



## **RESOLUTION No.** 2019-10

### OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

**ADOPTING AN OPPOSE UNLESS AMENDED POSITION ON ANY PENDING LEGISLATION THAT WOULD AMEND THE FEIGENBAUM ACT IN A WAY THAT MAY, IN THE DISCRETION OF THE GENERAL MANAGER, NEGATIVELY IMPACT NEVADA IRRIGATION DISTRICT**

**WHEREAS**, Nevada Irrigation District (NID) is the water provider for significant portions of Nevada, Placer, and Yuba Counties, and;

**WHEREAS**, much of NID's service territory is geographically located in what is considered the county-of-origin or area-of-origin areas recognized under California law, and;

**WHEREAS**, the Feigenbaum Act (Water Code §§ 10500 et seq.) (the Act) governs, among other things, the application, filing, formalities, priority, diligence and assignment of state filed water rights, and;

**WHEREAS**, the Act states that no state filed water right shall be released or assignment made that will "deprive the county in which the water covered by the application originates of any such water necessary for the development of the county[ ]", and;

**WHEREAS**, Senate Bill 474 (Stern) was introduced on February 21, 2019, and, as introduced, would have amended the Act, including eliminating the exemption from the application of diligence as of January 1, 2021, for state filed applications, and;

**WHEREAS**, SB 474, as introduced, would have created confusion and uncertainty in the law applicable to state filed water rights, including county-of-origin and area-of-origin protections enjoyed by NID and many others in Northern California, and;

**WHEREAS**, SB 474 has been gutted and amended and no longer proposes amendments to the Act; however, Senator Stern has expressed a desire to revisit the topics introduced by SB 474 in the future, and;

**WHEREAS**, the Board of Directors of NID believe it important to take a position on potential future legislation that amends the Act, particularly in a way that creates uncertainty in the law regarding county-of-origin or area-of-origin protections.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Nevada Irrigation District that it adopts an oppose unless amended position on any legislation that is introduced that would amend the Feigenbaum Act in any way that, in the discretion of the General Manager, would negatively implicate the interests and legal protections afforded NID by the Act, including county-of-origin and area-of-origin protections.

**BE IT FURTHER RESOLVED**, that the General Manager and District Legal Counsel are directed to monitor proposed legislation for amendments to any Act with similar mechanisms, and are directed to report any developments to the Board of Directors.

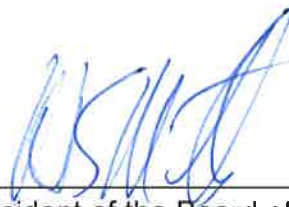
**PASSED AND ADOPTED** by the Board of Directors of Nevada Irrigation District at a regular meeting duly called and held within the District on the 22<sup>nd</sup> day of May 2019 by the following roll call vote:

**AYES:** Directors: Wilcox, Bierwagen, Heck, Miller

**NOES:** Directors: Peters

**ABSENT:** Directors: None

**ABSTAINS:** Directors: None



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President of the Board of Directors

**Attest:**



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Secretary to the Board of Directors