

EXHIBIT 28

RESOLUTION NO. R-91-12

RESOLUTION OF THE BOARD OF DIRECTORS OF
ANTELOPE VALLEY-EAST KERN WATER AGENCY
DECLARING A WATER SHORTAGE EMERGENCY AND
AUTHORIZING THE PURCHASE AND TRANSMISSION OF
LOCAL WATER SUPPLIES TO MITIGATE DEFICIENCIES IN
IMPORTED SUPPLIES FROM THE STATE WATER PROJECT

WHEREAS, Antelope Valley-East Kern Water Agency (hereinafter "AVEK") was created in 1959 by Act 9095 of the California State Legislature, set forth in Sections 49 to 96, inclusive, of Deering's Water Code--Uncodified Acts (hereinafter "AVEK's Principal Act"); and

WHEREAS, pursuant to Section 61(5) of AVEK's Principal Act, AVEK is empowered to acquire waterworks, waters, water rights, lands, rights, and privileges, and to maintain and operate pipelines, reservoirs, works, and other property useful or necessary to store, convey, supply, and make use of water for the benefit of AVEK and its customers; and

WHEREAS, notwithstanding the broad powers set forth in AVEK's Principal Act to develop and use local water supplies for its benefit and the benefit of its customers, AVEK historically has delivered to its customers only imported water from the State Water Project pursuant to a policy designed to preserve and replenish the groundwater supply within AVEK's boundaries; and

WHEREAS, since 1972, AVEK has delivered a total of 665,088 acre-feet of imported water to its customers in lieu of the groundwater which would have been pumped if the imported supply had not been available, and much of the imported water delivered to AVEK's customers has been introduced to the groundwater basins and subbasins within AVEK and has been available for subsequent pumping and reuse; and

WHEREAS, pursuant to Section 61(15) of AVEK's principal act, 325,369 acre-feet of the imported water was delivered under terms of Agreements providing a reduced delivery price for specifically not pumping an existing well; and

WHEREAS, five consecutive years of drought within the State of California have seriously depleted the State's water supply, dramatically reducing the quantity of imported water currently available to AVEK from the State Water Project, and the Governor of the State of California has appointed a drought emergency task force to make recommendations on measures that may be undertaken to cope with the Statewide crisis; and

WHEREAS, on February 4, 1991, AVEK received notice from the Department of Water Resources that approved deliveries from the State Water Project for 1991 would be reduced to only 22,992 acre-feet of the 63,492 acre-feet originally requested by AVEK, and that reductions would be even more severe if the State does not receive significant precipitation over the next several weeks; and

WHEREAS, this severe reduction in the delivery of water from the State Water Project has created a serious emergency within the meaning of Public Resources Code Section 21080 (4) which threatens the public health and safety of persons located within AVEK's service area, and which requires specific actions to mitigate the emergency; and

WHEREAS, AVEK proposes to mitigate the effects of the emergency water shortage by purchasing water from wells (most of which are the same wells specifically not pumped by agreement for purposes of in-lieu recharge of groundwater) and thereby utilizing a portion of that recharged water to offset AVEK's deficiency in supplies from the State Water Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Antelope Valley-East Kern Water Agency as follows:

1. A severe water shortage emergency exists within the meaning of Public Resources Code Section 21080 (4).

2. AVEK shall commence a program of specific acts to mitigate the effects of the water shortage emergency, consisting of the purchase of water from wells within AVEK's service area, in an aggregate amount not to exceed the difference between the quantity of water requested by AVEK from the State Water Project and the quantity of water approved for delivery from the State Water Project to AVEK. The terms of purchase shall be as set forth in such contracts, agreements, or leases as may be executed with the owners of the wells.

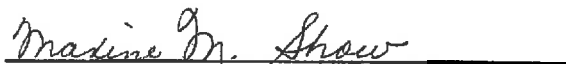
3. Contracts, agreements, or leases for the purchase of water from wells for the purposes set forth in this Resolution shall be specific acts designed to mitigate the effects of the water shortage emergency within the meaning of Public Resources Code Section 21080 (4). The Secretary of the Board of Directors shall file a notice of exemption from the provisions of the California Environmental Quality Act with the Clerk of the Board of Supervisors of Los Angeles, Kern, and Ventura Counties, and with the State Clearinghouse for the State of California.

ADOPTED this 13th day of February, 1991.



President, Board of Directors
ANTELOPE VALLEY-EAST KERN WATER
AGENCY

ATTEST:



Secretary, Board of Directors
ANTELOPE VALLEY-EAST KERN WATER
AGENCY

CERTIFICATION

I, Maxine Show, Secretary of the Board of Directors of Antelope Valley-East Kern Water Agency, hereby certify that the foregoing is a full, true and correct copy of the Resolution adopted by the Board of Directors of said Agency at the regular meeting of said Board held on the 13th day of February, 1991, by the following vote:

AYES: Directors Hunter, Dyas, Donato, Lane, Rutledge, Martin
NOES: Director Jackson
ABSENT: None
ABSTAIN: None

Maxine M. Show
Maxine Show, Secretary

RECOMMENDED BOARD ORDER 5(a-4)

To the Board of Directors

FOR BOARD ACTION

RESOLUTION NO. R-91-12
DECLARING A WATER SHORTAGE
EMERGENCY

The Board of Directors adopted the following board order on February 13, 1991:

That adoption be approved of Resolution No. R-91-12, declaring a water shortage emergency and authorizing the purchase and transmission of local water supplies to mitigate deficiencies in imported supplies from the State Water Project.

Motion by Rutledge

Second by Hunter

Carried 6 yes 1 no

BOARD ORDER 5(a-4)

2-13-91