

- **Board of Directors**
Water Planning, Quality and Resources Committee

October 12, 2004 Board Meeting

9-4

Subject

Adopt resolution to approve notice of potential discontinuance of service of surplus water from October 1, 2005 through September 30, 2006

Description

Section 132 of the Metropolitan Water District Act states that Metropolitan may provide, sell and deliver surplus water not needed for domestic or municipal uses within Metropolitan's service area for any beneficial use. Metropolitan sells water for agricultural purposes under this provision at a discounted rate, providing that Metropolitan has the right to discontinue surplus water service, in whole or in part, 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 surplus water is needed for domestic or municipal uses. Additionally, changes to the Act in 1999 provide that agricultural water not sold at a discounted rate is deemed to be for domestic and municipal uses and not surplus water.

Through the Interim Agricultural Water Program (Program), Metropolitan offers lower water rates for agricultural users. Under this Program, agricultural users are on notice that Metropolitan may reduce deliveries to agricultural water users participating in the Program by up to 30 percent prior to any mandatory reduction to municipal and industrial users while Metropolitan reserves the right at all times to take other actions as it deems necessary. In connection with adoption of the Program, the Board adopted a notice of a potential whole or partial discontinuance of surplus water deliveries pursuant to Section 132 of the Metropolitan Act. As stated in the April 20, 1994 board letter authorizing the Program, "A similar Resolution should be adopted every year thereafter while the Interim Agricultural Water Program is in effect." The most recent resolution was adopted by the Board on November 18, 2003. Because almost one year has elapsed since the last notice was given, it is necessary at this time to issue a new notice. The proposed notice of discontinuance of surplus water deliveries will apply only to those agricultural users participating in the Program. For these reasons, it is recommended that the Board adopt the attached resolution ([Attachment 1](#)) giving notice of the potential discontinuance of surplus water deliveries in 2005.

Policy

Metropolitan Water District Act §132: Sale of Surplus Water
Metropolitan Water District Administrative Code §§ 4900-4906: Interim Agricultural Water Program Service Regulations

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because the proposed action involves continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to the provisions of CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and the Resolution of the Board of Directors giving notice of potential discontinuance of service of Interim Agricultural Water Program water in 2005.

Fiscal Impact: None. The adoption of the resolution has no fiscal impacts on Metropolitan. Actions the Board takes in the future, should changes in State Water Project or Colorado River supplies occur, might have fiscal impacts based on the reduction in sales of surplus water.

Option #2

Do not adopt the attached Resolution (**Attachment 1**).

Fiscal Impact: Potential impact is contingent upon how the Board decides to meet surplus water demand should changes in State Water Project or Colorado River supplies occur. The Board may decide to purchase transfer water, produce from storage accounts, or allocate other water deliveries under the Water Surplus and Drought Management plan.

Staff Recommendation

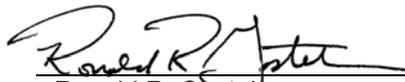
Option #1


Jill T. Wicke

Manager, Water System Operations

9/21/2004

Date


Ronald R. Gastelum

Chief Executive Officer

9/22/2004

Date

Attachment 1 – Resolution

BLA #2670

RESOLUTION**RESOLUTION 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 2005**

Whereas, an earthquake, other catastrophe, or unforeseen events could cause a shortage of water in Metropolitan's service area in the future; and

Whereas, the state's ability to reliably meet Metropolitan's annual requirements for State Water Project supplies requires continued resolution of long-standing Bay-Delta issues through the initiated state and federal (CALFED) environmental decision-making process; and

Whereas, until a long-term resolution of Bay-Delta issues is achieved, State Water Project operating requirements in the Bay-Delta could result in curtailed water deliveries and the potential for future water supply shortages; and

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

Whereas, Metropolitan's Colorado River water supply was significantly curtailed by the Department of the Interior on January 1, 2003; and

Whereas, due to the current five-year drought in the Colorado River watershed and the reduction in available reservoir storage, no surplus water will be obtainable in 2005 and little if any apportioned, but unused, water is expected to be available; and

Whereas, under Section 132 of the Metropolitan Water District Act, Metropolitan may serve surplus water if such water is in excess of 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 subject to 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, pursuant to the Interim Agricultural Water Program approved by Metropolitan on May 10, 1994, in a water shortage agricultural water deliveries may be cut back up to 30 percent prior to imposition of mandatory targets for firm deliveries; and

Whereas, Metropolitan's Water Planning, Quality and Resources 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 between October 1, 2005, and September 30, 2006, and that Metropolitan may discontinue supplying surplus water in whole or in part at any time; and

2. That the Chief Executive Officer 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 this Board hereby delegates to the Chief Executive Officer its authority to take action with respect to such discontinuance on the terms provided in the Interim Agricultural Water Program, and that any such discontinuance shall only take place upon further action of the Chief Executive Officer, but without further notice to users of surplus water; and

4. That except pursuant to the Interim Agricultural Water Program, 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 a 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 October 12, 2004.

Executive Secretary
The Metropolitan Water District
of Southern California