in this rule below.

(B) **Application**. Any Party seeking to spread Imported Water in its own recharge area and later Extract Imported Water after it has been artificially replenished shall file with the District a Notice of Intent to Engage in Artificial Replenishment in the form attached hereto as **Exhibit G** and shall serve copies of the application on any Party owning a well within one mile of the exterior perimeter of the proposed spreading and Extraction locations. In its discretion, the Watermaster may also supply copies of the notice to any other interested Party. The Watermaster shall set the application for hearing and allow the Applicant and any other interested Party to present evidence at the hearing in support or in opposition to the application. After close of the hearing at either the same or subsequent meeting of the Watermaster, the Watermaster shall render its decision to grant, grant with conditions, or deny the application. Before granting such an application, the Watermaster shall find based upon the evidence submitted that:

(1) The water proposed to be artificially replenished is Imported Water.

(2) The applicant's ultimate use of the Imported Water artificially replenished is consistent with the restrictions on use set forth in the applicant's water service agreement with the District.

(3) Neither the applicant's proposed spreading nor Extraction operations will unreasonably interfere with any other Party's rights under the Amended Judgment.

(4) The applicant has obtained all necessary permits from other governmental agency with jurisdiction over the applicant's proposed project.

(C) **Monthly Meter Readings**. Any Party engaged in an Artificial Replenishment program shall install a meter which complies with Rule 4.1 above at its recharge facilities' connection with the District's water distribution system. The District shall read the meter monthly.

(D) **Annual Report**. As part of the Watermaster's Annual Report, the Watermaster shall determine the net amount of Imported Water artificially replenished by such Person during the previous Calendar Year, after taking into account the gross amount of Imported Water delivered to the Party's spreading works, less losses due to evaporation, phreatophyte consumption, spillage from the Cummings Basin attributable to such Artificial Replenishment, Extractions of artificially replenished water, and other relevant factors. The amount of net Artificial Replenishment in storage as determined in the Watermaster's report may be Extracted by the Party in the Calendar Year in addition to the Party's allowed pumping allocation.

4.5 Water Quality. The District as the Watermaster intends to protect water quality of the Cummings Basin from degradation from nitrates and other pollutants to preserve the Cummings Basin as a source of potable water for its overlying inhabitants. The Watermaster intends to sample and monitor groundwater quality and pursue mitigation measures to prevent the spread of nitrates and other pollutants. Therefore, any Party or Extractor shall allow the Watermaster to take samples from any wells in the Cummings Basin to monitor water quality and mitigate threatened contamination of groundwater in the Cummings Basin.

Section 5—Water Conservation

5.1 The unreasonable use or the waste of water Extracted from the Cummings Basin is prohibited. All Extractors must implement the best available water conservation practices and technology. **Watering**. Water Extracted from the Cummings Basin for Irrigation must be used efficiently. Conservation measures to maximize watering efficiency must be adhered to as determined by the Watermaster. Overwatering will be considered an unreasonable use of water and is prohibited. Weather conditions must be considered before irrigating since

conditions may significantly affect the irrigation efficiency and possibly lead to water waste.

Section 6—Appeals

Any Party affected by any decision or determination by the Watermaster herein may appeal that decision by filing with the Court and serving on the Watermaster within 30 days from the date of the decision a Notice of Motion Seeking Order Overturning Watermaster Decision as provided in Paragraph 18 of the Amended Judgment.

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ONGOING M&I RESIDENTIAL ALLOCATION REQUEST FOR 2022 - TERM M&I CUSTOMERS
CUMMINGS BASIN

APPLICANT[1]

DEVELOPED PARCELS IN BASIN (BY SIZE)[2]					TOTAL
1.00 AC OR LESS (0.3 AFY)	1.01-3.00 AC (0.5 AFY)	3.01-10.00 AC (0.75 AFY)	10.01-20.00 AC (1.0 AFY)	20.01 AND LARGER (1.25 AFY)	
					0
ANNUAL ALLOCATION FOR DEVELOPED PARCELS IN BASIN (AF)					**TOTAL[3]**
0	0	0	0	0	0
TOTAL PARCELS IN BASIN (BY SIZE)					**TOTAL**
1.00 AC OR LESS (0.3 AFY)	1.01-3.00 AC (0.5 AFY)	3.01-10.00 AC (0.75 AFY)	10.01-20.00 AC (1.0 AFY)	20.01 AND LARGER (1.25 AFY)	
					0

NOTES:

1 THIS FORM IS INTENDED FOR USE BY CUSTOMERS WITH VALID TERM M&I AGREEMENTS WITH TCCWD.

2 PARCELS CONNECTED TO THE PUBLIC WATER SYSTEM OWNED AND MAINTAINED BY THE TERM M&I CUSTOMER.

3 THE TOTAL ANNUAL ALLOCATION MAY BE USED BY THE CUSTOMER THROUGHOUT THEIR PUBLIC WATER SYSTEM.

4 COMMERCIAL/INDUSTRIAL USES BY TERM M&I CUSTOMERS SHALL BE CALCULATED ON EXHIBIT A.5 AND ADDED TO THE TOTAL ALLOCATION DERIVED HEREON.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to use the water at the location stated in the application."

0

AUTHORIZED
SIGNATURE: _____ DATE: _____

EXHIBIT "A.1"

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ONGOING M&I RESIDENTIAL ALLOCATION REQUEST FOR 2022 - MUTUAL AND COMMUNITY SYSTEMS
CUMMINGS BASIN

APPLICANT[1]

DEVELOPED PARCELS IN BASIN (BY SIZE)[2]					TOTAL
1.00 AC OR LESS (0.3 AFY)	1.01-3.00 AC (0.5 AFY)	3.01-10.00 AC (0.75 AFY)	10.01-20.00 AC (1.0 AFY)	20.01 AND LARGER (1.25 AFY)	
					0
ANNUAL ALLOCATION FOR DEVELOPED PARCELS IN BASIN (AF)					**TOTAL[3]**
0	0	0	0	0	0
TOTAL PARCELS IN BASIN (BY SIZE)					**TOTAL**
1.00 AC OR LESS (0.3 AFY)	1.01-3.00 AC (0.5 AFY)	3.01-10.00 AC (0.75 AFY)	10.01-20.00 AC (1.0 AFY)	20.01 AND LARGER (1.25 AFY)	
					0

NOTES:

1 THIS FORM IS FOR USE BY CUSTOMERS WITHIN MUTUAL WATER COMPANIES OR COMMUNITY SHARED WELLS.

2 PARCELS CONNECTED TO THE PUBLIC WATER SYSTEM OWNED AND MAINTAINED BY THE SYSTEM.

3 THE TOTAL ANNUAL ALLOCATION MAY BE USED BY THE CUSTOMER THROUGHOUT THEIR WATER SYSTEM.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to use the water at the location stated in the application."

0

AUTHORIZED
SIGNATURE: _____ DATE: _____

EXHIBIT "A.2"

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ONGOING M&I RESIDENTIAL ALLOCATION REQUEST FOR 2022 - MIXED USE PARCELS
CUMMINGS BASIN

APPLICANT[1]: ACREAGE[2]: METER NUMBER:

APN: ALLOCATION: ACCOUNT NUMBER:

STATE WELL NO: METER UNIT OF MEASURE:

ACREAGE FOR RESIDENTIAL USAGE: _____

ACREAGE FOR OTHER USAGE: _____

DESCRIBE OTHER USAGE (ATTACH SHEETS AS NECESSARY):

TCCWD COMMENTS:

NOTES:

ITEMS TO BE COMPLETED BY TCCWD.

1 THIS FORM IS FOR USE BY CUSTOMERS WITH MIXED USES ON THEIR PROPERTY.

2 TOTAL ACREAGE OF PARCEL. USAGE BREAKDOWN DESCRIBED BELOW.
TCCWD MAY CONSIDER OTHER USAGE TO DETERMINE TOTAL ALLOCATION AT ITS SOLE DISCRETION.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to use the water at the location stated in the application."

AUTHORIZED
SIGNATURE: _____ DATE: _____

EXHIBIT "A.3"

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ONGOING M&I RESIDENTIAL ALLOCATION REQUEST FOR 2022 -DOMESTIC CUSTOMER
CUMMINGS BASIN

APPLICANT[1]: ACREAGE: METER NUMBER:

APN[2]: ALLOCATION: ACCOUNT NUMBER:

SHARED WELL: STATE WELL NO: METER UNIT OF MEASURE:

PARCEL IN BASIN (BY SIZE)					ALLOCATION
1.00 AC OR LESS (0.3 AFY)	1.01-3.00 AC (0.5 AFY)	3.01-10.00 AC (0.75 AFY)	10.01-20.00 AC (1.0 AFY)	20.01 AND LARGER (1.25 AFY)	
					0

NOTES:

ITEMS TO BE COMPLETED BY TCCWD.

1 THIS FORM IS INTENDED FOR USE BY CUSTOMERS WITH A PRIVATE WELL.

2 IF WELL IS SHARED, SUBMIT SEPARATE REQUEST FOR EACH PARCEL.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to use the water at the location stated in the application."

AUTHORIZED SIGNATURE: _____ DATE: _____

EXHIBIT "A.4"

Tehachapi–Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ONGOING M&I ALLOCATION REQUEST FOR 2022 - COMMERCIAL/INDUSTRIAL
CUMMINGS BASIN

APPLICANT[1]: AREA[2]: METER NUMBER:

APN: ALLOCATION: ACCOUNT NUMBER:

SOURCE[3]: STATE WELL NO: METER UNIT OF MEASURE:

COMMERCIAL/INDUSTRIAL USE TYPE	AREA	UNIT	ALLOCATION
Service Commercial (0.17 AF per 1000 SF building)		SF	
Retail (0.07 AF per 1000 SF building)		SF	
Office (0.06 AF per 1000 SF building)		SF	
Industrial (0.17 AF per 1000 SF building)		SF	
Hotel/Motel (0.13 AF per 1000 SF building)		SF	
School (0.06 AF per 1000 SF building)		SF	
Public Pool (0.21 AF per 1000 SF surface area)		SF	
Park/School Irrigation (2.50 AF per planted acre)		AC	

NOTES:

ITEMS TO BE COMPLETED BY TCCWD.

1 THIS FORM IS FOR USE BY COMMERCIAL/INDUSTRIAL CUSTOMERS. SHOULD BE COMPLETED BY OWNER, NOT TENANT.

2 AREA IS TOTAL PARCEL AREA. USE AREAS DESCRIBED BELOW.

3 SOURCE IS WATER SUPPLY SOURCE. INDICATE WHETHER CONNECTED TO PUBLIC WATER SYSTEM OR PRIVATE WELL.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to use the water at the location stated in the application."

AUTHORIZED SIGNATURE: _____ DATE: _____

EXHIBIT "A.5"

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

ANNUAL IRRIGATION ALLOCATION REQUEST FOR 2022
CUMMINGS BASIN

APPLICANT[1]: ACREAGE[2]: METER NUMBER:

APN[3]: ALLOCATION: ACCOUNT NUMBER:

PLAT INCL.: ☐ YES ☐ NO STATE WELL NO: METER UNIT OF MEASURE:

NOTES:

ITEMS TO BE COMPLETED BY TCCWD.

1 THIS FORM IS INTENDED FOR USE BY CUSTOMERS REQUESTING COMMERCIAL IRRIGATION ALLOCATION.

2 REPORT NET, IRRIGATED ACREAGE (EXCLUSIVE OF ROADWAYS, ACCESS, STORAGE, ETC).

3 LIST ALL PARCELS SERVED BY WELL. INCLUDE PLAT SHOWING PARCELS AND PLANTED ACREAGE WITH DIMENSIONS.

"The undersigned applicant does hereby declare under penalty of perjury under the laws of the State of California that the facts set forth in this application are true and correct and that the undersigned applicant intends in good faith to irrigate the area depicted on the application in Calendar Year 2022."

AUTHORIZED SIGNATURE: _____ DATE: _____

EXHIBIT "B"

_____
_____
_____
_____
_____
Telephone: (____) ____-_____
Facsimile: (____) ____-_____
E-Mail:

Attorney for _____

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KERN

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT, a body corporate and politic, Plaintiff, vs. FRANK ARMSTRONG, et al., Defendants.	Case No.: 97209 **NOTICE OF MOTION AND MOTION FOR LEAVE OF COURT TO INTERVENE TO BECOME A PARTY TO THE AMENDED AND RESTATED JUDGMENT AND PHYSICAL SOLUTION; DECLARATION OF _____ IN SUPPORT THEREOF** Date: Time: Dept: Judge:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on _____, 20___, at _____ [*time*], or as soon thereafter as the matter may be heard, in Department ___ of this court, located at 1415 Truxtun Ave, Bakersfield, California, _____ [*name of intervenor*] (**Intervenor**) will move for an order granting leave to intervene in this action to become a party to the Amended and Restated Judgment and Physical Solution, substantially in the form attached hereto as **Exhibit A**.

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

EXHIBIT "C"

The motion will be made on the grounds that Intervenor owns land in the Cummings Basin Area and is not a party to the Amended and Restated Judgment and Physical Solution.

The motion will be based on this notice of motion and motion, the declaration of _____ [*name*] herein below, the papers and records and file in this action, and such oral and documentary evidence as may be presented at the hearing on the motion.

DATED: _____, 20___

_____ [*firm name, if any*]

By: _____ [*signature*]
_____ [*typed name*]
Attorney for _____ [*moving party*]

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

DECLARATION OF _____

I, _____, declare under penalty of perjury as follows:

1. I am the proposed intervenor [*OR: I am the* _____ *of the proposed intervenor* _____] in the above-captioned matter. I personally know the facts stated in this declaration and, if called as a witness, could and would competently testify to the facts set forth herein.

2. I am a record owner [*OR: I am the authorized representative of the record owner entity*] of certain real property located in the Cummings Basin Area, identified as Assessor Parcel Number(s) _____. I am [*Or:* _____ *is*] not a party to the above-captioned matter and am [*Or: is*] willing to be subject to the Amended and Restated Judgment and Physical Solution and be bound by its terms.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, 20___.

By: _____ [*signature*]
_____ [*typed name*]

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

EXHIBIT A

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

_____
_____
_____
_____
_____
Telephone: (____) ____-_____
Facsimile: (____) ____-_____
E-Mail:

Attorney for _____

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KERN

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT, a body corporate and politic, Plaintiff, vs. FRANK ARMSTRONG, et al., Defendants.	Case No.: 97209 **[PROPOSED] ORDER GRANTING MOTION FOR LEAVE OF COURT TO INTERVENE TO BECOME A PARTY TO THE AMENDED AND RESTATED JUDGMENT AND PHYSICAL SOLUTION** Date: Time: Dept: Judge:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The Motion for Leave of Court to Intervene to Become a Party to the Amended and Restated Judgment and Physical Solution (**Motion**) by proposed Defendant-Intervenor _____ [*name of intervenor*] came on for hearing before this Court on _____, 20___, at _____ [*time*].

The Court, having considered the Motion and all supporting and opposing documents, and having heard oral argument of counsel, and otherwise being duly advised on all matters presented on this cause, and finding good cause appearing, hereby orders as follows:

///

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

1. Pursuant to Section 10 of the Amended and Restated Judgment and Physical Solution ("Judgment") entered in this action, _____ [*name of intervenor*] is hereby granted leave to intervene in the Judgment in the above captioned action.

2. The Judgment is amended to reflect the intervention of _____ [*name of intervenor*] as a Party to the Judgment.

3. _____[*name of intervenor*] is authorized to produce groundwater from the Cummings Basin Area, subject to compliance with the requirements set forth in the Judgment.

IT IS SO ORDERED.

DATED: _____, 20___

_____ [*signature*]
_____ [*printed name*]
Judge of the Superior Court

EXHIBIT "C"

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

CUMMINGS BASIN MONTHLY WELL PRODUCTION REPORT FOR 2022

PUMPER: _____ ACREAGE: METER NUMBER:

APN[1]: ALLOCATION: ACCOUNT NUMBER:

METER UNIT OF MEASURE [2]: CHECK ONE: ☐ M&I ☐ AG

	DATE READ[3]	METER READING	USAGE UNITS	USAGE AF
4-Jan				
FEBRUARY				
MARCH				
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
OCTOBER				
NOVEMBER				
DECEMBER				
			TOTAL:	

NOTES:

SHADED ITEMS ARE TO BE COMPLETED BY PUMPER. ALL OTHER ITEMS TO BE COMPLETED BY TCCWD.

1 LIST ALL PARCELS SERVED BY WELL HERE.

2 CHOOSE OPTION FROM DROPDOWN MENU.

3 PUMPER TO READ METER AS CLOSE AS PRACTICABLE TO LAST DAY OF MONTH.

4 PUMPER TO REPORT METER READ TO TCCWD NO LATER THAN THE 25TH DAY OF THE FOLLOWING MONTH.

SIGNATURE: _____ DATE: _____

EXHIBIT "D"

Tehachapi-Cummings County Water District
Our Water • Our Future

P.O. Box 326
Tehachapi, CA 93581
(661) 822-5504
tccwd@tccwd.com

CUMMINGS BASIN ANNUAL WELL PRODUCTION REPORT FOR 2022

PUMPER: _____ ACREAGE: METER NUMBER:

APN[1]: ALLOCATION: ACCOUNT NUMBER:

CHECK ONE: ☐ M&I ☐ AG

ANNUAL ALLOCATION (FROM EXHIBIT "A.1 - A.5")

ACTUAL ANNUAL USE (TOTAL FROM EXHIBIT "D")

OVEREXTRACTION (IF < 0 AF, THEN 0 AF)

> 5% ABOVE ALLOCATION:

CHECK ONE: ☐ YES ☐ NO

NOTES:

[1] LIST ALL PARCELS SERVED BY WELL HERE.
THIS IS A SUMMARY FORM AND WILL BE COMPLETED BY TCCWD. PUMPER WILL VERIFY INFORMATION AND ACKNOWLEDGE THEIR AGREEMENT BY THEIR SIGNATURE BELOW.

"THE UNDERSIGNED PUMPER HAS REVIEWED THE DATA REPORTED BY TCCWD ABOVE AND AGREES THAT IT IS A TRUE AND CORRECT SUMMARY OF PUMPER'S ACTIVITY IN THE SUBJECT YEAR."

PUMPER: _____ DATE: _____

EXHIBIT "E"

_____
_____
_____
_____
_____
Telephone: (____) ____-_____
Facsimile: (____) ____-_____
Email: _____

Attorney for _____

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KERN

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT, a body corporate and politic, Plaintiff, vs. FRANK ARMSTRONG, et al., Defendants.	Case No.: 97209 **DESIGNATION OF NAME AND ADDRESS FOR RECEIPT OF WATERMASTER COMMUNICATIONS** Date: Time: Dept: Judge:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

_____ [*party name*] hereby designates the following name and address to be used for receiving all Watermaster communications:

- NAME: _____
- MAILING ADDRESS: _____
  _____
  _____
- EMAIL ADDRESS: _____

///

///

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
BAKERSFIELD, CA 93303
(661) 322-4004
(661) 322-2906 (FAX)

If an email address is provided above, _____ [*party name*] consents to receiving Watermaster communications at that email address.

DATED: _____, 20___

_____ [*firm name, if any*]

By: _____ [*signature*]
_____ [*typed name*]
Attorney for _____ [*moving party*]

KUHS & PARKER
ATTORNEYS AT LAW
P.O. BOX 2205
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(661) 322-4004
(661) 322-2906 (FAX)

_____
_____
_____
_____
_____
Tel: (____) ____-_____
Fax: (____) ____-_____
Email:
Attorney for _____

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KERN

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT, a body corporate and politic, Plaintiff, vs. FRANK ARMSTRONG, et al., Defendants.	Case No.: 97209 **NOTICE OF INTENT TO ENGAGE IN ARTIFICIAL REPLENISHMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the named party intends to engage in artificial replenishment as authorized in Rule 4.4 of the Cummings Basin Watermaster Rules and Regulations.

The proposed spreading and Extraction locations are described on Exhibit A attached to this Notice.

DATED: _____, 20___ _____ [*firm name, if any*]

By: _____ [*signature*]
_____ [*typed name*]
Attorney for _____ [*noticing party*]

EXHIBIT "G"

EXHIBIT A