

RESOLUTION NO. 2007-18

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN BENITO COUNTY WATER DISTRICT
ESTABLISHING AN INTERIM POLICY FOR RESCHEDULING OF
UNUSED/CONSERVED WATER**

RECITALS:

A. Under Article IV C. 2. of the Regulations for the Allocation of Agricultural Water, which is found in Appendix C of the Water User's Handbook, water users who have paid for but are unable to use allocated water may either 1) release the water to the District for resale by the District or 2) transfer the water to another user within the same subsystem with the District's consent.

B. Because of the anticipated shortage of water for the 2008-2009 water year, it is the desire of the Directors of the San Benito County Water District to provide a third option, effective only for the 2008-2009 water year, that would authorize a water user to reschedule unused/conserved water from the 2007-2008 water year to the 2008-2009 water year under the conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Water District that an interim policy authorizing the rescheduling of unused/conserved water from the 2007-2008 water year to the 2008-2009 water year be approved under the following terms and conditions:

1. Individual agricultural contract water users (water users) may reschedule unused/conserved water remaining in their 2007-2008 water year accounts as of February 28, 2008, into water year 2008-2009. The minimum quantity of water that may be rescheduled is one (1) acre foot.
2. Water users wishing to reschedule water shall complete a declaration and deliver the declaration to the District by February 1, 2008, indicating, among other things, the maximum quantity they intend to reschedule. Water remaining in a user's account as of March 1, 2008, in excess of the maximum set forth in the declaration shall revert to the District.
3. A user of water on a small parcel (parcel of less than 5 acres) shall not be allowed to reschedule unused water.

4. Rescheduled water shall be the first water used for water year 2008-2009.
5. Rescheduled water loss criteria, if any, shall be established by the Bureau of Reclamation in its rescheduled water policy. Any loss of rescheduled water shall first apply to individual accounts.
6. Capacity limitations, if any, on the quantity of water users can reschedule shall be ratably allocated.
7. Rescheduling by the District of District water supplies for allocation to and use by all water users shall have capacity and loss priority over individual accounts.
8. Rescheduled water may be transferred within the District subject to the District's water transfer policy.
9. Administrative fees and charges for rescheduling water shall be as follows:
 - a. Rescheduling Admin. Fee: \$3.00/AF or \$50.00/AF minimum
 - b. USBR Rescheduling Charge: As Determined by USBR
 - c. District power charges, if applicable, shall be paid according to the District's water rates and fees for the year in which the water is used.
 - d. The regulatory fees and charges shall be billed by the District in its March billing cycle and shall be paid by the user at the time of filing the Rescheduling Declaration referred to in 2. above.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors of the San Benito County Water District held on November 28, 2007, by the following vote:

AYES: DIRECTORS: Swanson, Bettencourt, Perry, Tobias and Flores
 NOES: DIRECTORS: None
 ABSENT: DIRECTORS: None

/s/Robert M. Swanson
 Robert M. Swanson, President

ATTEST:
/s/Shelley Giancola
 Shelley Giancola, District Secretary