

Appendix H – Intent to Retain Control of Conserved Water

RESOLUTION NO. 09-64

DECLARING AN INTENT TO RETAIN CONTROL OF CONSERVED WATER

WHEREAS, the City has contractual entitlements to divert water from Folsom Reservoir, under which the City diverts and treats water for distribution to its residents and water users; and

WHEREAS, the City plans to implement a series of water conservation projects and programs for the purpose of eliminating losses of water within its water transmission and distribution system and for reducing consumption of water by its customers through on-site efficiency improvements and curtailment of water waste; and

WHEREAS, Water Code section 1011 provides that water is deemed conserved when less water is used to accomplish the same purposes of use allowed under a water right and that such cessation or reduction in use is deemed a beneficial use of a water right to the extent of such cessation or reduction in use; and

WHEREAS, Water Code section 1011 and the City's CVP water service contract authorizes the City to make water conserved as a result of such water conservation projects and programs available for use, sale, lease, exchange or short- or long-term transfers inside and outside of the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville as follows:

1. The foregoing recitals are true and are incorporated into this Resolution by this reference.
2. The City Council finds and determines that: (a) making significant investments in infrastructure and administrative resources protects the City's water supplies for the benefit of all residents and water users in the City; (b) protecting all of the City's water supplies is of paramount importance to the health and welfare of the City's residents and water users; (c) conserving water through reductions in use is intended to promote statewide policies mandating and encouraging beneficial use of water; and (d) preserving conserved water supplies and making those supplies available for use, sale or transfer is in the best interests of the City and its residents and water users.
3. The City Council declares that, by instituting programs to conserve water, it abandons no right, title or interest in or to any City water rights, contractual entitlements or any appurtenant rights necessary to exercise such water rights or entitlements.
4. In accordance with Water Code section 1011 and any contractual rights, the City reserves the right to sell, lease, exchange, or otherwise transfer for use within or outside of the City's boundaries all water that has been conserved as a result of its water conservation projects and programs.

5. The Environmental Utilities Director and staff are directed to take all actions necessary to implement this Resolution, including the filing of annual reports of reductions in water use resulting from any water conservation projects and programs carried out under this Resolution with the State Water Resources Control Board.

PASSED AND ADOPTED by the City Council of the City of Roseville on the 18th day of February 2009, by the following vote:

AYES COUNCILMEMBERS: Allard, Gray, Garcia, Roccucci, Garbolino

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None


MAYOR

Attest:


City Clerk