

RESOLUTION NO. 2005-9

**ADOPTION BY NEWHALL COUNTY WATER DISTRICT
OF A REVISED URBAN WATER MANAGEMENT PLAN
FOR CALENDAR YEAR 2000 INCLUDING
A GROUNDWATER PERCHLORATE CONTAMINATION AMENDMENT
AND OTHER AMENDMENTS**

WHEREAS, California Water Code Section 10621(a) requires each urban water supplier to update its urban water management plan at least once every five years on or before December 31, in years ending in five and zero; and

WHEREAS, California Water Code Section 10620(d)(1) encourages urban water suppliers to satisfy the requirements of the Urban Water Management Planning Act (the "UWMP Act," Water Code Division 6, Part 2.6, commencing with Section 10610) by participation in area wide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use; and

WHEREAS, the Castaic Lake Water Agency ("CLWA"), in cooperation with Newhall County Water District, the Santa Clarita Water Company, and the Valencia Water Company, prepared a 2000 Urban Water Management Plan for the CLWA service area ("2000 UWMP"), which was adopted by Newhall County Water District on December 20, 2000, pursuant to Resolution No. 2121; and

WHEREAS, the 2000 UWMP was subsequently challenged in the Kern County Superior Court by the County of Ventura, the Friends of the Santa Clara River and the Sierra Club; and

WHEREAS, the Kern County Superior Court issued a Statement of Decision finding that the 2000 UWMP fully comported with the requirements of the Urban Water Management Planning Act, and entered judgment in favor of CLWA, Newhall County Water District, Santa Clarita Water Company, and the Valencia Water Company and against the County of Ventura, the Friends of the Santa Clara River and the Sierra Club; and

WHEREAS, the Friends of the Santa Clara River and the Sierra Club appealed the Judgment of the Kern County Superior Court to the Court of Appeal for the Fifth District; and

WHEREAS, the Court of Appeal for the Fifth District reversed the Judgment of the Kern County Superior Court, and directed the Superior Court "to grant the petition for writ of mandate vacating [Newhall County Water District 's] approval of the 2000 Urban Water Management Plan;" and

WHEREAS, the sole basis for the Court of Appeal’s decision was the discussion in the 2000 UWMP of perchlorate contamination in the local groundwater supplies; and

WHEREAS, on October 6, 2004, CLWA petitioned the Court of Appeal for a rehearing, notifying the Court of Appeal of CLWA’s intent to consider a revised urban water management plan for the year 2000, and specifically requesting that the Court of Appeal identify any other defects in the 2000 UWMP that would need to be addressed in a revised urban water management plan for the year 2000; and,

WHEREAS, on October 14, 2004, the Court of Appeal denied CLWA’s petition for a rehearing; and,

WHEREAS, on December 15, 2004, the Court of Appeal issued a remittitur, which was received by the Kern County Superior Court on December 20, 2004; and

WHEREAS, on December 29, 2004, the Kern County Superior Court gave notice to the parties that the petition for writ of mandate, vacating CLWA’s, Newhall County Water District’s, the Santa Clarita Water Company’s and the Valencia Water Company’s approval of the 2000 UWMP, had been granted pursuant to the order of the Court of Appeal; and

WHEREAS, on January 24, 2005, in Resolution No. 2005-8, Newhall County Water District vacated its Resolution No. 2121 and the 2000 UWMP; and

WHEREAS, Water Code Section 10620(a) mandates that every urban water supplier have an adopted urban water management plan; and

WHEREAS, Newhall County Water District has not completed preparation of the update of its Urban Water Management Plan for Year 2005 (“2005 UWMP”), nor is it required to do so until the end of the year 2005; and

WHEREAS, Water Code Sections 10621(a) and 10640 allow Newhall County Water District to periodically review and adopt amendments or changes to its urban water management plan more often than every five years; and

WHEREAS, CLWA, in cooperation with Newhall County Water District and Valencia Water Company, has prepared a draft “Groundwater Perchlorate Contamination Amendment and Other Amendments” that supersedes, replaces and supplements portions of the 2000 UWMP so as to comprise, together with the 2000 UWMP and CLWA’s AB3030 Groundwater Management Plan, a “Revised 2000 UWMP;” and

WHEREAS, the Revised 2000 UWMP, and in particular the Groundwater Perchlorate Contamination Amendment and Other Amendments, addresses the time needed to implement the available method for treating the perchlorate-contaminated water in the local groundwater basin and describes the reliability of groundwater supplies

during that treatment implementation period, as required by the Court of Appeal in its decision; and

WHEREAS, the Revised 2000 UWMP, and in particular the Groundwater Perchlorate Contamination Amendment and Other Amendments, addresses those issues required to be addressed by amendments to the UWMP Act since December 20, 2000; and

WHEREAS, the Revised 2000 UWMP was prepared pursuant to the requirements of the UWMP Act; and

WHEREAS, pursuant to Water Code Section 10621(b), on December 17, 2004, CLWA notified the City of Santa Clarita and Counties of Ventura and Los Angeles that CLWA and Newhall County Water District would be reviewing the 2000 UWMP and considering amendments or changes, and CLWA consulted with and obtained comments from those cities and counties; and

WHEREAS, pursuant to Water Code Section 10620(d)(2), CLWA coordinated the preparation of its Revised 2000 UWMP with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable; and

WHEREAS, pursuant to Water Code Section 10620(f), the Revised 2000 UWMP describes water management tools and options that will maximize resources and minimize the need to import water from other regions; and

WHEREAS, pursuant to Water Code Section 10641, CLWA consulted with and obtained comments from those public agencies or persons with special expertise with respect to demand management methods and techniques; and

WHEREAS, pursuant to Water Code Section 10642, CLWA encouraged the active involvement of diverse social, cultural, and economic elements of the population within its service area prior to and during the preparation of the Revised 2000 UWMP, which included, but it not limited to, the distribution of the Revised 2000 UWMP to three local libraries for public review, the mailing of the Revised 2000 UWMP to various local environmental groups with the invitation for written comments, and the coordination of the preparation of the Revised 2000 UWMP with the local retail water agencies;

WHEREAS, pursuant to Water Code Section 10642, prior to adopting the Revised 2000 UWMP:

- (1) On January 3, 2005, CLWA made the Revised 2000 UWMP available for public inspection, together with an errata as to the table of contents for the Amendments;
- (2) On January 6, 2005, more than two weeks before the public hearing, CLWA initiated publication of notice of the time and place of a hearing on the Revised 2000 UWMP pursuant to Government Code Section 6066;

- (3) On January 6, 2005, CLWA provided notice of the time and place of hearing to the City of Santa Clarita and to Los Angeles and Ventura Counties; and
- (4) On January 24, 2005, CLWA and Newhall County Water District held a public hearing on the Revised 2000 UWMP, together with the errata on the table of contents for the Amendments and an additional errata submitted at that hearing as to certain Newhall County Water District well listings and descriptions, and on comments to the Revised 2000 UWMP; and

WHEREAS, the Newhall County Water District Board of Directors has considered the public and director comments made at the public hearing, as well as written public comments on the Revised 2000 UWMP distributed to the Board of Directors; and

WHEREAS, the Newhall County Water District Board of Directors has carefully reviewed the Revised 2000 UWMP, the errata and any modifications made at the hearing; and

WHEREAS, the Newhall County Water District Board of Directors finds that the Revised 2000 UWMP is fully adequate and complete in its compliance with the requirements of the UWMP Act and that the conclusions reached in the Revised 2000 UWMP are supported by substantial evidence.

NOW THEREFORE, BE IT RESOLVED that this Board of Directors of Newhall County Water District does hereby adopt the Revised 2000 UWMP attached hereto as Exhibit "A" and incorporated herein by this reference, along with the errata and any modifications made at the hearing, as Newhall County Water District 's Year 2000 Urban Water Management Plan;

RESOLVED FURTHER that Newhall County Water District shall implement the Revised 2000 UWMP in accordance with the schedule set forth therein;

RESOLVED FURTHER that Newhall County Water District shall immediately and no later than February 23, 2005 submit to the Department of Water Resources, the California State Library, and the City of Santa Clarita and Los Angeles and Ventura Counties a copy of the Revised 2000 UWMP;

RESOLVED FURTHER that Newhall County Water District shall immediately and no later than February 23, 2005 make the Revised 2000 UWMP available for public review at Newhall County Water District administrative offices at 23780 N. Pine Street, Santa Clarita, CA, during normal business hours.

RESOLVED FURTHER that Newhall County Water District staff is instructed to continue cooperating with CLWA in its preparation of the 2005 UWMP in full

compliance with the UWMP Act so that the 2005 UWMP can be adopted by the Board of Directors prior to the end of Year 2005 as required by the UWMP Act.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Board of Directors of Newhall County Water District held on January 24, 2005. Resolution No. 2005-9 was adopted by the following vote:

AYES: **Directors Gutzeit, Dore, Pfiester**

NOES: **Directors Plambeck, Dunn**

ABSTAIN: **Directors**



**Maria Gutzeit, President
Board of Directors of the
Newhall County Water District**

ATTEST:



**Karin J. Russell
Secretary of the Board of Directors**

EXHIBIT "A"

REVISED 2000 UWMP
(Attached hereto)

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Newhall County Water District , and that at a special meeting of the Board of Directors of said District held on Monday January 24, 2005, the foregoing Resolution No. 2005-9 was duly and regularly adopted by said Board, and that said resolution has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: January 24, 2005



Karin J. Russell
Secretary, Newhall County Water District