

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

AN ORDINANCE OF THE COUNTY OF SAN BENITO) Ordinance No. _____
ESTABLISHING A WATER CONSERVATION PROGRAM)
FOR THE AREA SERVED BY COUNTY SERVICE AREA)
NO. 31 FOR THE 2021-2022 WATER YEAR AND REVISING)
WATER ALLOCATIONS ADOPTED EARLIER THIS 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 21-22 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 September 14, 2021,”, both of which are attached hereto and incorporated herein by this reference.

Section 2: Allocations Effective September 14, 2021

Attached to this Ordinance as Exhibit “C” “Establishment of Mandatory Water Allocation Amounts for CSA 31, Effective September 14, 2021”, attached hereto and incorporated by this reference, are the allocations that are mandatory on all parcels within CSA 31 for the 2021-2022 Water Year (through February 28, 2022), 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. Immediate Water Shut Off Authorized

To enforce to the limits set forth in Section 2 above, the RMA Director is authorized to immediately turn off the supply of Agricultural Water to all parcels within CSA 31.

Section 4: 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 September 14, 2021. 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.

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 14th day of September 2021, by the following vote:

AYES: Supervisors:
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

By: _____
Bea Gonzales, Chair

ATTEST:
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM
Barbara Thompson, County Counsel

Barbara Thompson

By: _____

By: _____
Barbara Thompson, County Counsel

Date: _____

Date: _____

Exhibit “A”

FINDINGS AND AUTHORITY IN SUPPORT OF ORDINANCE

A. 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,

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 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,

11. 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 SEPTEMBER 14, 2021

The Board of Supervisors of San Benito County hereby makes the following further findings regarding the need for mandatory water allocation/allotments beginning September 14, 2021:

1. 32.675 acre feet of water have been allocated for the 2021-2022 water year from the San Benito County Water District; and,
2. Without additional 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 the allocations set forth in Exhibit “C” 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.

16. The water allocation set forth in Exhibit “C” for September 14, 2021, shall be prorated so that it reflects the allocation that each parcel may use from September 14, 2021, through February 28, 2022.

17. The water allocations set forth in Exhibit “C” are reasonable and necessary as the total amount of water available for the 2021-2022 water year is 32.675acre feet. At the present time, water supply is insufficient to supply water for the remainder of the year. The water allocations set forth in Exhibit “C” are reasonable and necessary to ensure the remaining agricultural water supply remains available to augment the domestic water supply through the remainder of the water year the water year.

ADDITIONAL FINDINGS SPECIFIC TO SEPTEMBER 14, 2021, RESTRICTIONS:

18. The Board adopted additional water restrictions on June 22, 2021, but those restrictions have been insufficient to conserve enough water for the use of CSA 31.

19. As of July 30, 2021, the SBCWD Meter reading indicated that CSA 31 only had 10.375 AF of the annual water allotment to get the community through until the end of February (7 months).

20. As of August 30, 2021, the SBCWD Meter reading indicated that CSA 31 only had 8.475 AF of the annual water allotment to get the community through until the end of February (6 months), which will not be sufficient at the current rate of usage, and will not leave sufficient reserves for domestic water usage, fire suppression or line breakage.

21. Currently, the domestic water well is only able to extract approximately an average 20 gallons per minute.

22. On or about August 27, 2021, the HOA of CSA 31 sent out an email requesting “immediate voluntary shut off of all Blue Valve (Ag Water) in the Community.” The HOA has requested the County to take additional action shut off the Agricultural Water supply to preserve that water source for domestic water usage.

22. The San Benito County Water District is unable to allocate additional water resources to CSA 31 at this time.

23. Conservation of Blue Valve water is critical in light that the current domestic well is not producing sufficient water to provide a domestic water source for the entire subdivision, and the agricultural water, after treatment, can be used, and is needed, as a domestic water supply.

