



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

9-12

April 25, 1997

To: Board of Directors (Legal & Claims Committee--Information)
(Engineering & Operations Committee--Information)

From: General Manager

Submitted by: Gary Snyder
Chief Engineer

Edward J. Meagher
Gary Snyder

Subject: Groundwater Mitigation - Eastside Reservoir Project

RECOMMENDATION(S)

For information only.

EXECUTIVE SUMMARY

Metropolitan has negotiated and is prepared to enter into an agreement with various property owners in the Mountain View Estates area near the West Dam of the Eastside Reservoir Project to provide water service connection to Eastern Municipal Water District. Such agreements are authorized under the MWD Administrative Code and in this case will resolve legislation sponsored by Assemblyman Bruce Thompson (Fallbrook), potential litigation and all future claims regarding alleged groundwater impacts attributed to the Project. The complete cost to Metropolitan will be approximately \$400,000.

DETAILED REPORT

Residents in the Mountain View Estates area approximately one and one-half miles west of the West Dam construction for the Eastside Reservoir Project have experienced impacts to their groundwater supplies. These residents rely on groundwater wells for residential water and the output from these wells has dropped dramatically in the past year. The property owners are convinced that Metropolitan's dewatering for construction has caused this impact. However, groundwater and geohydrologic investigations sponsored by Metropolitan indicate that Metropolitan has not caused these impacts.

Assemblyman Thompson introduced AB 928 which would assume that Metropolitan was at fault and require Metropolitan to cure the problems with these wells. In addition, the property owners have also indicated that they were planning to file suit and litigate this matter. To resolve the issue in a timely manner, Metropolitan entered into negotiations with the property owners.

The agreement reached with the property owners requires Metropolitan to construct a connection from Eastern Municipal Water District (Eastern) to each Mountain View Estates area property. The property owners will relinquish all legal claims for impairment of groundwater by Metropolitan and the legislation will be removed by Assemblyman Thompson. All bills for water service will be paid by the property owners directly to Eastern and Metropolitan will have no future obligations once the Eastern connection is completed. The complete cost to Metropolitan is approximately \$400,000.

The MWD Administrative Code authorizes the General Manager to enter into contracts for less than \$500,000 to protect district facilities by improving facilities owned by others (§8118(a)(1), (3)). This project will protect the ongoing construction of the Eastside Reservoir Project by improving a water supply system for these property owners and thus is covered by this section. It was deemed appropriate to inform the Board of this action given the fact there was potential litigation averted and the existence of the legislation.