

RESOLUTION 2019-03

A RESOLUTION OF THE SAN GORGONIO PASS WATER AGENCY ESTABLISHING A POLICY FOR THE SALE OF WATER WHICH AGENCY MAY HAVE IN GROUNDWATER STORAGE

WHEREAS, the San Gorgonio Pass Water Agency (“Agency”) is a wholesale water agency formed under the San Gorgonio Pass Water Agency Law set forth in Water Code Appendix 101 (“Act”); and

WHEREAS, Section 15 the Act provides the authority for the Agency to take a number of actions including, but not limited to, the following: (i) to acquire water rights and supplies and to construct and operate works and facilities for the storage and conveyance of water; (ii) to sell water under the control of the Agency to retail water purveyors; and (iii) to acquire, control, distribute, store, and sink any water; and

WHEREAS, the Agency has a Groundwater Storage Agreement and Groundwater Storage Account (collectively, “Account”) with the Beaumont Basin Watermaster. The Beaumont Basin Watermaster was created pursuant to the Judgment establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197) (“Judgment”); and

WHEREAS, many of the Agency’s water sources depend on annual hydrology, thus making them subject to fluctuation from year to year. As a result, the Agency has taken actions to acquire and store imported water supplies in wet years in order to plan for drought years (“Groundwater Storage”). Such actions include, but are not limited to, the construction of the Fiesta Recharge Facility and Mountain View Connection; and

WHEREAS, the Board desires to adopt this Resolution in order to establish a policy by which it may sell water which the Agency may have in Groundwater Storage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY AS FOLLOWS:

1. Incorporation Of Recitals All of the foregoing Recitals are true and correct based on current information and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

2. Policy For Sale Of Water From Groundwater Storage

(a) Water from Groundwater Storage will be sold at the applicable rates charged to retail water purveyors, as said rates are set forth in the Agency’s Rules And Regulations For SGPWA Water Service (“Rules and Regulations”). The rates for the sale of water from Groundwater Storage will also include applicable storage fees and other fees and charges as may be established by the Agency from time to time. Said Rules and Regulations, rates, fees and charges are subject to revision from time to time.

(b) The sale of water from Groundwater Storage shall be subject to any requirements which may apply as set forth in, or pursuant to, the Agency’s Account with the Beaumont Basin Watermaster and/or the Judgment.

(c) The sale of water from Groundwater Storage shall be subject to an application process as established and implemented by the General Manager.

(d) The approval of a sale of water from Groundwater Storage shall be subject to the procedures set forth in the Agency's Rules and Regulations which apply to the sale of water to retail water purveyors.

3. No Rights Created By This Resolution This Resolution does not bind the Agency to make any amount of water available and shall not be deemed to be any representation or warranty as to the quantity of water which may be available from any of the Agency's sources.

4. Controlling Effect - All ordinances, resolutions, minute orders, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Resolution are hereby superseded only to the extent of such inconsistency.

5. Effective Date - The President of the Board shall sign this Resolution and the Secretary of the Board shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.

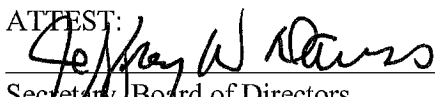
6. Severability - If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

ADOPTED AND APPROVED this 6th day of May, 2019.



President, Board of Directors
San Geronio Pass Water Agency

ATTEST:



Secretary, Board of Directors
San Geronio Pass Water Agency