

**Appendix 9. Permanent Entitlement
Transfer Policy**

RESOLUTION NO. 641

RESOLUTION OF THE BOARD OF DIRECTORS OF BERRENDA
MESA WATER DISTRICT OF KERN COUNTY CALIFORNIA
AMENDING RESOLUTION #613 PERTAINING TO WATER MARKETING

WHEREAS, Section 8(a) of Resolution #613 established a limitation of 2.8 acre feet per acre on the sale of water entitlement, and

WHEREAS, Section 7 of the judgment in Kern County Superior Court Case #237845 set a limit based upon the ratio of lands in the service area to the District's entitlement, and

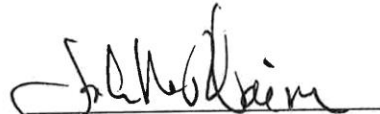
WHEREAS, the Board of Directors of the Berrenda Mesa Water District does resolve as follows:

Section 1: that Section 8(a) of Resolution #613 is hereby amended to read as follows:

8 (a) Owners of land for which a water supply contract has been executed, pursuant to the terms of Water Code Section 25422.5 shall be entitled to market the amount of entitlement set forth in said contract provided that no more than the amount set forth in paragraph 7 of the judgment in Kern County Superior Court Case #237845 which reads as follows:

"7. No owner of land within the service area of the District shall be allowed to sell entitlement attributable to such land in excess of an amount equal to the District's Table One entitlement for the year of transfer divided by the total service area of the District for that year."

Section 2: The terms of this resolution shall be retroactively effective to January 1, 2000.


President

ATTEST:


Secretary

I, HARRY O. STARKEY, Secretary of the BERRENDA MESA WATER DISTRICT, of Kern County, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of said District at a regular meeting of said Board held on ~~October 25, 2002~~ by the following roll call vote:
AUGUST 21, 2003

AYES: **MacILVAINE, LEON**
ELWELL, NEAL
JOHNSON

ABSENT: **NONE**

NOES: **NONE**

Dated: _____


Secretary, Berrenda Mesa Water District

RESOLUTION NO. 628


**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BERRENDA MESA WATER DISTRICT, OF KERN COUNTY,
CALIFORNIA, AMENDING RESOLUTION NO. 613 RELATING
TO WATER MARKETING**

The Board of Directors of Berrenda Mesa Water District does hereby resolve as follows:


Section 1: That Section 2 of Resolution No. 613 is hereby amended to read as follows:

- "2(a) The owners of all lands from which the entire amount of the District Landowner Contracts for state water entitlement is sold or 2.8 acre feet of water from non-contract lands in the service area shall execute a consent to detach said land from the District. Such consent shall be in a form as determined by the District.
- (b) If actual detachment is required by the District, the owner shall have the option of re-annexing said land to the District upon detaching a like amount of land with equal water entitlement."

ADOPTED, SIGNED AND APPROVED this 18th day of January, 2000.


President

ATTEST:


Secretary

I, HARRY O. STARKEY, Secretary of the BERRENDA MESA WATER DISTRICT, of Kern County, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of said District at a regular meeting of said Board held on January 18, 2000, by the following roll call vote:

AYES: MacIlvaine
Leon
Elwell
Johnson

ABSENT: None

NOES: Neal

Dated: _____


Secretary, Berrenda Mesa Water District

RESOLUTION NO. 613

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BERRENDA MESA WATER DISTRICT, OF KERN COUNTY, CALIFORNIA,
RELATING TO WATER MARKETING.

WHEREAS, the rising cost of water has made it uneconomic to farm certain crops in the District; and

WHEREAS, certain provisions of state law have been enacted to facilitate the marketing of water by the District; and

WHEREAS, the prorata share of the District's water entitlement is 2.8 acre feet per acre; and

WHEREAS, the District's goal is to market water entitlement while maintaining a water supply sufficient to service the lands remaining in production.

NOW, THEREFORE, in consideration of the foregoing, the Board of Directors of the BERRENDA MESA WATER DISTRICT does hereby resolve, order, and determine as follows:

1. All landowners in the District shall be allowed to participate in the water marketing of a share of the District's water entitlement, provided they have contracted for a share of the District's water supply or are in the service area of the District.
2. All lands from which the entire amount of the District Landowner contract for state water entitlement is sold or 2.8 acre feet per acre from non-contract lands in the service area shall be detached from the District.
3. If a landowner owes money to the District for delinquent water tolls, standby charges, assessments, loans or otherwise, those monies shall be paid to the District from the proceeds of sale.
4. Owners of lands from which water entitlement is sold shall pay to the District a prorata share of the remaining balance of the District's bond and DWR loan indebtedness. Owners of all such lands shall also pay a prorata share of any costs or expense incurred in connection with such water marketing.
5. Owners of land from which their allocated water entitlement is sold shall pay the District for the present value of the unit cost per acre of operation, maintenance and administrative

costs for five years at 8% interest.

6. Water entitlement from District owned land shall be the first entitlement to be marketed. Thereafter service area lands shall have a priority of marketing.

7. All net proceeds from water entitlement sales from District owned lands shall be distributed to then current owners of record of all lands which were subject to standby charges as of January 1, 1996. The net proceeds of water entitlement sales from privately owned lands shall be distributed to the owners of said lands.

8. (a) Owners of lands for which a water supply contract has been executed, pursuant to the terms of Water Code Section 35422.5, shall be entitled to market the amount of the entitlement set forth in said contract provided that no more than 2.8 acre feet per acre of landowner contracts for such entitlement shall be sold prior to January 1, 2008.

(b) The District will retain and allocate for use and potential marketing 2.8 acre feet of water entitlement per acre for service area lands for which no water supply contract is signed. These service area lands without contracts shall be entitled to market their full allocation of 2.8 acre feet per acre of water entitlement.

(c) Non service area lands which do not sign a water supply contract will be excluded from marketing water entitlement and receiving revenue from entitlement sales and no water entitlement will be reserved for future use by such lands.

9. This resolution applies only to the sale of permanent water contract entitlement as opposed to annual sales of allocated water supply excess to the needs of the District lands.

10. This resolution applies only to sales of entitlement by the District on behalf of District landowners. Any request by a landowner to make a direct permanent sale of water entitlement will be reviewed by the District's Board of Directors on a case by case basis.

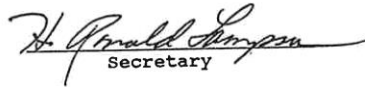
11. Resolution 602 is hereby repealed.

12. This resolution shall only take effect if the limits set forth in Section 1.b. of Resolution 611 are met.

ADOPTED, SIGNED AND APPROVED this 7TH day of AUGUST
 , 1997.


President

ATTEST:


Secretary

I, H. RONALD LAMPSON, Secretary of the BERRENDA MESA WATER DISTRICT, of Kern County, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of said District at a regular meeting of said Board held on AUGUST 7, 1997, by the following roll call vote:

AYES: JOE MacILVAINE, RON KHACHIGIAN, BILL PHILLIMORE,
TOM JOHNSON, MIKE NEAL

NOES: NONE

ABSENT: NONE

Dated:

Secretary, BERRENDA MESA WATER DISTRICT

RESOLUTION NO. 602

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BERRENDA
MESA WATER DISTRICT, OF KERN COUNTY, CALIFORNIA, RELATING
TO WATER MARKETING

WHEREAS, the rising cost of water has made it uneconomic to farm certain crops in the District; and

WHEREAS, certain provisions of state law have been enacted to facilitate the marketing of water by the District; and

WHEREAS, the prorata share of the District's water entitlement is 2.8 acre feet per acre; and

WHEREAS, the District's goal is to market such prorata share while maintaining a water supply sufficient to service the lands remaining in production.

NOW, THEREFORE, in consideration of the foregoing, the Board of Directors of the BERRENDA MESA WATER DISTRICT does hereby resolve, order, and determine as follows:

1. All landowners in the District shall be allowed to participate in the water marketing of a prorata share (2.8 acre feet/acre) of the District's water entitlement.
2. All lands from which a prorata share of the District's contract entitlement is sold shall be detached from the District.
3. If a landowner owes money to the District for delinquent water tolls, standby charges, assessments, loans or otherwise, those monies shall be paid to the District from the proceeds of sale.
4. All lands from which water is sold shall pay to the District a prorata share of the remaining balance of the District's bond and DWR loan indebtedness. All such lands shall also pay a prorata share of any costs or expense incurred in connection with such water marketing.
5. Owners of land which sell their allocated water entitlement shall pay the District for the present value of the unit cost per acre of operation, maintenance and administrative costs for five years at 8% interest.
6. Water from District owned land shall be the first to be marketed. Thereafter service area lands shall have a priority of marketing over non-service lands for a period of five years.
7. After deduction of payments as aforesaid, all net proceeds from sales from District owned lands shall be distributed to then current owners of record of all lands which were subject to standby charges as of January 1, 1996. The net proceeds of sales of privately owned lands shall be distributed to the owners of said lands.
8. It is the intent of this Board to pursue legislation specifically permitting the District to enter into long term water contract with its landowners. In the interim,

commencing in the 1997 water year, the Board intends to modify the standby charge procedure so that service area lands shall receive a standby charge only to pay for the fixed component of the costs of water under the District's contract with the Kern County water Agency which has not been ordered by landowners as of September 1 of the year prior to the year of delivery. All other fixed and variable charges shall be raised through water tolls.


9. This resolution applies only to the sale of permanent water entitlement as opposed to annual sales of surplus water.

10. This resolution applies only to sales by the District on behalf of landowners. Any request by a landowner to make a direct sale will be reviewed on a case by case basis.

ADOPTED, SIGNED AND APPROVED this 20th day of February, 1996.

ATTEST:


President


Secretary

I, H. RONALD LAMPSON, Secretary of Berrenda Mesa Water District, of Kern County, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of said District at a regular meeting of said Board held on February 20, 1996 by the following roll call vote:

AYES: Joe MacIlvaine
Bill Phillimore
Ron Khachigian
Mike Neal
Tom Johnson

ABSENT: None

NOES: Noes

Dated _____

Secretary