

APPROVED  
BY THE CITY COUNCIL

APR 13 1999

OFFICE OF THE  
CITY CLERK



1.7

Department of Utilities  
Office of the Director

CITY OF SACRAMENTO  
CALIFORNIA

1395 35<sup>th</sup> Avenue  
Sacramento, CA 95822-2911  
phone (916) 264-1400  
fax (916) 264-1497/1498

March 30, 1999

AG99-070

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: SETTLEMENT AGREEMENT WITH PLACER COUNTY WATER  
AGENCY FOR WITHDRAWAL OF PROTEST FILED WITH STATE  
WATER RESOURCES CONTROL BOARD**

**LOCATION AND COUNCIL DISTRICT:** City-wide

**RECOMMENDATION:**

Staff recommends that City Council approve the attached resolution authorizing the City Manager and City Clerk to sign a settlement agreement with the Placer County Water Agency relative to a water rights protest filed in December of 1996.

**CONTACT PERSONS:** Jim Sequeira, Director of Utilities 264-1407

**FOR COUNCIL MEETING OF:** April 13, 1999

**SUMMARY**

The City filed a protest with the State of California's Water Resources Control Board in December of 1996 opposing the Placer County Water Agency's (PCWA) petition to expand their water rights place of use. The protest was based upon environmental considerations and potential injury to the City's water rights. The City and PCWA have subsequently reached agreement on the terms and conditions of the City withdrawing its protest as set forth in the attached settlement agreement.

**COMMITTEE/COMMISSION ACTION:** None



CITY OF SACRAMENTO  
DEPARTMENT  
OF UTILITIES

*Making a Difference in Your Neighborhood*

## **BACKGROUND INFORMATION**

- On July 31, 1996, PCWA filed a petition with the State Water Resources Control Board (SWRCB) to change their place of use (POU) as authorized under PCWA's water rights.
- The purpose of the petition was to expand its authorized POU to include a portion of Sacramento County to allow surface water to be used to augment existing groundwater supplies.
- City staff had concerns that this proposed change in POU by PCWA could potentially harm the City.
- The City filed a protest with the SWRCB on December 18, 1996.
- Following negotiations with PCWA, the Northridge Water District, and other participants of the Water Forum, City staff have reached tentative agreement on terms and conditions under which the City would withdraw its protest.
- The attached settlement agreement lists the terms and conditions governing the delivery of PCWA water in the expanded place of use, protects the instream resources of the lower American River, and prevents any impairment of the City's prior water rights.

## **ENVIRONMENTAL DETERMINATION**

Dismissal of the City's protests in accordance with provisions of the attached Settlement Agreement is not a "project" subject to environmental analysis under the California Environmental Quality Act (CEQA).

## **FINANCIAL CONSIDERATIONS**

There are no financial implications associated with this report and proposed City Council action.

## **POLICY CONSIDERATIONS**


The provisions of the attached Settlement Agreement are consistent with conditions negotiated between various stakeholders in the Water Forum process, and incorporate the prior City-PCWA agreement recognizing the priority of the City's surface water rights.

City Council  
March 30, 1999  
Settlement Agreement with Placer County Water Agency

**ESBD CONSIDERATIONS**

As no services or supplies are being purchased, there are no ESBD issues.

Respectfully submitted,



---

Jim Sequeira, Director of Utilities

APPROVED:

APPROVED:



---

Robert P. Thomas, City Manager



---

Jack Crist, Deputy City Manager

**APPROVED**  
BY THE CITY COUNCIL

**APR 13 1999**

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 99-1166**  
ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT  
WITH THE PLACER COUNTY WATER AGENCY FOR WITHDRAWAL  
OF PROTEST FILED WITH THE STATE WATER RESOURCES  
CONTROL BOARD**

**BE IT RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT:**

The City Manager and City Clerk are authorized to sign the Settlement Agreement with the Placer County Water Agency relative to a water rights protest filed on December 18, 1996.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_