

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

November 23, 1993

To: Board of Directors (Water Problems Committee--Action)
From: General Manager
Subject: Notice to Agricultural Water Users of Potential Service Interruption and Notice of Opportunity to Express Views Regarding that Proposed Notice

Report

Section 132 of the Metropolitan Water District's Act provides that Metropolitan may provide, sell, and deliver surplus water not needed or required for domestic or municipal uses within Metropolitan's service area for any beneficial purposes. Under this provision, Metropolitan is selling water for agricultural purposes. Section 132 also provides that Metropolitan has the right to discontinue such service upon one year's written notice to the purchasers or users of the water. That notice shall be given when the Board determines by a two-thirds vote that the water is needed for domestic or municipal purposes within Metropolitan.

An additional step in the process is added by Administrative Code Section 4603(a)(3) which requires the Water Problems Committee to provide an opportunity to interested parties to present their views to the Committee prior to a consideration of giving that notice.

In view of the uncertain water supply for the foreseeable future, it is possible that surplus deliveries may need to be curtailed in 1995. It is, therefore, appropriate to give notice of a potential partial or total discontinuance of surplus water deliveries in December 1993 to be effective in 1995. Pursuant to Section 4603(a)(3) of the Administrative Code, the Executive Secretary gave notice to member public agencies and other interested parties the opportunity to be heard at the Water Problems Committee regular meeting on December 13, 1993.

This action is not subject to the California Environmental Quality Act because it cannot have an effect on the environment without future additional Board action.

Board Committee Assignment

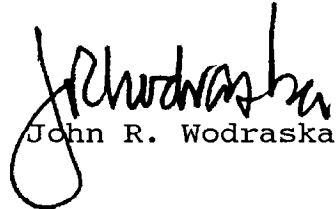
This letter was referred for action to:

The Water Problems Committee pursuant to Section 2480 of Metropolitan's Administrative Code granting it the authority to study, advise, and make recommendations with regard to policies regarding the sale and delivery of water for various uses.

Recommendation

Water Problems Committee for Action

It is recommended that the Board adopt the attached resolution directing the giving of notice of potential discontinuance of service of surplus water.


John R. Wodraska

NT:hah

Attachment

RESOLUTION

RESOLUTION OF DECEMBER 14, 1993 OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA DIRECTING THE GIVING OF NOTICE OF POTENTIAL DISCONTINUANCE OF SERVICE OF SURPLUS WATER IN 1995

Whereas, progress toward the completion of the State Water Project has not been adequate enough to enable it to keep pace with increasing demands by contractors for service from the project, and this has reduced the State's ability to reliably meet The Metropolitan Water District of Southern California's ("Metropolitan") annual requirements for State project water in dry years; and

Whereas, it is possible that California will be limited in its use of Colorado River water in 1995 and future years, with Metropolitan being the California agency most affected by such limitation; and

Whereas, due to uncertainties caused by operating restrictions, such as enforcement of the Federal and State Endangered Species Acts and proposed EPA water quality standards under the Clean Water Act, the potential for future water supply shortages exists;

Whereas, if there is insufficient precipitation during the winter of any future year the State Water Project water supply would be inadequate to meet the demands of contractors to the project; and

Whereas, Metropolitan's purpose under the Metropolitan Water District Act is to serve water for domestic and municipal purposes; and

Whereas, under Section 132 of the Metropolitan Water District Act, Metropolitan may serve surplus water only if such water is in excess to the domestic and municipal needs or requirements within Metropolitan; and

Whereas, heretofore water for agriculture has been supplied on the condition that such supply can be discontinued upon the giving of the notice required by said Section 132; and

Whereas, Section 132 of the Metropolitan Water District Act requires that Metropolitan give the purchaser or user of surplus water one year's written notice that Metropolitan will discontinue the supply of surplus water; and

Whereas, it is possible that Metropolitan will not have available for delivery, water that is surplus to the municipal and domestic needs or requirements within Metropolitan; and

Whereas, Metropolitan's Water Problems Committee has invited member public agencies and other interested parties to come before the Committee and present their views on a proposal to give the one year's notice called for by Section 132 of the Metropolitan Water District Act discontinuing in whole or in part the supply of surplus water from Metropolitan, and has considered those views.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of The Metropolitan Water District of Southern California with two-thirds of the votes of its members concurring:

1. That this Board determines and declares that all or a portion of the water presently served as surplus water may be needed for domestic or municipal uses within Metropolitan in 1995 and that Metropolitan may discontinue supplying surplus water in whole or in part at any time; and

2. That the General Manager is directed to give notice of such potential discontinuance to each member public agency presently receiving service of surplus water and to any user who has requested in writing to be notified by mailing a copy of this resolution forthwith; and

3. That such discontinuance shall only take place upon further action of this Board but without further notice to users of surplus water.

I HEREBY CERTIFY that the foregoing is full, true, and correct copy of a resolution adopted by a two-thirds vote of the Board of Directors of The Metropolitan Water District of Southern California at its meeting held on December 14, 1993.

Executive Secretary
The Metropolitan Water District
of Southern California