

Council Meeting of
September 12, 2006

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Public Works - Agreement to temporarily lease 130 acre feet of groundwater rights to the Roman Catholic Archbishop of Los Angeles.

RECOMMENDATION

The Public Works Director recommends that the City Council approve an Agreement to temporarily lease 130 acre feet of water rights to the Roman Catholic Archbishop of Los Angeles during the remaining 06-07 fiscal year.

Funding

There is no funding required. Revenues in the amount of \$9,750 will be generated from the temporary use of water rights for this fiscal year.

BACKGROUND AND ANALYSIS

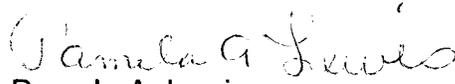
The City of Torrance has an annual allocation of 5,640 acre-feet of groundwater pumping rights. Currently the City has an unused amount of water rights available for temporary lease this fiscal year. In the past, the City has temporarily leased unused water rights.

On June 20, 2006, City Council approved an agreement to temporarily lease 130 acre feet of groundwater rights for the 05-06 fiscal year and 200 acre feet of groundwater rights for the 06-07 fiscal year to the Roman Catholic Archbishop of Los Angeles (RCALA). The agreement was submitted to the Department of Water Resources Southern District Watermaster (DWR) who accounts for groundwater right allocations. The DWR accepted the agreement for the 200 water rights in the 06-07 fiscal year, but did not accept the agreement for the 130 water rights in the 05-06 fiscal year. The latter was not accepted due to the late execution of the agreement beyond the end of the fiscal year date of June 30, 2006.

As a result of the late filing, the Roman Catholic Archbishop of Los Angeles would like to temporarily lease an additional 130 acre feet of groundwater rights this fiscal year. The City of Torrance does have available for lease the 130 acre feet of ground water rights this fiscal year. The RCALA will pay \$75 per acre-foot for the use of water rights until the end of June 2007. The City will be compensated \$9,750 by the RCALA for the temporary use of these water rights.

Respectfully submitted,

ROBERT J. BESTE
Public Works Director


By Pamela A. Lewis
Administrative Analyst

CONCUR:


Robert J. Beste
Public Works Director


LeRoy J. Jackson
City Manager

Attachment: A) Water Rights Lease Agreement

WATER RIGHT LICENSE AND AGREEMENT

WEST COAST BASIN

For a valuable consideration in the amount of \$75.00 per acre-foot, the CITY OF TORRANCE, a Municipal Corporation ("LICENSOR") hereby grants to ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES, a Non-Profit California Corporation, ("LICENSEE") a license to extract 130 acre-feet of licensor's Adjudicated Right allocated to licensor (or predecessors in interest) pursuant to a Judgment dated August 18, 1961, and entered in Los Angeles Superior Court Case No. 506806 entitled "*California Water Service Company, et al. vs.. City of Compton, et al.*" During the period commencing July 1, 2006 and continuing to and including June 30, 2007.

Said license is granted, subject to the following conditions:

- (1) Licensee shall exercise said right and extract he same on behalf of the CITY OF TORRANCE during the period above specified and put the same to beneficial use and licensee shall not by the exercise hereunder of said right acquire and right to extract water independent of the rights of Licensor.
- 2) Licensee shall pay assessments levied on the pumping of said ground waters by the Water Replenishment District of Southern California.
- 3) Licensee shall notify the District and Watermaster that said pumping was done pursuant to the license and provide the Watermaster with a copy of this document.
- 4) Licensee shall note, in any recording of water production for the period of the agreement, that said pumping was done pursuant to this license.
- 5) Licensee's Adjudicated Right shall be increased by the amount hereby leased when computing carry-over or allowable or extraction as provided by Paragraph V(1) in said Judgment.

The CITY OF TORRANCE warrants that it has 130 acre-feet of Adjudicated Right and that it has not pumped and will not pump or permit or license any other person to pump any part of said 130 acre-feet during period of July 1, 2006 through June 30, 2007.

CITY OF TORRANCE
a Municipal Corporation

ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES
a California Non-profit Corporation

Frank Scotto, Mayor

By: _____

Dated: _____

ATTEST:

Sue Herbers
City Clerk

Dated: _____

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Patrick Sullivan
Deputy City Attorney

Dated: _____