

Resolution No. _____
County Administration Building
Santa Rosa, California
Date _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY 1) APPROVING SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE SONOMA COUNTY WATER AGENCY AND LANDOWNERS FOR WATER RIGHTS RESOLVING CEQA LITIGATION RELATED TO APPROVAL OF APRIL 2008 AMENDED AGREEMENT BY AND BETWEEN THE SONOMA COUNTY WATER AGENCY AND THE DRY CREEK AGRICULTURAL WATER USERS, INC.; 2) RESCINDING APPROVAL OF APRIL 2008 AMENDED AGREEMENT; 3) DETERMINING THAT APPROVAL OF REVISED AMENDED AGREEMENT BY AND BETWEEN THE SONOMA COUNTY WATER AGENCY AND THE DRY CREEK AGRICULTURAL WATER USERS, INC., WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT AND AUTHORIZING FILING OF A NOTICE OF EXEMPTION; 4) APPROVING AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE REVISED AMENDED AGREEMENT; AND 5) AUTHORIZING AND DIRECTING THE GENERAL MANAGER/CHIEF ENGINEER TO APPROVE THE DRY CREEK AGRICULTURAL WATER USERS, INC.- MEMBER AGREEMENT FORM AND TO TAKE SUCH OTHER ACTIONS AS ARE REQUIRED TO IMPLEMENT THE AGREEMENTS

WHEREAS, both the Sonoma County Water Agency (Agency) and the Members of the Dry Creek Agricultural Water Users, Inc. (Dry Creek Corporation) claim rights to use water from Dry Creek for beneficial use, which rights could, under some circumstances, be in conflict; and

WHEREAS, the Agency and Dry Creek Corporation agreed that adjudicating their competing water rights claims would be costly, time consuming, and ultimately, produce no new water and therefore approved the Amended Agreement By and Between the Sonoma County Water Agency and the Dry Creek Agricultural Water Users, Inc. (Amended Agreement); and

WHEREAS, Landowners for Water Rights (Landowners) initiated litigation under the California Environmental Quality Act (CEQA) challenging the Agency's approval of the Amended Agreement; and

WHEREAS, the Agency, Dry Creek Corporation and Landowners have negotiated a proposed Settlement Agreement and Mutual Release, resolving the CEQA litigation; and

WHEREAS under the terms of the proposed Settlement Agreement, the Agency must consider rescinding its approval of the Amended Agreement and adopting the Revised Amended Agreement.

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NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sonoma County Water Agency hereby finds, determines, and declares as follows:

1. All of the above recitals are true and correct.
2. The Settlement Agreement and Mutual Release between the Sonoma County Water Agency and Landowners for Water Rights Resolving CEQA Litigation is hereby approved and the Chairman of the Board is hereby authorized to execute it on behalf of the Agency.
3. The approval of the April 2008 Amended Agreement, by Resolution 08-0377, is hereby rescinded.
4. The authorization and direction to the General Manager/Chief Engineer, by Resolution 08-0377 to approve the Dry Creek Corporation-Member Agreement is hereby rescinded.
5. The Board has reviewed and considered the Notice of Exemption prepared by staff, and concludes that the approval of the Revised Amended Agreement By and Between the Sonoma County Water Agency and the Dry Creek Agricultural Water Users, Inc., and the approval of the Dry Creek Corporation-Member Agreement are exempt from the requirements of CEQA.
6. The Revised Amended Agreement is hereby approved and the Chairman of the Board is authorized to execute it on behalf of the Agency.
7. The General Manager/Chief Engineer is authorized and directed to approve the Dry Creek Corporation-Member Agreement in substantially the form on file with the Clerk, and to take such other actions as are required to implement the agreements.
8. The General Manager/Chief Engineer is authorized and directed to file a Notice of Exemption with the County Clerk in accordance with CEQA.

DIRECTORS:

BROWN:	KERNS:	ZANE:	CARRILLO:	KELLEY:
Ayes	Noes	Absent	Abstain	

SO ORDERED.