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RESOLUTION 2009- _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA,
APPROVING AMENDMENT NO. 9 TO THE WATER SUPPLY CONTRACT WITH THE
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AGREEMENT NO. 1926 TO PARTICIPATE IN FUNDING CERTAIN COSTS
RELATED TO THE NORTH BAY AQUEDUCT ALTERNATE INTAKE PROJECT**

WHEREAS, the City of Calistoga has contracted with the Napa County Flood Control and Water Conservation District (District) for the purpose of delivery of water from the State Water Project (SWP); and

WHEREAS, the SWP is administered and operated by the California Department of Water Resources (DWR), and the District is a State Water Contractor under contract with DWR; and

WHEREAS, SWP water is diverted into the North Bay Aqueduct from the Sacramento-San Joaquin Delta at the authorized point of diversion pursuant to water rights for the SWP, including but not limited to, Permit 016483 (A01754A); and

WHEREAS, diminished water quality, maintenance problems and other issues at the current authorized point of diversion have prompted District and Solano County Water Agency (SCWA), which shares portions of the North Bay Aqueduct facilities, to request DWR to initiate a program for development of an alternate point of diversion for the North Bay Aqueduct; and

WHEREAS, the District and SWCA desire that DWR be the lead agency of a proposed project under the California Environmental Quality Act (CEQA) for development of an alternate intake at the North Bay Aqueduct and that DWR hire an environmental consultant to do the environmental work and prepare the documentation necessary under CEQA; and

WHEREAS, the District and SWCA, following completion of the environmental review process, will decide whether to execute amendments to the two agencies' long-term water supply contracts with DWR to enable DWR to proceed with final design and construction and file a Petition for Change in Point of Diversion from the State Water Resources Control Board; and

WHEREAS, City desires that District participate in the North Bay Aqueduct Alternate Intake Project studies for purposes of improved water quality and water supply reliability; and

WHEREAS, the parties believe that it is in the best interest of District and the City to amend the Agreement No. 1926 to authorize signing a Funding Agreement with SCWA and DWR for the costs of environmental analysis, planning and conceptual