

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION IN SUPPORT OF
WATER RIGHT APPLICATION
5647X03 FOR ADDITIONAL WATER
SUPPLIES FOR AMADOR WATER
AGENCY'S CENTRAL WATER PROJECT

RESOLUTION NO. 20-118

WHEREAS, the County and Amador Water Agency share an interest in insuring an adequate and reliable supply of water to the residents of Amador County for municipal and other beneficial uses; and

WHEREAS, in 1927, the State of California filed for water rights on the Mokelumne River under state-filed Application 5647 in order to guarantee an adequate water supply for the development of Amador County's future, even as the coastal areas rapidly developed; and

WHEREAS, in 1959, as a result of a lawsuit brought by Amador County, the State of California Department of Water Resources specifically reserved 20,000 acre-feet of water per year to Amador County on a safe yield basis; and

WHEREAS, the customers of both the Amador Water Agency and the Jackson Valley Irrigation District have benefited from the water rights reserved by the State to Amador County for its development; and

WHEREAS, in 1960, 5,000 acre-feet per annum of the rights reserved by the State for use in Amador County was assigned and permitted to the Jackson Valley Irrigation District with a provision for eventual reversion of 2,200 acre-feet per annum of that assignment to users in Amador County upstream of Jackson valley Irrigation District's point of diversion when it was needed; and

WHEREAS, Amador Water Agency's Central Amador Water Project system is an upstream area in which demand for water is projected to grow beyond the supply provided under the Agency's current licensed water right, and a lack of supply would have unacceptable economic effects on central Amador County if its development is limited by lack of water supplies; and

WHEREAS, much of central Amador County is deemed by the State to be disadvantaged and in a high fire severity zone, which increases the urgency of ensuring that the Amador Water Agency is able to obtain additional water supplies to ensure economic development and to provide more reliable fire protection to residents and businesses in this area; and

WHEREAS, Amador Water Agency has filed a Petition and Application 5647X03 with the State Water Resources Control Board to obtain a reversion of and water-right permit for a portion of the water right currently allocated to Jackson Valley Irrigation District, in order to meet projected demands in central Amador County, including planned for growth under the County's General Plan; and

WHEREAS, Amador Water Agency and Jackson Valley Irrigation District have agreed on a procedure for an orderly transfer of the water supplies reserved for use in the County, such that the two agencies will coordinate to reduce supply impacts on JACKSON VALLEY IRRIGATION DISTRICT until such time as the Agency is able to place the full amount of the new supply to beneficial use by customers in the central part of the County, and they are seeking the State Water Resources Control Board's approval of that procedure as part of approving Amador Water Agency's Application 5647X03; and

WHEREAS, Amador Water Agency also has reached an agreement with the East Bay Municipal Utility District to satisfy its protest of Application 5647X03; and

WHEREAS, the Department of Water Resources has requested that the State Water Resources Control Board impose limitations on the water-right permit sought by Amador Water Agency which are not consistent with the 1927 priority date of the rights that DWR itself reserved on a safe-yield basis for Amador County's benefit, which request Amador Water Agency is actively opposing and which request is contrary to prevailing law as set forth in the 2006 *El Dorado Irrigation Agency v. State Water Resources Control Board* decision issued by the Third District Court of Appeal of California, and

WHEREAS, not only is the water right sought by Amador Water Agency consistent with the general plan of development of the state's water resources, but granting the Agency's Application 5647X03 would ensure that Amador County is not deprived of water supplies necessary for its development and further ensure that the supplies reserved by the State to this County, which is a county of origin, are authorized for use in the County, and

WHEREAS, the State Water Resources Control Board will hold a hearing on September 29, 2020, on Amador Water Agency's Petition and Application 5647X03.

THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Amador, State of California, does hereby support Amador Water Agency's Petition for Partial Assignment of State Filed Application 5647 and Accompanying Application 5647X03, and Reversion of Rights Previously Assigned to Jackson Valley Irrigation District Under State Filed Application 5648 (Permit 12167).

BE IT FURTHER RESOLVED that the County of Amador finds and determines that the water supplies that would be assigned and permitted to Amador Water Agency would expressly be for the benefit and further development of the County, and the State's granting of the new water-right permit to the Agency would be consistent with the State's plan of development as expressed in the 1959 reservation of the subject water supplies to Amador County on a safe-yield basis for its development and use.

BE IT FURTHER RESOLVED that the County of Amador opposes the California Department of Water Resources' request that the State Water Resources Control Board impose limitations on Amador Water Agency's new water-right permit as in violation of the Department of Water Resources' express reservation of 20,000 acre-feet per annum of water supplies to Amador County on a safe-yield basis and of prevailing law under the ruling set forth in the 2006 *El Dorado Irrigation Agency v. State Water Resources Control Board* decision, and further directs the County Administrative Officer to file copies of this resolution with the State Water Resources Control Board, the Director of the Department of Water Resources, and the County's representatives in the State Legislature.

The foregoing resolution was duly passed and adopted by the Board of Supervisors in the County of Amador at a regular meeting thereof, held on the 8th day of September 2020, by the following vote:

AYES: Patrick Crew, Brian Oneto, Richard Forster, Frank Axc, Jeff Brown

NOES: None

ABSENT: None



Chairman, Board of Supervisors

ATTEST:
JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy