

RESOLUTION NO. 2023-08

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN HILLS WATER DISTRICT**

**APPROVING NOTICE OF EXEMPTION,
PROPOSED MEMORANDUM OF AGREEMENT,
COMMON USE AGREEMENT, AND RELATED MATTERS**

WHEREAS, Oak Flat Water District (OFWD) has requested for approval to deliver annually up to 70 acre-feet of OFWD's approved State Water Project (SWP) water supplies (OFWD's SWP Water) to a permanent turnout located at Milepost 42.90 of Reach 2A of the California Aqueduct (Western Hills Turnout). The Western Hills Turnout was constructed and is operated pursuant to a separate agreement executed June 8, 2000, "Agreement between the Department of Water Resources of the State of California (DWR), Kern County Water Agency, and Western Hills Water District for Construction, Operation, and Maintenance of the Western Hills Turnout A Permanent Turnout Within the California Aqueduct Right-of Way; and

WHEREAS, in furtherance of this request, OFWD requested that Kern County Water Agency (KCWA), DWR and Western Hills Water District (WHWD) permit OFWD to use the Western Hills Turnout for delivering OFWD's SWP Water; and

WHEREAS, OFWD, KCWA and WHWD desire to enter into the Memorandum of Agreement Regarding Use of Turn Out From California Aqueduct for the use of the Western Hills Turnout; and

WHEREAS, OFWD and WHWD desire to enter into the Common Use Agreement with regards to OFWD's and WHWD's use of the WHWD Turnout; and

WHEREAS, WHWD staff has prepared a CEQA Environmental Checklist to assess the potential for causing any significant adverse environmental impacts arising from the use of the WHWD Turnout by virtue of the Memorandum of Agreement or the Common Use Agreement;

WHEREAS, based upon the CEQA Environmental Checklist, it has been determined by WHWD staff that the Memorandum of Agreement, Common Use Agreement and OFWD's use of the WHWD Turnout are categorically exempt under CEQA Guidelines Section 15301 because the proposed activities concern existing facilities and will not have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board has reviewed and considered the CEQA Environmental Checklist, the Notice of Exemption, the Memorandum of Agreement and the Common Use Agreement. Based upon that review, the Board determines that the Memorandum of Agreement, Common Use Agreement and OFWD's use of the WHWD Turnout will not have a significant adverse impact on the environment and are thereby exempt from the requirements of the California Environmental Quality Act.

2. The District's General Counsel is hereby authorized and directed to file the Notice of

Exemption with the Stanislaus County Clerk.

3. The Memorandum of Agreement and Common Use Agreement are hereby approved.

4. The WHWD Operations Manager and any other officers, employees and agents of the District shall be, and each of them hereby is, authorized to give or take all actions permitted or required by this Resolution or by applicable law, with the advice of District's General Counsel, as each may deem necessary or desirable to further the purposes of this Resolution.

Moved by Director Mark Kovich, second by Director Mary Davies, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

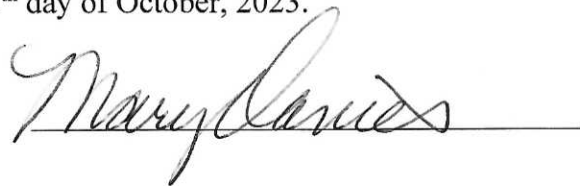
Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

I, Mary Davies, Secretary of the Board of Directors of the Western Hills Water District, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the said Board of Directors held the 11th day of October, 2023.

A handwritten signature in cursive script, reading "Mary Davies", is written over a horizontal line.