



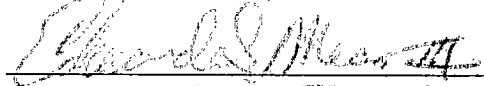
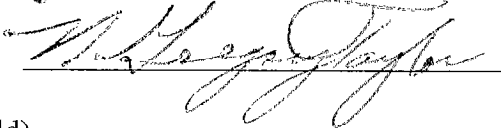
**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

**8-6**

March 26, 1997

**To:** Board of Directors (Water Planning and Resources Committee--Action)  
 (Committee on Legislation--Action)

**From:** General Manager   
 General Counsel 

**Subject:** Senate Bill 1082 (Kelley - Idyllwild)  
 Water Conveyance Facilities; Wheeling

**RECOMMENDATION(S)**

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It is recommended that the Board adopt a position opposing SB 1082.

**EXECUTIVE SUMMARY**

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SB 1082 introduced by Senator David Kelley (Idyllwild) addresses the issue of the wheeling of water through Metropolitan's Colorado River Aqueduct. The bill is special legislation to address the proposed water transfer between the Imperial Irrigation District (IID) and the San Diego County Water Authority (SDCWA). As written, the bill states that if Metropolitan and the SDCWA have not reached a settlement on how to effect the proposed IID-SDCWA water transfer by July 1, 1997, then regardless of applicable law, the Director of the California Department of Water Resources shall determine for Metropolitan how to effect such a transfer through Metropolitan's Colorado River Aqueduct. Because of its arbitrary deadline and its adverse effect upon Metropolitan's authority over its facilities, it is recommended that the Board take an oppose position to this bill.

**DETAILED REPORT**

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SB 1082 would amend Water Code § 1812 et seq. to add § 1812.5 which would require Metropolitan and the SDCWA to reach final agreement on all terms and conditions of the proposed IID-SDCWA water transfer's use of Metropolitan's Colorado River Aqueduct before July 1, 1997. Should Metropolitan and the SDCWA fail to reach such a settlement, the Director of the California Department of Water Resources shall unilaterally

declare the terms and conditions of the transfer pertaining to its usage of Metropolitan's Colorado River Aqueduct. The bill is drafted as urgent legislation to take effect immediately and will require a two-thirds vote for passage.

An oppose position is recommended for a number of reasons, including but not limited to: (1) the bill is special legislation and sets a poor statewide precedent for settling disputes regarding usage of facilities; (2) the bill interferes with ongoing negotiations between two independent parties; (3) there already exists adequate law that addresses wheeling issues and this bill would needlessly replace such law for this one case; (4) the bill adversely affects the authority of Metropolitan's Board to establish policy and procedures for operation of Metropolitan facilities; and (5) the timeline set is arbitrary and probably unrealistic.

While other reasons exist to oppose this bill, these reasons alone are sufficient to recommend that the Board oppose this proposed legislation.

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**SENATE BILL** No. 1082

SB 1082

- 2 -

Introduced by Senator Kelley

February 28, 1997

An act to amend Section 1812 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1082, as introduced, Kelley. Water conveyance facilities: joint use of capacity.

Existing law prohibits the state and any regional or local public agency from denying a bona fide transferor of water the use of a water conveyance facility under prescribed circumstances, and requires the state, regional, or local public agency that owns the facility to determine in a timely manner the amount and availability of unused capacity and the terms and conditions of use, as specified.

This bill would provide that an agency shall make both of those determinations promptly.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1812 of the Water Code is
- 2 amended to read:
- 3 1812. The state, regional, or local public agency
- 4 owning the water conveyance facility shall in a timely
- 5 manner promptly determine both of the following:
- 6 (a) The amount and availability of unused capacity.

- 1 (b) The terms and conditions, including operation and
- 2 maintenance requirements and scheduling, quality
- 3 requirements, term ~~or~~ of use, priorities, and fair
- 4 compensation.

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AMENDMENTS TO SENATE BILL NO. 1082

Amendment 1

In line 1 of the title, strike out "amend Section 1812 of" and insert:

add Section 1812.5 to

Amendment 2

In line 2 of the title, after "water" insert:

, and declaring the urgency thereof, to take effect immediately

Amendment 3

On page 1, strike out line 1 and insert:

SECTION 1. Section 1812.5 is added to the Water Code, to read:

1812.5. (a) Notwithstanding any other provision of law, with regard to the proposed transfer of conserved water from the Imperial Irrigation District to the San Diego County Water Authority, using the Metropolitan Water District of Southern California's facility, the Colorado River Aqueduct, if the authority and the Metropolitan Water District have not reached a final agreement on all terms and conditions of the transfer on or before July 1, 1997, the director shall declare the terms and conditions of the transfer.

(b) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 1999, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide, on or before July 1, 1997, a completed agreement to transfer conserved water from the Imperial Irrigation District to the San Diego County Water Authority, using the Metropolitan Water District of Southern California's facility, the Colorado River Aqueduct, thereby assuring an efficient redistribution of water resources, it is necessary that this act take effect immediately.

Amendment 4

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On page 1, strike out lines 2 to 6, inclusive, and strike  
out page 2

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