

EXHIBIT LWL-10

C

Effective:[See Text Amendments]

West's Annotated California Codes CurrentnessWater Code Appendix (Refs & Annos)■ Chapter 52. Monterey County Water Resources Agency Act (Refs & Annos)

→ § 52-8. Objects and purposes of act

Sec. 8. The objects and purposes of this act are to provide for the control of the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside the agency, but which streams and flood waters flow into the agency, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, and causing those waters to percolate into the soil within the agency, or to save and conserve in any manner all or any of those waters and to protect from those flood or storm waters the public highways, life, and property in the agency, and the watercourses and watersheds of streams flowing into the agency, and to increase, and prevent the waste or diminution of the water supply in the agency, including the control of groundwater extractions as required to prevent or deter the loss of usable groundwater through intrusion of seawater and the replacement of groundwater so controlled through the development and distribution of a substitute surface supply and to prohibit groundwater exportation from the Salinas River Groundwater Basin, and to obtain, retain, and reclaim drainage, storm, flood, and other waters for beneficial use within the agency; and to provide, in the discretion of the agency in connection with and as an incident to any works, dam, or reservoir heretofore or hereafter constructed either within or without the agency, for the construction, maintenance, and operation of a minimum or permanent pool and facilities for swimming, boating, fishing, and recreation in or upon waters stored in any stream, reservoir, or minimum or permanent pool, and for the acquisition in any manner provided in this act and for the use by the agency, in addition or adjacent to lands that may be used or acquired for flood control or water conservation purposes or that may be acquired for the maintenance or protection of any such works, dam, or reservoir or watersheds adjacent thereto, of lands deemed by the supervisors of the agency to be necessary or convenient for the installation, construction, use, and maintenance of recreational areas or facilities, including picnic grounds, playgrounds, campgrounds, homesites, boats and fishing, bathing, or other facilities for use by the public, subject to such rules and regulations and reasonable charges as may be prescribed by the board of supervisors of the agency. However, no property situated in another county, shall be condemned by the agency for recreational areas or facilities unless the board of supervisors of the county in which the property is situated agrees to the condemnation thereof.

CREDIT(S)

(Stats.1990, c. 1159 (S.B.2580), § 8.)

HISTORICAL AND STATUTORY NOTES

1999 Main Volume

Former § 52-8, enacted by Stats.1947, c. 699, § 8, relating to officers of the district, was repealed by Stats.1990, c. 1159 (S.B.2580), § 49.

Derivation: Former § 52-4, enacted by Stats.1947, c. 699, § 4, amended by Stats.1956, 1st Ex.Sess., c. 60, § 1; Stats.1987, c. 119, § 1.

West's Ann. Cal. Water Code App. § 52-8, CA WATER App. § 52-8

Current with urgency legislation through Ch. 4 of the 2009 Reg.Sess., Ch. 12 of the 2009-2010 2nd Ex.Sess., and Ch. 25 of the 2009-2010 3rd Ex.Sess., Governor's Reorganization Plan No. 1 of 2009, and Props. 1A to 1F on the 5/19/2009 ballot and propositions on the 6/8/2010 ballot received as of 6/1/2009

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→ § 52-9. Powers of agency

Sec. 9. The agency has perpetual succession and may do any of the following:

- (a) Sue and be sued in the name of the agency in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (b) Adopt a seal and alter it at pleasure.
- (c) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and construct, maintain, alter, and operate any and all works or improvements, within or outside the agency, necessary or proper to carry out any of the purposes of this act and complete, extend, add to, alter, remove, repair, or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
- (d)(1) Store water in surface or underground reservoirs within or outside the agency for the common benefit of the agency of any zones affected.
- (2) Conserve and reclaim water for present and future use within the agency.
- (3) Appropriate and acquire water and water rights, and import water into the agency and conserve within or outside the agency, water for any purpose useful to the agency.
- (4) Commence, maintain, intervene in, defend, or compromise, in the name of the agency on behalf of the landowners therein, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or outside the agency, used or useful for any purpose of the agency or of common benefit to any land situated therein, or involving the wasteful use of water therein.
- (5) Commence, maintain, intervene in, defend, and compromise and to assume the cost and expenses of any and all actions and proceedings.
- (6) Prevent interference with, or diminution of, or declare rights in, the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants.
- (7) Prevent unlawful exportation of water from the agency.

- (8) Prevent contamination, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in the agency, and commence, maintain, and defend actions and proceedings to prevent any interference with those waters which endangers or damages the inhabitants, lands, or use of water in, or flowing into, the agency. However, the agency may not intervene or take part in, or pay the cost or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.
- (e) Control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside the agency, but which streams and the flood waters thereof, flow into the agency, and conserve those waters for beneficial and useful purposes of the agency by spreading, storing, retaining, and causing to percolate into the soil within or outside the agency, or save or conserve in any manner all or any of those waters and protect from damage from those flood or storm waters the watercourses, watersheds, public highways, life, and property in the agency, and the watercourses of streams outside the agency flowing into the agency.
- (f) Cooperate and act in conjunction with, the state, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, or with the county, in the construction of any work for the controlling of flood or storm waters of, or flowing into, the agency, or for the protection of life or property therein, or for the purpose of conserving those waters for beneficial use within the agency, or in any other works, acts, or purposes provided for herein, and adopt and carry out any definite plan or system of work for any such purpose.
- (g) Carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without the agency relating to watercourses or streams flooding in or into the agency. For those purposes, the agency has the right of access through its authorized representatives to all properties within the agency and elsewhere relating to watercourses and streams flowing in or into the agency. The agency, through its authorized representatives, may enter upon those lands and make examinations, surveys, and maps thereof.
- (h)(1) Enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways, and other rights-of-way.
- (2) Acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply maintenance, repair, and improvement of those works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, if necessary to that end, and acquire and hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, if the ownership of the stock is necessary to secure a water supply required by the agency or any part thereof, and if when holding that stock, the agency is entitled to all the rights, powers, and privileges, and is subject to all the obligations and liability conferred or imposed by law upon other holders of that stock in the same company.
- (3) Perform acts necessary or proper for the performance of any agreement with the United States, or any state, county, city, district of any kind, public or private corporation, association, firm, or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works, or other property of a kind which might be lawfully acquired or owned by the agency.
- (4) Acquire the right to store water in any reservoirs, or carry water through any canal, ditch, or conduit not owned or controlled by the agency.
- (5) Grant to any owner or lessee the right to the use of any water or right to store water in any reservoir of the

agency, or to carry water through any tunnels, canal, ditch, or conduit of the agency.

(6) Perform acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm, or individual, or any number of them for the transfer or delivery to any district, corporation, association, firm, or individual of any water right or water pumped, stored, appropriated, or otherwise acquired or secured, for the use of the agency, or for the purpose of exchanging the same for other water, water right, or water supply in exchange for water, water right, or water supply to be delivered to the agency by the other party to the agreement.

(7) Cooperate with, and act in conjunction with, the state, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into the agency, or for the protection of life or property therein, or for the purpose of conserving the waters for beneficial use within the agency, or for the protection, enhancement, and use of groundwater within the agency, or in any other works, acts, or purposes provided for herein, and adopt and carry out any definite plan or system of work for any such purpose.

(i) Incur indebtedness and issue bonds in the manner provided in this act.

(j) Cause taxes or assessments to be levied and collected in order to pay any obligation of the agency and carry out any of the purposes of this act.

(k) Make contracts, and employ labor, and do all acts necessary for the full exercise of all powers vested in the agency or any of the officers thereof, by this act.

(l) Buy, provide, sell, and deliver water.

(m) Exchange water.

(n) Develop and distribute water to persons in exchange for ceasing or reducing groundwater extractions, and prevent groundwater extractions which are determined to be harmful to the groundwater basin.

(o) Transport, reclaim, purify, desalinate, treat, or otherwise manage and control water for the beneficial use of persons or property within the agency.

(p) Construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency whether within or without the agency, subject to the limitations as to eminent domain use for recreational purposes outside the agency set forth in [Section 4](#), and provide by ordinance regulations binding upon all persons to govern the use of those facilities, including regulations imposing reasonable charges for the use thereof.

(q) Regulate, inspect, and license all structures, including docks and wharves, or structures used as docks or wharves, and their anchorage or mooring system, that float on, or are designed to float on, the surface of reservoirs operated or contracted to be operated by the agency or that are located within the area subject to its flowage easement, or that are located on real property of the agency, and charge a reasonable fee for licensing those structures.

Any of those structures that are unlicensed more than 30 days after notice to license the structure has been posted thereon, or any unlicensed structure that is neither anchored nor moored, or is found on property owned in fee by the agency, is a nuisance. The agency may have injunctive relief for any of those nuisances, or may summarily abate

any untended structure floating on the surface of the reservoir that is neither anchored nor moored, or any untended structure found on property owned in fee by the agency. It is a misdemeanor to maintain, anchor, or moor or suffer to be maintained, anchored, or moored on property of which one is possessed any unlicensed structure when that structure is required to be licensed pursuant to this act. The misdemeanor is punishable by a fine not to exceed five hundred dollars (\$500), or by imprisonment in the county jail for not to exceed six months, or by both that fine and imprisonment. Each day of violation of these provisions constitutes a separate offense.

(r) Use any part of its water, and any part of its works, facilities, improvements, and property used for the development, storage, and transportation of water pursuant to this section to provide, generate, and deliver hydroelectric power, and acquire, construct, operate, and maintain any and all works, facilities, improvements, and property necessary or convenient therefor.

(s)(1) Pursuant to contract, provide, generate, sell, and deliver hydroelectric power to the United States or any board, department, or agency thereof, to the state for the purposes of the State Water Resources Development System, and to any public agency, public utility, private corporation, or other person or public entity, or any combination thereof, engaged in the sale of electric power.

(2) For the purposes of this subdivision, "public agency" means a city, county, city and county, district, local agency, public authority, or public corporation.

(t) Construct, maintain, and operate works, facilities, improvements, and property of the agency useful or necessary for the provision, generation, and delivery of hydroelectric power, pursuant to subdivisions (r) and (s).

(u) Prevent the export of groundwater from the Salinas River Groundwater Basin, except that use of water from the basin on any part of Fort Ord shall not be deemed an export. Nothing in this act prevents the development and use of the Seaside Groundwater Basin for use on any lands within or outside that basin.

CREDIT(S)

(Stats.1990, c. 1159 (S.B.2580), § 9. Amended by Stats.1991, c. 1130 (S.B.285), § 2.3, eff. Oct. 14, 1991; Stats.1993, c. 234 (S.B.1020), § 1.)

HISTORICAL AND STATUTORY NOTES

1999 Main Volume

Former § 52-9, enacted by Stats.1947, c. 699, § 9, relating to administrative regulations, was repealed by Stats.1990, c. 1159 (S.B.2580), § 49.

Derivation: Former § 52-5, enacted by Stats.1947, c. 699, § 5, amended by Stats.1963, c. 2029, § 11; Stats.1970, c. 442, § 1; Stats.1971, c. 388, § 1; Stats.1975, c. 584, § 12; Stats.1977, c. 146, § 5; Stats.1987, c. 119, § 2.

West's Ann. Cal. Water Code App. § 52-9, CA WATER App. § 52-9

Current with urgency legislation through Ch. 4 of the 2009 Reg.Sess., Ch. 12 of the 2009-2010 2nd Ex.Sess., and Ch. 25 of the 2009-2010 3rd Ex.Sess., Governor's Reorganization Plan No. 1 of 2009, and Props. 1A to 1F on the 5/19/2009 ballot and propositions on the 6/8/2010 ballot received as of 6/1/2009

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