

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

AN ORDINANCE OF THE COUNTY OF SAN BENITO) Ordinance No. 1064
ESTABLISHING A WATER CONSERVATION)
PROGRAM FOR THE AREA SERVED BY COUNTY)
SERVICE AREA NO. 31 FOR THE 2024-2025 WATER)
YEAR)

The Board of Supervisors of the County of San Benito ordains as follows:

Section 1: Findings and Authority

The findings in support of this ordinance and the water allocations for the 2024-2025 Water Year are set forth in Exhibit A, “Findings and Authority in Support of Ordinance”, and Exhibit B “Findings and Authority In Support of Mandatory Water Allocations Beginning April 30, 2024,” both of which are attached hereto and incorporated herein by this reference.

Section 2: Allocations Effective April 30, 2024

This Ordinance amends Ordinance No. 927, as previously amended, regarding the annual water allocations set forth therein. The annual water allocations for Water Year 2024-2025 are set forth in Exhibit “C” “Establishment of Mandatory Water Allocation Amounts for CSA 31, Effective April 30, 2024”, attached hereto and incorporated by this reference, which are the allocations that are mandatory on all parcels within CSA 31 for the 2024-2025 Water Year (through February 28, 2025), or until further order of the San Benito County Board of Supervisors. Allocations may be changed in the future by Resolution or Ordinance of the Board of Supervisors.

Section 3: General Provisions

A. Severability: If any sentence, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have enacted this ordinance and each section, subsection, sentences, clauses or phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

B. Captions: The titles and headings to sections of this ordinance are not part of this ordinance and shall have no effect upon the construction or interpretation of any part hereof.

C. Effective Date and Codification: Pursuant to Water Code Section 376, this ordinance is effective upon adoption. The Water Allocations specified are effective April 30, 2024. This ordinance shall not be codified.

D. Publication: Within ten (10) days after its adoption, this ordinance shall be published pursuant to California Government Code 6061 in its entirety in a newspaper of general

circulation which is printed, published and circulated within San Benito County, or a summary or display ad may be published as allowed by the Government Code.

Following a duly noticed public hearing, the foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of San Benito at the regular meeting of said Board held on the 30th day of April 2024, by the following vote:

AYES: 5 Supervisors: Curro, Sotelo, Zanger, Kosmicki, Gonzales
NOES: 0 Supervisors: None
ABSENT: 0 Supervisors: None
ABSTAIN: 0 Supervisors: None

DocuSigned by:
Angela Curro
By: D6BD79D4D88A4E1...
Angela Curro, Chair

ATTEST:
Vanessa Delgado, Clerk of the Board

APPROVED AS TO LEGAL FORM
San Benito County Counsel's Office

DocuSigned by:
Vanessa Delgado
By: 3BEFBC2E3B23439...

By: *Shirley L. Murphy*
Shirley L. Murphy, Deputy County Counsel
Date: April 16, 2024

Date: 04/30/2024

Exhibit "A"

FINDINGS AND AUTHORITY IN SUPPORT OF ORDINANCE

The Board of Supervisors hereby finds, determines and declares that the following facts are true:

1. Article 10, Section 2 of the California Constitution declares that the waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and
2. The Bureau of Reclamation of the United States Department of the Interior has continued a reduced allocation of water to the San Benito County Water District from the Central Valley Project; and
3. The water allocated to the San Benito County Water District is used in part to meet the demands and requirements of water consumers in County Service Area 31 (CSA 31), Stonegate Subdivision, located on Airline Highway, in San Benito County; and
4. As a result of the reduced water supply over historical water allocations, and the possibility of future reductions, the Board of Supervisors finds that CSA 31 (Stonegate) is at risk of having inadequate water supply for regular domestic use, emergency domestic use, and fire protection; and
5. Additionally, the domestic well drilled by CSA 31 does not have sufficient production capabilities to supply unlimited water to the residents within CSA 31 as draw down of the domestic well has occurred, the well has limited capacity in the number of gallons per minute that it produces, and the reduced usage is necessary so that adequate recharge can occur and water quality maintained; and
6. To ensure adequate water is available at all times for fire protection and domestic use, the Board of Supervisors finds it necessary to encourage and enforce water conservation by adopting a water conservation program; and
7. Further, the Board of Supervisors finds that this Ordinance is in the public's interest in that it will ensure that all CSA 31 residents are able to receive their equitable portion of the water available; and
8. The water conservation program and the enactment of this Ordinance are authorized by California Water Code Sections 375-378 ("Water Conservation Programs"); and
9. The regulations set forth herein are reasonable, necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of water shortages; and

10. The regulations herein are also reasonable, necessary and proper to protect the water supply for both animals and to protect property values for the residents within CSA 31 to ensure that all residents receive a reasonable, equitable share of agricultural water; and
11. The regulations set forth herein provide an effective and immediately available means of conserving water and will help protect the existence of an adequate water supply for CSA 31, and are reasonably tailored to meet that goal; and
12. These regulations shall only apply to persons receiving water from County Service Area 31 through the CSA 31 water system.

Exhibit "B"

FINDINGS AND AUTHORITY IN SUPPORT OF MANDATORY WATER ALLOCATIONS BEGINNING APRIL 30, 2024

The Board of Supervisors of San Benito County hereby makes the following further findings regarding the need for mandatory water allocation/allotments beginning April 30, 2024:

1. The San Benito County Water District has allocated 77.42 acre feet of water to CSA 31 for the 2024-2025 water year; and
2. Without reasonable limits on usage, it is likely that CSA 31 will exhaust its agricultural water supply and utilize more water than it has been allocated; and
3. A water conservation program is necessary to reduce the quantity of water used for the purpose of conserving the water supplies of the public entity; and
4. Ensuring that all residents have a reasonable supply of water is in the public interest; and
5. A reliable minimum supply of water is essential to the public health, safety and welfare of the people within CSA 31; and
6. CSA 31 is dependent on agricultural water allotments made from the San Benito County Water District; and
7. The climate statewide, along with other factors, have caused fluctuations in the amount of water which is provided annually from the San Benito County Water District, and make CSA 31 susceptible to water supply reliability issues; and
8. Production capability of the domestic water well also requires that reasonable limits be placed on production; and
9. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs; and
10. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and
11. California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

12. The adoption and enforcement of a water conservation program is necessary to manage the CSA 31 agricultural and potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within CSA 31; and
13. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and
14. The purpose of the allocations set forth in Exhibit “C” to this Ordinance is to establish a water conservation program that will reduce water consumption within CSA 31 through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within CSA 31 to avoid and minimize the effect and hardship of water shortage to the greatest extent possible; and
15. This Ordinance, and specifically Exhibit “C”, establishes water conservation standards intended to alter behavior related to water use efficiency at all times; and
16. The water allocations set forth in Exhibit “C” to this Ordinance are reasonable and necessary as the total amount of water available for the 2024-2025 water year is 77.42 acre feet. The amount necessary and advisable to be held in reserve is calculated to be 4.1 AF and 3.6 AF should be reserved for use in the common area. The water reserves may be used to augment the domestic well production, to provide water in the event of problems with the domestic well, and to serve as a reserve for fire suppression and/or in the event of any leakage or pipe breakage. The water allocations set forth in Exhibit “C” are reasonable and necessary to ensure that all parcels receive an equitable supply of water and to ensure that water remains available throughout the water year.

EXHIBIT "C"

**ESTABLISHMENT OF MANDATORY WATER ALLOCATION AMOUNTS
FOR CSA 31, EFFECTIVE APRIL 30, 2024.**

In light of the findings set forth in Exhibits "A" and "B", the Board of Supervisors of the County of San Benito hereby establishes the following Mandatory Water Allocations as set forth in Exhibit "C-1" (attached). These water allocations shall be mandatory until further order of the Board of Supervisors. Use of water in excess of these water allocations shall be a violation of this Ordinance.

Exhibit C – 1

CSA #31 - Stonegate Monthly Water Allotment March 1, 2024 through February 28, 2025

AGRICULTURAL ALLOTMENTS

| | March 2024 | April 2024 | May 2024 | June 2024 | July 2024 | August 2024 | September 2024 | October 2024 | November 2024 | December 2024 | January 2025 | February 2025 |
|--|------------|------------|----------|-----------|-----------|-------------|----------------|--------------|---------------|---------------|--------------|---------------|
|--|------------|------------|----------|-----------|-----------|-------------|----------------|--------------|---------------|---------------|--------------|---------------|

Annual AG Allotment Per Lot for 2024-2025 Water Year, from March 1, 2024 through February 28, 2025
 383,000 Gallons

These cumulative agricultural allotments are mandatory and may not be exceeded. Pursuant to the San Benito County Code, "no person shall use or allow to be used on a parcel agricultural water/non-potable supplied by CSA 31 in excess of the parcel's cumulative monthly water agricultural allotment

DOMESTIC ALLOTMENTS

| | March 2024 | April 2024 | May 2024 | June 2024 | July 2024 | August 2024 | September 2024 | October 2024 | November 2024 | December 2024 | January 2025 | February 2025 |
|---------------------------|------------|------------|----------|-----------|-----------|-------------|----------------|--------------|---------------|---------------|--------------|---------------|
| Gallons Per Day (Average) | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 |

** Effective Date 4/30/2024 **