

**SAN GORGONIO PASS WATER AGENCY
ORDINANCE NO. 13**

**AN ORDINANCE AMENDING
RULES AND REGULATIONS REGARDING
AUTHORIZATION FOR SERVICE**

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a State Water Project (“SWP”) Contractor authorized to acquire waterworks, waters, and/or water rights, including but not limited to, water from the State of California from the SWP, and to provide, sell, and deliver that water under the control of the Agency. The Agency is a wholesale water agency organized and operating under Chapter 101 of the San Gorgonio Pass Water Agency Law set forth in the Water Code Appendix; and

WHEREAS, on February 7, 2005, the Board of Directors adopted Ordinance No. 8 which established the “Rules And Regulations For SGPWA Water Service.” On June 16, 2014, the Board adopted Ordinance No. 9 which established and amended the procedures for submitting and approving annual water orders as said policies are set forth in Article IV of the Rules And Regulations For SGPWA Water Service. Finally, on August 18, 2014, the Board adopted Ordinance No. 11 which established the rules and regulations for Agency water service as a stand-alone policy document that may be revised and amended in the future by way of subsequent ordinances or other appropriate action of the Board; and

WHEREAS, ARTICLE IV, DELIVERY, **Section 4.09 Return Flows** of the Rules And Regulations For SGPWA Water Service currently provides as follows:

Section 4.09 Return Flows. SGPWA expressly reserves the right to Return Flows that are received by any groundwater basin determined to be in Overdraft for the purpose of eliminating Overdraft in such basin. The Beaumont Storage Unit, as identified in *San Timoteo Watershed Management Authority v. City of Banning et al* (Riverside County Superior Court Case No. RIC 389197), is a groundwater basin that has been determined to be in Overdraft. Therefore, SGPWA hereby dedicates Return Flows in the Beaumont Storage Unit to Overdraft elimination uses that may be required by the Riverside County Superior Court or the Court appointed Watermaster in the *San Timoteo Watershed Management Authority v. City of Banning et al* case. SGPWA does not reserve rights to Return Flows to any groundwater basin determined to not be in Overdraft, using reasonable, accepted and prevailing engineering standards.

WHEREAS, as a result of the current language in Section 4.09 as set forth above, Agency Staff currently uses an Application For SGPWA Water Service which requires certain acknowledgements by an Applicant including, but not limited to, the following:

“Return flows from water delivered by SGPWA for use in the Beaumont Storage Unit are dedicated to overdraft elimination uses that may be required by the Riverside County Superior Court or the Court appointed Watermaster in the case of *San Timoteo Watershed Management Authority v. City of Banning et al* (Riverside County Superior Court Case No. RIC 389197).”

WHEREAS, due to the status of groundwater issues in California including, but not limited to, the requirements of the Sustainable Groundwater Management Act (SGMA), the Board desires to delete the service application requirement which expressly reserves to the Agency the right to return flows from water delivered for use in the Beaumont Storage Unit.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

Section 1 All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

Section 2 ARTICLE IV, DELIVERY, **Section 4.09 Return Flows** of the Rules And Regulations For SGPWA Water Service, is hereby deleted in its entirety. As a result, Section 4.09 is replaced with the following: **Section 4.09 [DELETED]**

Section 3 As a result, of the deletion of Section 4.09 in regard to Return Flows, there is no longer a need to include in the Application For SGPWA Water Service the above-mentioned acknowledgment regarding Return Flows from water delivered by SGPWA for use in the Beaumont Storage Unit.

Section 4 All ordinances, resolutions, minute orders, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance No. 13 are hereby superseded only to the extent of such inconsistency. Except as specifically set forth in this Ordinance No. 13 in regard to deletion of **Section 4.09 Return Flows**, all other provisions of the Rules And Regulations For SGPWA Water Service shall remain in full force and effect.

Section 5 The Board finds that the revision of procedures for applying for water service constitutes general policy and procedure making and also constitutes organizational or administrative activities that will not result in direct or indirect physical changes in the environment. Based on this finding, the Board determines that the revision of procedures for applying for water service, by way of adoption of this Ordinance No. 13, is exempt from the requirements of the California Environmental Quality Act pursuant to section 15378(b)(2) and (5) of the State CEQA Guidelines.

Section 6 The President of the Board of Directors shall sign this Ordinance No. 13 and the Secretary of the Board of Directors shall attest thereto, and this Ordinance No. 13 shall be in full force and effect immediately upon adoption. Within 10 days after adoption of this Ordinance No. 13, a copy of this Ordinance shall be published one time in a newspaper of general circulation with the names of the Directors voting for and against this Ordinance.

Section 7 If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Passed and adopted this 5th day of June 2017, by the following vote of the San Gorgonio Pass Water Agency Board of Directors:

AYES: Stephenson, Ball, Lehtonen, Castaldo, Duncan, Thompson, & President Fenn

NOES: None

ABSTAIN: None

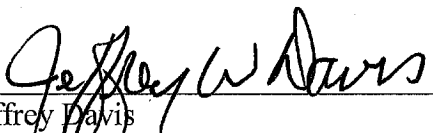
ABSENT: None

SAN GORGONIO PASS WATER AGENCY



David Fenn
President of the Board of Directors

ATTEST:



Jeffrey Davis
Secretary of the Board of Directors