

RESOLUTION NO. 2007-24

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE YUBA COUNTY WATER AGENCY
MAKING FINDINGS UNDER SECTION 5.2 OF THE YCWA ACT AND AUTHORIZING
EXECUTION OF THE YUBA RIVER ACCORD AGREEMENTS**

WHEREAS, the Board of Directors held a public hearing in accordance with the provisions of Section 5.2 of the Yuba County Water Agency Act concerning the proposed Yuba River Accord Water Purchase Agreement, and the Board has considered all written and oral objections to the proposed Water Purchase Agreement; and

WHEREAS, prior to the conclusion of the public hearing, the Board did not receive written protests against the proposed Water Purchase Agreement signed by a majority in number of registered voters residing within Yuba County; and

WHEREAS, California Water Code section 1745.10 states that a water user that transfers surface water may not replace that water with groundwater unless the groundwater use is consistent with a groundwater management plan adopted pursuant to state law for the affected area; and

WHEREAS, the Board of Directors has adopted Resolution No. 2007-23, which certifies the final environmental impact report/environmental impact statement for the Yuba River Accord, adopts findings of fact and a statement of overriding considerations, approves and adopts the mitigation monitoring and reporting plan that is described in Chapter 6 of the final EIR/EIS and selects and approves the Yuba Accord Alternative; and

WHEREAS, the Board of Directors has reviewed the Staff Report and other information presented at this meeting, including the Yuba River Accord Fisheries Agreement, Water Purchase Agreement, Conjunctive Use Agreements and Amendment of the 1966 PG&E Power Purchase Contract.

BE IT RESOLVED by the Board of Directors of the Yuba County Water Agency as follows:

1. The foregoing recitals are true and correct.
2. The Board of Directors makes the following findings under Section 5.2 of the Yuba County Water Agency Act: (a) the water that would be transferred under the Yuba River Accord Water Purchase Agreement is surplus to the amount of water available to meet the contractual requirements of the Member Units of Yuba County Water Agency, as defined in the Yuba County Water Agency Act; and (b) the water transfer under the Yuba River Accord Water Purchase Agreement may be made without injuring any legal user of the water, without unreasonably affecting fish, wildlife or other instream beneficial uses and without unreasonably affecting the overall economy of the area from which the water is to be transferred.
3. The Board of Directors makes the finding under Section 1745.10 of the

California Water Code that the transfer of surface water under the Yuba River Accord Water Purchase Agreement that is replaced with groundwater pumping by the Agency's Member Units will be consistent with the groundwater management plan adopted by the Agency for the affected area, and that groundwater pumping for such a water transfer would not create, or contribute to, conditions of long-term overdraft in the affected groundwater basin.

4. The General Manager of the Agency is hereby authorized and directed to execute the Yuba River Accord Fisheries Agreement, Water Purchase Agreement, Conjunctive Use Agreements and Amendment of the 1966 PG&E Power Purchase Contract, in substantially the form presented at this meeting, and to take all actions necessary to perform the obligations of the Agency thereunder and to implement the Yuba River Accord.

PASSED AND ADOPTED by the Board of Directors of the Yuba County Water Agency on the 23rd day of October 2007, by the following vote.

AYES: Directors Griego, Logue, Muck, Nicoletti, Schrader and Stocker
NOES: None
ABSTAIN: None
ABSENT: Director Belza

By: 
Chairman

Attest: Jeanene Upton
Assistant Secretary



CERTIFICATION

I hereby certify that I am the duly-appointed Assistant Secretary of the Board of Directories of Yuba County Water Agency, and that the foregoing resolution is a true, full and correct copy of a resolution duly approved by the Board of Directors on October 23, 2007.


Jeanene Upton, Assistant Secretary