

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

Resolution No. 12-20

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, by Resolution No. 04-20, the District amended the Rules and Regulations to adopt a form of Supplemental Water Purchase and Banking Agreement for greenhouse customers in the Cummings Basin; and

WHEREAS, by Resolution No. 05-20, the District amended the Rules and Regulations to reinforce the District's role as a wholesaler of water, not a retailer, by clarifying that the District will not provide M&I water service to any non-public entity or person for use within the service area of any public purveyor; and

WHEREAS, the District by contract with the California Department of Corrections ("CDCR") receives disinfected tertiary recycled water ("recycled water") from CDCR's California Correctional Institution in Cummings Valley ("CCI") which the District sells to customers pursuant to Part P of the District's Rules and Regulations and a Recycled Water Agreement with each such customer; and

WHEREAS, CCI generates approximately 800 acre feet ("AF") of recycled water each year; and

WHEREAS, based on one customer's historical demand and Recycled Water Agreement, the District has been reserving approximately 325 AF of recycled water for that customer's benefit each year; and

WHEREAS, since 2015, this customer, without notice to the District, has significantly reduced its use of recycled water from its typical demand of approximately 325 AF, and took zero recycled water in 2019; and

WHEREAS, due to the lack of communication regarding this customer's actual demand for recycled water, the recycled water that was reserved for this customer's benefit but that the customer did not take in 2015 through 2019 could not be delivered to other customers in those years, resulting in a waste of recycled water; and

WHEREAS, other customers have expressed an interest in receiving the full amount of recycled water generated by CCI each year; and

WHEREAS, the District's rules do not include scheduling provisions requiring recycled water customers to specify their demand for recycled water at the beginning of each year; and

WHEREAS, the Board desires to amend the Rules and Regulations to maximize use and avoid waste of recycled water by adopting such scheduling provisions;

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. Section 4.3 of Part P of the Rules and Regulations is hereby amended to add subpart H., which reads as follows:

H. Scheduling.

1. On or before November 15 of each year, each customer shall advise the District in writing whether the customer intends to use recycled water during the following calendar year, and provide an estimate of the quantity of recycled water that the customer will need that year. Only customers that so advise the District prior to November 15 in any year will be entitled to receive recycled water during the following year.

2. On or before February 1 of each year, each customer shall provide the District in writing a firm order for recycled water and a monthly delivery schedule specifying the quantity of recycled water the customer requests to be delivered during each month of the year. This order and delivery schedule will obligate the customer to take the full ordered quantity of recycled water during the year if such quantity is available. If a customer fails to provide such a written order and delivery scheduled by February 1 in any year, the District may conclude that the customer does not have any demand for recycled water in that year and will not have any obligation to deliver any recycled water to the customer during the year.

3. Based on the terms of each Recycled Water Agreement and the annual orders and monthly delivery

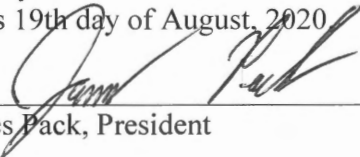
schedules provided to the District on or before February 1 of each year, the District will determine the quantity of recycled water that the District can make available to each customer for the year. On or before February 28th of each year, the District shall notify each of its recycled water customers of the estimated amount of recycled water that the District anticipates will be available for delivery to the customer in the year. Periodically thereafter, the District shall provide updated estimates as quantities of recycled water available from CDCR are revised.

4. If a customer fails to take delivery of the full quantity of recycled water that it orders in a given year, such failure will be grounds for suspension or termination of recycled water service if this failure results in the waste of recycled water. If a customer underestimates its recycled water demand in its order provided on or before February 1, the District will deliver recycled water to the customer in excess of the quantities ordered and scheduled to the extent the District can do so while meeting the demands of other customers.

3. Subsection 4. of subsection B. of Section 4.8 of Part P of the Rules and Regulations is hereby amended to read as follows:

4. For Waste or Misuse of Water. In order to protect against waste or misuse of recycled water, the District may suspend service if such wasteful practices or misuses of recycled water are not remedied after notice to such effect has been given to the customer. Because failure to take the full quantity of recycled water ordered for the year will likely result in the waste of recycled water, the District may suspend or terminate service if the customer does not take delivery of the full quantity of recycled water the customer ordered for that year.

PASSED, APPROVED AND ADOPTED by the Board of Directors of TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT this 19th day of August, 2020.



James Pack, President

ATTEST:


Catherine Adams, Secretary

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

SECRETARY'S CERTIFICATION

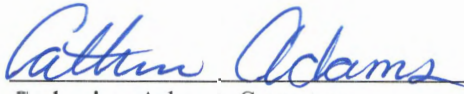
I, Catherine Adams, Secretary of the Board of Directors of Tehachapi-Cummings County Water District do hereby certify that the forgoing Resolution No. 12-20 was introduced at a regular meeting of the Board held on the 19th day of August, 2020 and was passed by the following vote:

Ayes: Cassil
 Hall
 Pack
 Schultz
 Zanutto

Noes: None

Absent: None

Abstain: None


Catherine Adams, Secretary