

RESOLUTION NO. 2016-09

**A RESOLUTION OF THE SAN BENITO COUNTY WATER DISTRICT
RESTATING RESOLUTION 2003-03 PERTAINING TO
THE WATER USERS HANDBOOK, RULES AND
REGULATIONS FOR DELIVERING
AND RECEIVING SAN FELIPE DISTRIBUTION
SYSTEM WATER**

BE IT RESOLVED by the Board of Directors of the San Benito County Water District that the Water Users Handbook, Rules and Regulations for Delivering and Receiving San Felipe Distribution System Water are amended as follows:

A. SECTION 1, RECLAMATION LAW AND DISTRICT WATER ALLOCATION REGULATIONS

Water Allocation Regulations

The District Board of Directors has adopted water allocation regulations to be used in allocating the District's annual water supply. The regulations require filing a Water Allocation Request by a specific date (usually 30 days prior to the start of the contract water year) in order for land to be entitled to an allocation of water in the upcoming contract water year beginning on March 1 and ending the last day of February of the following year. Small Parcel Service (parcels of 10 acres or less in area) water users are exempt from this requirement. The District's annual water supply is determined solely by the District based primarily on that years allocation of the District's USBR contract supply, water stored in District owned and operated storage facilities, groundwater storage levels and anticipated water use.

B. SECTION 2, WATER ORDERING AND PAYMENT

Water Ordering Procedures

It is important that the District's water ordering procedures be followed by all agricultural, municipal and industrial water users; minimum purchase and small parcel service water users may be exempted from the water ordering procedures. The procedures that must be followed to insure prompt response to emergencies, continued deliveries to all water users and smooth operation of the District's distribution system and the San Felipe Project are as follows:

C. SECTION 2, WATER ORDERING AND PAYMENT

Water Invoice

The Water Invoice shows the current billing periods water use by delivery, the amount due, and special charges relating to the delivery of water (related charges). . All water users are billed monthly.

Payment for Water

All water meters are read on or about the last five business days of each month. Invoices (Water Bills) are mailed by the 1st week of the month following meter reading and payment is due by the 20th day following the billing date. See Appendix A., "Terms and Conditions for Water Service", for finance and related charges incurred for nonpayment or late payment.

D. SECTION 2, WATER ORDERING AND PAYMENT

Emergency Telephone Listing

The District maintains an up-to-date list of telephone numbers of water users emergency contacts. A shutdown of the District's entire distribution system or a single lateral could occur at any time. The emergency contact(s) telephone listing enables the District to contact all water users immediately and ask that deliveries be shut off to protect the water user facilities as well as the District's system. **The San Felipe Project and the San Felipe Distribution System have no emergency storage. In the event of certain emergencies, such as loss of pumping power, the systems must be shutdown immediately to avoid possible damage and/or extended outages.**

Your cooperation in keeping the Emergency Telephone Listing current is essential. Changes should be reported to the District Office. By doing so, water users are saved a considerable amount of time, money, and effort when it becomes necessary to shut down and startup the system(s).

E. APPENDIX A, TERMS AND CONDITIONS FOR SAN FELIPE DISTRIBUTION SYSTEM WATER SERVICE

6. All water will be measured by the District with meters installed and operated and maintained by the District. The District reserves the right to estimate water use in circumstances where the meter is not operating and/or not operating with the normal operating limits for that type and/or size meter.

All measurements and/or estimates made by the District shall be final and conclusive.

10. As a condition of the District continuing to furnish water, the applicant shall make the following payments by the dates specified: (a) For water used, and/or related changes, financial changes, or reimbursement of District costs, by the 20th day following the date of billing for the water used; (b) for the prepayment for all allocated water, by February 20th prior to the contract water year for the allocation; and (c) for the final payment for all allocated water, by the 20th day following the billing date for July water use. Charges not paid by the 20th day following the billing date shall be delinquent. Small Parcel Service water users are not required to make prepayments for allocated water or a final payment for all allocated water.

F. REGULATIONS FOR THE ALLOCATION OF SAN FELIPE WATER WITHIN ZONE 6

III. ALLOCATION PROCEDURE

A. The District's annual water supply from the US Bureau of Reclamation is expected to vary from year to year with most years having an allocation less than the full contractual entitlement. The District's allocation procedure is designed for use in a range of water supply contract allocations excluding extreme shortage conditions. Under extreme shortage conditions, the Board of Directors will review the water supply conditions and determine if a water supply emergency exists and if a water supply emergency exists will allocate the available water supply to address that emergency. The water supply available to the District for allocation to eligible lands shall be determined primarily by considering the forecasted USBR contract allocation, water user Water Allocation Requests, estimated Small Parcel Service water use, water available from storage in San Justo Reservoir, carryover storage, water available from transfer and exchange agreements, groundwater recharge requirements, system losses and operational requirements. The allocations for Agricultural and Municipal and Industrial water users shall be made separately based on the District's determination of the available Agricultural, and Municipal and Industrial water supplies. The available water supplies shall be allocated in direct proportion to the water user Water Allocation Requests; provided that, no water user shall be allocated more than the maximum allocation as set forth in Section II, Entitlement to Contract. This allocation shall be considered the initial allocation.

In the event a portion of the available water supply remains unallocated it may be made available to water users as additional water subject to the rules and regulations governing additional water or otherwise put to

use in the best interest of the District. Provided that, no portion of the available water supply shall be made available as additional water before August of any contract year unless and until all Water Allocation Requests have been filled.

Small Parcel Service Water ~~Users~~Users are exempt from Water Allocation Request requirements.

IV. APPLICATION FOR AND DELIVERY OF WATER

A. In order for land to be entitled to an annual allocation of water, either an application for Small Parcel Service or a Water Allocation Request covering the land and an agreement to purchase the allocated water shall be filed for the contract water year at the District Office at 30 Mansfield Road, Hollister, California 95023 (P. O. Box 899, Hollister, CA 95024-0899). Generally, the Water Allocation Request shall be filed with the District prior to 5 p.m. on the last working day of January and agreement to purchase shall be filed with the District prior to 5 p.m. on the last working day of February preceding the contract water year. These dates may be subject to change if the USBR announcement is delayed. Water users will be notified in writing if these dates are amended in any Water Year. The District Manager may require supplemental application(s) with respect to any interim or additional water made available to the District. Water Users may not change between annual contract service and Small Parcel Service, or vice versa, during the contract water year.

E. A water user, other than a Small Parcel Service water user, may transfer water allocated to that user among deliveries serving that water user within the same subsystem. Such transfers shall conform to the procedures established by the District Manager and the water transferred shall be furnished under the same terms and conditions as otherwise provided in these and other District rules and regulations.

F. Intra-subsystem Transfers. A water user, other than a Small Parcel water user, may transfer water allocated to them to another water user within the same subsystem only with the consent of the District, in which event the water shall be furnished under the same terms and conditions as otherwise provided in these and other District Regulations. Requests for the consent of such transfers shall (a) be in writing on a form prescribed by the District Manager, (b) state the amount of water to be transferred and (c) be signed by the affected water users. Transfers of water allocations shall not be allowed unless the water user to whom the allocation has been transferred agrees in writing to pay for all such water to be transferred to him. No transfer of water pursuant to these Regulations shall in any manner amend, alter, increase, decrease, or otherwise affect the rights, duties, responsibilities, and obligations, or

any limitations thereof, then existing between the transferor, transferee, and District, or any combination of the same.

No intra-subsystem shall be authorized if the end use of the water transferred is for supplying a domestic service (Provision of water by a water user for household use and/or human consumption).

G. **Inter-subsystem Transfers.** A water user, other than a Small Parcel service water user, may transfer water allocated to him to another water user in another subsystem or to deliveries serving that water user in another subsystem only with the consent of the District, in which event the water shall be furnished under the same terms and conditions as otherwise provided in these and other District Regulations. Terms and conditions governing inter-subsystem transfers are reviewed annually by the Board of Directors. Requests for the consent of such transfers shall (a) be in writing on a form prescribed by the District Manager, (b) state the amount of water to be transferred and (c) be signed by the affected water user(s). Transfers of water allocations shall not be allowed unless the water user to whom the allocation has been transferred agrees in writing to pay for all such water to be transferred to him. No transfer of water pursuant to these Regulations shall in any manner amend, alter, increase, decrease, or otherwise affect the rights, duties, responsibilities, and obligations, or any limitations thereof, then existing between the transferor, transferee, and District, or any combination of the same. No inter-subsystem transfer shall be authorized if the end use of the water being transferred is for supplying a domestic service

V. PAYMENT FOR WATER AND RELATED CHARGES

A. Prior to 5 p.m. on the last working day of February preceding the contract water year, the water user shall file a written water purchase agreement, or have a valid application on file for Small Parcel Service, on forms prescribed by the District.

- 1) **Small Parcel Service.** By applying for and receiving service from the District the water user agrees to pay all District water and related charges.
- 2) **Annual Contract Service.** By executing written water purchase agreement, the water user agrees to pay for all such water allocated for their use during each contract water year, including any increase(s) in that allocation; provide that the obligation to pay shall be limited to the lesser of 1) the maximum entitlement for the parcel of land or 2) the full amount of the water users' Water Allocation Request

B. As a condition of the District furnishing or continuing to furnish water, water users shall make the following payments by the dates specified:

1) Small Parcel Service

- a. For water used, payment is due by the 20th day following the billing date.
- b. For related charges, including but not limited to power charge, payment is due by the 20th day following the billing date.

2) Annual Contract Service

- a. For all allocated water, (1) a prepayment of 15% of the applicable water rate for that contract water year per acre-foot will be due by 5:00 p.m. on the last working day of February preceding that contract water year; Provided, that credit for this payment shall be applied to the last 15% water used during the water year if such use occurs on or before the July meter reading or to the Final Payment; and (2) a Final Payment for all water remaining after the July meter reading will be due by the 20th day following the billing date for July water use.
 - b. For water used, payment is due by the 20th day following the billing date.
 - c. For related charges, including but not limited to power charges, payment is due by the 20th day following the billing date.
 - d. For additional water, payment in advance with no refunds.
- 3) All other District Rules and Regulations pertaining to the payment for water shall remain in full force and effect, except as otherwise provided in these Regulations.

C. Water purchase agreement dates and Pre-payment dates may be subject to change if the USBR water allocation announcement is delayed. Water user will be notified in writing if these dates are amended in any Water Year.

BE IT FURTHER RESOLVED that the President of the Board is authorized to sign said Resolution, on behalf of this Board and District.

PASSED AND ADOPTED by the Board of Directors of the San Benito County Water District this 30th day of March 2016 by the following vote.

AYES: DIRECTORS: Flores, Tobias, Bettencourt, Tonascia & Huenemann

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

ABSTAIN: DIRECTORS: None

/s/ Sonny Flores

Sonny Flores

President

ATTEST: /s/ Sara Singleton

Sara Singleton

Assistant Manager