

- **Board of Directors**
Water Planning and Stewardship Committee

October 14, 2008 Board Meeting

8-7

Subject

Adopt a resolution to provide notice of potential discontinuance of interim agricultural service of surplus water from October 1, 2009 through September 30, 2010

Description

Section 132 of the Metropolitan Water District Act (MWD 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 surplus water. Such 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 MWD 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. Metropolitan reserves the right at all times to take other actions, as it deems necessary. In connection with the adoption of the Program, the Board adopted a notice of potential whole or partial discontinuance of surplus water deliveries pursuant to Section 132 of the MWD 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 October 9, 2007. At that time, the Board also approved an amendment to the Administrative Code to implement the Program Reduction Guidelines to facilitate a 30 percent reduction in Program deliveries beginning January 1, 2008; and due to continuing dry conditions, significant depletion of storage reserves, and reductions in State Water Project supplies owing to regulatory actions, a whole or further partial discontinuance of interim agricultural surplus water may be necessary. The Board will also be considering phase-out revisions to the Program in a concurrent October 2008 board letter; however, annual notification of a potential whole or partial discontinuance of surplus water is still necessary even if the phase-out changes to the Program are adopted.

Since about 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, and the proposed Resolution is attached ([Attachment 1](#)).

Policy

Metropolitan Water District Act Section 132: Sale of Surplus Water

Metropolitan Water District Administrative Code Sections 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

Option #1

Adopt the CEQA determination and the Resolution of the Board of Directors ([Attachment 1](#)) giving notice of potential discontinuance of service of surplus water from October 1, 2009 through September 30, 2010.

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.

Business Analysis: Provides water to meet firm demands during dry conditions

Option #2

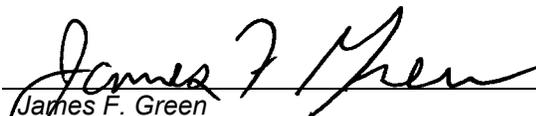
Do not adopt the attached Resolution ([Attachment 1](#)).

Fiscal Impact: Potential impact is contingent upon how the Board decides to meet demands under the Interim Agricultural Water Program. 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, as well as deliver State Water Project or Colorado River supplies.

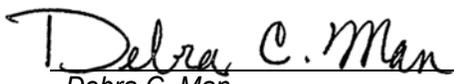
Business Analysis: Unable to reduce or discontinue service under the Interim Agricultural Water Program to help meet firm demands during dry conditions

Staff Recommendation

Option #1


 James F. Green
 Manager, Water System Operations

9/26/2008
 Date


 Debra C. Man
 for Jeffrey Kightlinger
 General Manager

9/30/2008
 Date

Attachment 1 – Resolution

BLA #6278

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 2009 - 2010**

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

Whereas, there has been insufficient precipitation in the 2006/07 and 2007/08 water years and a recent Federal ruling on State Water Project operations has resulted in a reduction of Southern California's State Water Project deliveries in 2008 and possibly beyond; 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, on January 1, 2008, the General Manager authorized a reduction in Interim Agricultural Water Program deliveries of 30 percent due to record dry hydrologic conditions and reduced supplies of Colorado River and State Water Project resources; and

Whereas, the action proposed by this Resolution is not subject to the provisions of CEQA pursuant to Sections 15378(b)(2) and 15378(b)(4) of the State CEQA Guidelines; and

Whereas, Metropolitan's Water Planning and Stewardship 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, 2009, and September 30, 2010, 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 this Board hereby delegates to the General Manager 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 General Manager, 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 14, 2008.

Board Executive Secretary
The Metropolitan Water District
of Southern California