

ORDINANCE 2015-1

AN ORDINANCE OF THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT ESTABLISHING RESTRICTIONS AND PRIORITIES AS TO SALE OF DISTRICT WATER IN VIEW OF THREATENED WATER SHORTAGE EMERGENCY

A. RECITALS

- (i) There is a threatened water shortage during the calendar year 2014 of water from the State Water Project, and in turn a threatened shortage to this District under its contract with Kern County Water Agency for State Water Project water.
- (ii) Water Code Sections 31026 and 31027 permit this District to establish restrictions and prohibitions of specific uses during a water shortage emergency.
- (iii) It is the intent of this ordinance to establish the same through priorities of use.

B. ORDINANCE

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

Sec. 1. The Board of Directors finds and determines in all respects as set forth in Part A of this Ordinance.

Sec. 2. The priority of sales of District water during calendar year 2015 shall be as follows:

1. Wheeled water for water rights holders in Tehachapi Basin.
2. Maintain enough water in the system to provide for fire-fighting efforts all year.
3. Direct-delivery M&I use, including normal M&I demand for construction projects; Voluntary 20% reduction for existing customers compared with 2014.
4. Agricultural water:
 - a. Stock water for animals
 - b. Permanent crops
 - c. Food crops grown in hothouses
 - d. Cover crops primarily for erosion control, including grains and cereals
 - e. Annual food crops for human consumption
 - i. On land cultivated in 2014
 - ii. On land that was fallow in 2014
 - f. Turf sod where recycled water is available
 - g. Annual crops for animal consumption
 - i. On land cultivated in 2014

- ii. On land that was fallow in 2014
 - h. Non-food crops
 - i. On land cultivated in 2014
 - ii. On land that was fallow in 2014
- 5. Conjunctive use recharge water for current year demand where return-flow or banked water is available
- 6. Recharge water for groundwater banking
 - a. M&I end uses
 - b. Agricultural end uses

Cut off of water sales shall be in the reverse of the order listed above. 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.

Sec. 3. The following additional findings are hereby made in support of Section 2 and succeeding sections of this Ordinance:

1. The District pumps water from District wells for water rights holders in Tehachapi Basin and delivers that water through the District's system to turnouts at the point of use. The water is part of the adjudicated safe yield of the native groundwater of the Basin and has nothing to do with imported water supply or shortages thereof.
2. Jacobsen Reservoir needs to be maintained at a minimum elevation of 4,341', which is approximately 450 acre-feet of storage, in order to provide sufficient pressure to flow to all dip tanks in the system. It may be necessary to temporarily curtail flow to customers during a fire event to preserve sufficient pressure in the system to provide water to dip tanks.
3. Direct-delivery M&I customers typically have no substitute water supply. 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. Some of the District's direct-delivery M&I customers are large landscape accounts primarily for maintenance of grass (parks, schools, cemeteries). These types of accounts can reduce consumption 20% without permanent damage to their facilities. The District will develop and distribute monthly water budgets for these accounts by June 1.
4. Agricultural water service is prioritized so as to cause the least economic dislocation

to those who have relied on agriculture for their living and to protect the highest irretrievable investment among agriculture.

- a-c. For this reason, animals, permanent crops and food crops grown in hothouses, which involve substantial investment, are given highest priority.
 - d. 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. Sufficient water needs to be preserved in the system to provide for the establishment of cover crops on tilled ground during autumn.
 - e. New food crops for human consumption are the next priority due to the importance of food sources, particularly during a drought wherein food production from other areas in California will be severely reduced. Land farmed in the prior year has a higher priority over newly cultivated land. This is true for Categories f and g as well.
 - f. Turf sod farmers who have signed up to receive recycled water need a backup supply in the event that the recycled water cannot be delivered. To encourage these farmers to enroll in the District's recycled water program, they are given a higher priority for imported surface water than some other uses.
 - g. Annual crops for animal consumption, such as alfalfa hay, are given a higher priority than non-food crops because of the substantial local market for such commodities.
 - h. Non-food crops are given the lowest agricultural priority because they are not essential to sustaining life and their temporary absence will cause no great harm.
5. The District has sufficient banked groundwater to supply conjunctive use customers in 2015; therefore, providing new recharge water during the drought is considered a low priority.
6. The 20% State Water Project allocation means that providing water for new groundwater banking during 2015 is impossible; therefore, this is given the lowest priority of all. In future years, when normal SWP allocations are restored, groundwater banking will be done on a large scale to replenish emergency supplies used during 2015.

Sec. 4. The General Manager shall:

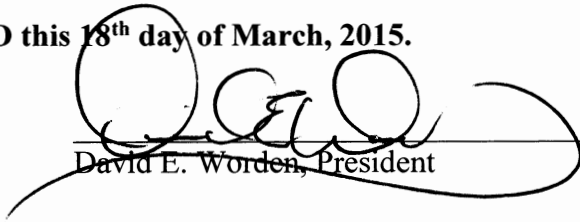
- (a) Report to the Board of Directors at frequent intervals concerning anticipated available water and requests therfore;
- (b) Report to the Board of Directors promptly any desirable amendments to this ordinance;
- (c) Cause the permissible over-extractions under the Amendments to Judgment in said Tehachapi Basin case to be administered in such fashion as to minimize the effect of the anticipated shortage of State Water, with due regard for the ultimate "repayment" of any such over-extractions; and
- (d) Assist persons in other basins within the District toward maximum utilization of groundwater for the same purpose as stated in (c) above.

Sec. 5. This Ordinance shall be effective and operative immediately upon adoption.

Sec. 6. The General Manager shall forthwith send a copy of this Ordinance to every heretofore or anticipated customer for District water.

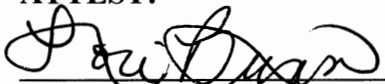
Sec 7. In accordance with Water Code Section 31027, the Secretary of this District and Board of Directors shall cause a copy of this Ordinance to be published once in the Tehachapi News within ten (10) days, but such direction shall not delay the effective and operative date of this Ordinance.

ADOPTED AND APPROVED this 18th day of March, 2015.



David E. Worden, President

ATTEST:



Lori Bunn, Secretary to the Board of Directors

SECRETARY'S CERTIFICATE

I, LORI BUNN, Secretary to the Board of Directors of the Tehachapi-Cummings County Water District, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Directors of said District, held on the 18th day of March, 2015, and was adopted at that meeting by the following vote:

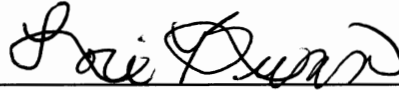
AYES: **Hadley, Hall, Pack, Prel and Worden**

NOES: None

ABSENT: **None**

ABSTAIN: None

ATTEST:



Lori Bunn, Secretary
to the Board of Directors