

CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

B. 2007/2008 BUDGET





CHINO BASIN WATERMASTER

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KENNETH R. MANNING
Chief Executive Officer

STAFF REPORT

DATE: June 14, 2007
June 19, 2007
June 28, 2007

TO: Committee Members
Watermaster Board Members

SUBJECT: Proposed Fiscal Year 2007/2008 Budget

SUMMARY

Issue – Annual Budget for Watermaster Administration and OBMP tasks during FY 2007/08.

Recommendations – Staff recommends the Committees and the Board take action to approve/adopt the Proposed FY 2007/08 Budget.

Fiscal Impact – The FY 2007/08 Proposed Budget expenses are \$7,867,370. The FY 2007/08 Budget, as proposed, anticipates a slight increase in Administrative and OBMP costs, and an increase in OBMP project costs over the prior year "amended" budget.

DISCUSSION

For the Administrative costs:

- The draft budget includes anticipated increases in staff salary costs based on the proposed COLA this year of 4%.
- The draft budget includes anticipated increases for Information Services which encompasses costs to maintain developed databases, develop additional databases and to maintain the Watermaster computer network & workstations.

For OBMP General costs:

- Attorney-General Manager's meetings, Pool meetings, Advisory Committee and Board meetings.
- Miscellaneous data requests from Appropriators.
- Recalibration/Update groundwater model.

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- Fund Microeconomic study.

Staff has compiled a draft budget for OBMP Project costs:

- Monitoring activities – Groundwater production, groundwater level and quality, surface water discharge and quality, and ground level.
- Continued implementation of the recharge improvement project including recharge and well monitoring program – this budget includes \$760,000 for Recharge O&M expenses and \$1,377,552 for Recharge debt service.
- Support of the Water Quality Committee, including engineering support for mitigation of volatile organic chemicals (VOC) plumes associated with the Ontario International Airport and the Chino Airport. Watermaster is also performing a comprehensive groundwater monitoring program in MZ-3.
- Development of a recharge master plan
- Management of subsidence and related monitoring and analysis
- Continued implementation of the Hydraulic Control Monitoring Program

In summary, the FY 2007/08 Budget, as proposed, anticipates a slight increase in Administrative and OBMP costs and an increase in project costs. Final assessments will be refined when the assessment package is prepared this fall; assessments are dependent on prior year pumping which will affect the final assessment amounts.





CHINO BASIN WATERMASTER

2007 / 2008

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**CHINO BASIN WATERMASTER
SUMMARY BUDGET 2007-2008**

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
Ordinary Income					
4000 Mutual Agency Revenue	\$200,139	\$0	\$138,000	\$145,500	\$7,500
4110 Appropriative Pool Assessments	4,829,596	5,214,166	7,227,619	7,423,879	196,259
4120 Non-Agricultural Pool Assessments	66,160	0	80,586	116,492	35,906
4730 Prorated Interest Income	334,285	108,305	136,500	181,500	45,000
4900 Miscellaneous Income	42,500	0	0	0	0
Total Income	5,472,680	5,322,471	7,582,705	7,867,370	284,665
Administrative Expenses					
6010 Salary Costs	491,105	355,627	447,037	477,247	30,210
6020 Office Building Expense	93,227	51,946	102,000	101,580	-420
6030 Office Supplies & Equip.	40,039	22,746	51,500	51,150	-350
6040 Postage & Printing Costs	79,874	46,661	78,500	83,000	4,500
6050 Information Services	89,452	68,809	112,500	132,000	19,500
6060 WM Special Contract Services	48,567	63,175	131,000	117,500	-13,500
6080 Insurance Expense	25,133	15,108	25,210	18,210	-7,000
6110 Dues and Subscriptions	15,677	13,420	16,750	16,750	0
6150 Field Supplies & Equipment	1,003	867	4,000	2,500	-1,500
6170 Vehicle Maintenance Costs	20,299	13,477	19,350	25,000	5,650
6190 Conferences & Seminars	17,245	19,375	22,500	22,500	0
6200 Advisory Committee Expenses	13,964	7,605	15,168	18,931	3,763
6300 Watermaster Board Expenses	42,743	17,164	36,955	41,714	4,759
6500 Education Fund Expenditures	375	375	375	375	0
8300 Appropriative Pool Administration	20,015	10,588	15,918	24,001	8,083
8400 Agricultural Pool Administration	130,684	40,734	95,633	96,004	371
8500 Non-Agricultural Pool Administration	4,100	3,391	6,694	7,328	634
9400 Depreciation Expense	31,714	0	0	0	0
9500 Allocated G&A Expenditures	-380,801	-195,527	-408,749	-419,640	-10,891
Total Administrative Expenses	784,415	555,540	772,341	816,150	43,809
General OBMP Expenditures					
6900 Optimum Basin Mgmt Program	1,329,336	931,973	1,713,780	1,716,138	2,358
6950 Cooperative Efforts	31,928	10,000	5,000	10,000	5,000
9501 Allocated G&A Expenditures	131,649	68,630	142,015	141,199	-816
Total General OBMP Expenditures	1,492,913	1,010,603	1,860,795	1,867,337	6,542

89



CHINO BASIN WATERMASTER SUMMARY BUDGET 2007-2008

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
7000 OBMP Implementation Projects					
7101 Production Monitoring	74,315	47,189	61,565	116,709	55,144
7102 In-Line Meter Installation/Maintenance	58,116	7,775	64,904	37,791	-27,113
7103 Groundwater Quality Monitoring	81,001	73,296	149,713	162,103	12,390
7104 Groundwater Level Monitoring	132,789	80,830	191,953	212,667	20,714
7105 Recharge Basin Water Quality Monitoring	32,181	1,678	32,247	40,553	8,306
7107 Ground Level Monitoring	542,595	80,413	160,984	425,466	264,482
7108 Hydraulic Control Monitoring Program	289,180	99,364	268,258	369,232	100,974
7109 Recharge & Well Monitoring Program	118,328	22,272	146,350	182,827	36,477
7200 OBMP Pgm Element 2 - Comp Recharge	786,392	717,791	1,472,997	1,255,827	-217,170
7300 OBMP Pgm Element 3 & 5 - Water Supply Plan - Desalter	580	325	4,676	159,509	154,833
7400 OBMP Pgm Element 4 - Mgmt Zone Strategies	263,037	88,029	578,762	159,674	-419,088
7500 OBMP Pgm Element 6 & 7 - Coop Efforts/Salt Mgmt	112,150	131,656	310,507	308,533	-1,974
7600 OBMP Pgm Element 8 & 9 Storage Mgmt/Conj Use	7,547	10,928	6,698	92,660	85,962
7700 Inactive Well Protection Program	1,304	0	14,921	4,339	-10,582
7690 Recharge Improvement Debt Payment	399,761	608,415	1,358,000	1,377,552	19,552
9502 Allocated G&A Expenditures	249,152	126,896	266,734	278,441	11,707
Total OBMP Implementation Projects	3,148,429	2,096,856	5,089,269	5,183,883	94,614
Total Expenses	5,425,756	3,663,000	7,722,405	7,867,370	144,965
Net Ordinary Income	46,924	1,659,472	-139,700	0	139,700
Other Income					
4210 Approp Pool-Replenishment	6,548,139	369,248	0	0	0
4220 Non-Ag Pool-Replenishment	0	0	0	0	0
4230 Groundwater Recharge Activity	0	0	0	0	0
Total Other Income	6,548,139	369,248	0	0	0
Other Expense					
5010 Groundwater Recharge	8,989,022	1,535,520	0	0	0
Total Other Expense	8,989,022	1,535,520	0	0	0
Net Other Income	-2,440,884	-1,166,272	0	0	0
9800 From / (To) Reserves	2,393,960	-493,199	139,700	0	-139,700
Net Income	\$0	\$0	\$0	\$0	\$0

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CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
Ordinary Income					
Income					
4000 Cooperative Effort Contributions					
4010 Local Agency Subsidies - Other	\$0	\$0	\$138,000	\$145,500	\$7,500
4013 Local Agency Contr - OBMP	19,551	0	0	0	0
4040 Cooperative Agreement	180,587	0	0	0	0
Total 4000 Mutual Agency Revenue	200,139	0	138,000	145,500	7,500
4110 Appropriative Pool Assessments					
4111 Administrative Assessment	756,678	5,214,166	797,672	629,243	-168,429
4111.2 OBMP Assessment	2,814,398	0	3,628,811	4,121,218	492,407
4112 Ag Pool Reallocation - Administrative	201,097	0	215,009	171,591	-43,418
4113 Ag Pool Reallocation - OBMP	758,572	0	978,127	1,124,274	146,147
4115 Recharge Improvement Revenue	300,000	0	1,608,000	1,377,552	-230,448
4117 P/Y Adjustments & Pool Interest	-1,148	0	0	0	0
Total 4110 Appropriative Pool Assessments	4,829,596	5,214,166	7,227,619	7,423,879	196,259
4120 Non-Agricultural Pool Assessments					
4123 Administrative Assessment	25,559	0	14,522	15,316	794
4124 OBMP Assessment	39,453	0	66,064	101,176	35,112
4127 P/Y Adjustments	1,148	0	0	0	0
Total 4120 Non-Agricultural Pool Assessments	66,160	0	80,586	116,492	35,906
4730 Prorated Interest Income					
4731 Interest - Agricultural Pool	16,957	10,797	12,000	18,500	6,500
4732 Interest - Appropriative Pool	307,788	93,756	120,000	158,000	38,000
4733 Interest - Non-Agricultural Pool	9,462	3,705	4,500	5,000	500
4739 Interest - Education Fund	79	47	0	0	0
Total 4730 Prorated Interest Income	334,285	108,305	136,500	181,500	45,000
4900 Miscellaneous Income	42,500	0	0	0	0
Total Income	5,472,680	5,322,471	7,582,705	7,867,370	284,665

**CHINO BASIN WATERMASTER
FY 2007/2008**



DETAIL BUDGET

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
Administrative Expenses					
6010 Salary Costs					
6011 WM Staff Salaries & Payroll Burden	514,258	350,456	444,640	474,644	30,004
6012 Payroll Services	2,516	1,323	2,400	2,600	200
6013 Human Resources Services	0	10,096	0	0	0
6016 New Employee Search Costs	5,000	0	0	0	0
6017 Temporary Services	0	0	0	0	0
Subtotal Wages	<u>521,775</u>	<u>361,875</u>	<u>447,040</u>	<u>477,244</u>	<u>30,204</u>
6018 Fringe Benefits	-30,670	-6,248	452,102	497,044	44,942
60199 Payroll Burden Allocated	0	0	-452,105	-497,041	-44,936
Total 6010 Salary Costs	<u>491,105</u>	<u>355,627</u>	<u>447,037</u>	<u>477,247</u>	<u>30,210</u>
6020 Office Building Expense					
6021 Office Lease	57,560	26,172	61,000	64,080	3,080
6022 Telephone	11,840	5,773	14,000	10,000	-4,000
6024 Building Repairs & Janitorial	16,172	20,001	16,000	27,500	11,500
6026 Security Services	0	0	1,000	0	-1,000
6027 Other Expense	7,655	0	10,000	0	-10,000
Total 6020 Office Building Expense	<u>93,227</u>	<u>51,946</u>	<u>102,000</u>	<u>101,580</u>	<u>-420</u>
6030 Office Supplies & Equip.					
6031 Office Supplies	20,715	17,509	21,500	46,500	25,000
6038 Other Office Equipment	4,781	273	12,000	0	-12,000
6039 Office Expenses	11,575	2,925	11,500	0	-11,500
6141 Meeting Expenses	2,968	2,040	6,500	4,650	-1,850
Total 6030 Office Supplies & Equip.	<u>40,039</u>	<u>22,746</u>	<u>51,500</u>	<u>51,150</u>	<u>-350</u>
6040 Postage & Printing Costs					
6042 Postage	12,513	8,623	9,500	15,000	5,500
6043 Copy Machine Lease & Maintenance	65,190	35,901	60,000	60,000	0
6044 Postage Meter Lease	1,923	977	2,000	2,000	0
6045 Outside Printing	248	1,160	7,000	6,000	-1,000
Total 6040 Postage & Printing Costs	<u>79,874</u>	<u>46,661</u>	<u>78,500</u>	<u>83,000</u>	<u>4,500</u>

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
6050 Information Services					
6052 Consultants	55,125	37,754	56,500	72,500	16,000
6053 Internet Services	19,787	10,762	20,000	21,000	1,000
6054 Computer Software	-6,844	1,612	11,000	11,000	0
6055 Computer Hardware	19,048	18,436	25,000	27,500	2,500
Total 6050 Information Services	89,452	68,809	112,500	132,000	19,500
6060 WM Special Contract Services					
6061 Contract Services	46,365	34,032	60,000	51,500	-8,500
6062 Audit Services	0	0	6,000	6,000	0
6063 Public Relations Consultant	0	10,421	45,000	40,000	-5,000
6067 General Counsel	2,202	18,722	20,000	20,000	0
Total 6060 WM Special Contract Services	48,567	63,175	131,000	117,500	-13,500
6080 Insurance Expense					
6085 Business Insurance Package	25,133	15,108	25,000	18,000	-7,000
6086 Position Bond Insurance	0	0	210	210	0
Total 6080 Insurance Expense	25,133	15,108	25,210	18,210	-7,000
6110 Dues and Subscriptions					
6111 Membership Dues	14,891	13,145	16,000	16,000	0
6112 Subscriptions	786	275	750	750	0
Total 6110 Dues and Subscriptions	15,677	13,420	16,750	16,750	0
6150 Field Supplies & Equipment					
6151 Small Tools & Equipment	95	410	2,000	1,500	-500
6154 Uniforms	909	456	2,000	1,000	-1,000
Total 6150 Field Supplies & Equipment	1,003	867	4,000	2,500	-1,500
6170 Vehicle Maintenance Costs					
6170 Travel & Transportation	0	3,951	0	4,000	4,000
6171 Vehicle Allowance	6,025	3,900	6,000	8,400	2,400
6173 Mileage Reimbursements	1,140	719	1,350	1,400	50
6175 Vehicle Fuel	2,873	1,079	3,500	3,200	-300
6177 Vehicle Repairs & Maintenance	10,262	3,827	8,500	8,000	-500
Total 6170 Travel & Transportation	20,299	13,477	19,350	25,000	5,650

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
6190 Conferences & Seminars					
6191 Conferences & Seminars	16,638	18,090	20,000	20,000	0
6192 Training & Continuing Education	608	1,285	2,500	2,500	0
Total 6190 Conferences & Seminars	17,245	19,375	22,500	22,500	0
6200 Advisory Committee Expenses					
6201 WM Staff Salaries	13,370	6,500	14,368	16,431	2,063
6212 Meeting Expense	594	1,105	800	2,500	1,700
Total 6200 Advisory Committee Expenses	13,964	7,605	15,168	18,931	3,763
6300 Watermaster Board Expenses					
6301 WM Staff Salaries	16,649	7,354	15,655	19,914	4,259
6311 Board Member Compensation	20,125	8,250	18,500	18,500	0
6312 Meeting Expense	5,711	1,560	2,500	3,000	500
6313 Board Members' Expenses	258	0	300	300	0
Total 6300 WM Board Expenses	42,743	17,164	36,955	41,714	4,759
6500 Education Fund Expenditures	375	375	375	375	0
8300 Appropriative Pool Administration					
8301 WM Staff Salaries	19,815	10,479	15,168	23,251	8,083
8312 Meeting Expenses	200	109	750	750	0
Total 8300 Appropriative Pool Administration	20,015	10,588	15,918	24,001	8,083
8400 Agricultural Pool Administration					
8401 WM Staff	17,029	8,663	15,333	20,604	5,271
8411 Compensation	1,950	825	1,500	1,600	100
8412 Meeting Expenses	49	0	300	300	0
8456 IEUA RTS Meter Charge	1,904	637	1,500	1,500	0
8467 Ag-Pool Legal Service	92,796	21,976	60,000	55,000	-5,000
8467.1 Frank B & Associates	5,905	3,083	5,000	5,000	0
8470 Ag Pool Meeting Special Compensation	11,050	5,550	12,000	12,000	0
Total 8400 Agricultural Pool Admin	130,684	40,734	95,633	96,004	371

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
8500 Non-Agricultural Pool Administration					
8501 WM Staff	3,924	3,282	6,494	7,128	634
8512 Meeting Expense	175	109	200	200	0
Total 8500 Non-Agricultural Pool Admin	4,100	3,391	6,694	7,328	634
9400 Depreciation Expense	31,714	0	0	0	0
9500 Allocated G&A Expenditures	-380,801	-195,527	-408,749	-419,640	-10,891
Total Administrative Expenses	784,415	555,540	772,341	816,150	43,809
General OBMP Expenses					
6900 Optimum Basin Mgmt Program					
6901 OBMP - Staff	153,080	79,803	223,370	234,138	10,768
6906 OBMP - Engineering	315,197	291,698	285,820	395,000	109,180
6906.4 OBMP - CEQA	0	0	590,800	452,000	-138,800
6906.7 OBMP - DataX	137,204	26,659	70,450	10,000	-60,450
6906.8 OBMP - Reports	0	0	73,340	140,000	66,660
6907 OBMP - Legal					
6907.1 Ellison & Schneider	112,217	95,333	50,000	60,000	10,000
6907.2 Ludorff & Scalmanini	37,990	66,857	15,000	20,000	5,000
6907.3 WM Legal Counsel	562,449	342,396	350,000	350,000	0
6909 OBMP - Other Expense	11,200	29,227	55,000	55,000	0
Total 6900 OBMP	1,329,336	931,973	1,713,780	1,716,138	2,358
Total 6950 Cooperative Efforts	31,928	10,000	5,000	10,000	5,000
9501 Allocated G&A Expenditures	131,649	68,630	142,015	141,199	-816
Total General OBMP Expenses	1,492,913	1,010,603	1,860,795	1,867,337	6,542

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
7000 OBMP Implementation Projects					
<i>7100 OBMP Pgm Element 1 - Comp Monitoring Program</i>					
7101 Production Monitoring					
7101.1 Production Monitoring - WM Staff	36,795	21,491	32,175	64,479	32,304
7101.3 Production Monitoring - Engineering Services	36,771	25,323	28,640	51,480	22,840
7101.4 Production Monitoring - Computer Services	750	375	750	750	0
Total 7101 Production Monitoring	74,315	47,189	61,565	116,709	55,144
7102 In-Line Meter Installation/Maintenance					
7102.1 In-Line Meter - WM Staff	5,381	442	12,154	2,541	-9,613
7102.4 In-Line Meter - Contract Services	150	0	7,500	0	-7,500
7102.5 In-Line Meter - Maintenance & Repair	4,104	1,230	15,000	4,000	-11,000
7102.6 In-Line Meter - Supplies	0	63	250	0	-250
7102.7 In-Line Meter - In-Line Meters	23,527	1,570	7,500	5,000	-2,500
7102.8 In-Line Meter - Calibration & Testing	24,954	4,470	22,500	26,250	3,750
Total 7102 In-Line Meter Installation/Maintenance	58,116	7,775	64,904	37,791	-27,113
7103 Groundwater Quality Monitoring					
7103.1 Grdwtr Quality - WM Staff	24,828	23,746	66,403	74,600	8,197
7103.3 Grdwtr Quality - Engineering Services	32,387	49,172	60,560	70,577	10,017
7103.4 Grdwtr Quality - Contract Services	13,893	0	0	0	0
7103.5 Grdwtr Quality - Laboratory Services	9,059	0	20,000	14,177	-5,824
7103.6 Grdwtr Quality - Supplies	85	3	2,000	2,000	0
7103.7 Grdwtr Quality - Computer Services	750	375	750	750	0
Total 7103 Groundwater Quality Monitoring	81,001	73,296	149,713	162,103	12,390
7104 Groundwater Level Monitoring					
7104.1 Grdwtr Level - WM Staff	75,601	34,260	81,383	87,137	5,754
7104.3 Grdwtr Level - Engineering Services	32,034	44,331	84,570	103,730	19,160
7104.4 Grdwtr Level - Contract Services	0	1,567	10,000	11,500	1,500
7104.6 Grdwtr Level - Supplies	2,417	671	2,000	2,500	500
7104.7 Grdwtr Level - Capital Equipment	22,737	0	14,000	7,800	-6,200
Total 7104 Groundwater Level Monitoring	132,789	80,830	191,953	212,667	20,714

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

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	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
7105 Recharge Basin Water Quality Monitoring					
7105.1 Recharge Basin Water Quality - WM Staff	5,071	1,678	30,747	36,053	5,306
7105.3 Recharge Basin Water Quality - Engineering Services	6,093	0	0	0	0
7105.4 Recharge Basin Water Quality - Laboratory Services	20,781	0	0	3,500	3,500
7105.6 Recharge Basin Water Quality - Supplies	236	0	1,500	1,000	-500
Total 7105 Recharge Basin Water Quality Monitoring	32,181	1,678	32,247	40,553	8,306
7107 Ground Level Monitoring					
7107.1 Ground Level - WM Staff	4,098	2,270	1,044	3,173	2,129
7107.2 Ground Level - Engineering Services	129,652	30,643	46,740	152,093	105,353
7107.3 Ground Level - Synthetic Aperture Radar	25,000	12,500	30,000	27,000	-3,000
7107.5 Ground Level - Laboratory Services	0	0	0	1,100	1,100
7107.6 Ground Level - Contract Services	81,631	35,000	83,200	242,100	158,900
7107.7 Ground Level - Piezometer at Ayala Park	302,213	0	0	0	0
Total 7107 Ground Level Monitoring	542,595	80,413	160,984	425,466	264,482
7108 Hydraulic Control Monitoring					
7108.1 Hydraulic Control Monitoring - WM Staff	2,276	353	2,088	13,545	11,457
7108.2 Hydraulic Control Monitoring - Temporary Services	20,964	16,427	0	0	0
7108.3 Hydraulic Control Monitoring - Engineering Services	173,551	82,584	162,970	215,787	52,817
7108.4 Hydraulic Control Monitoring - Laboratory Services	41,302	0	88,200	97,020	8,820
7108.5 Hydraulic Control Monitoring - Construction	0	0	0	0	0
7108.9 Hydraulic Control Monitoring - Contract Services	51,087	0	15,000	42,880	27,880
Total 7108 Hydraulic Control Monitoring	289,180	99,364	268,258	369,232	100,974
7109 Recharge & Well Monitoring					
7109.3 Recharge & Well Monitoring - Engineering Services	70,181	22,272	44,850	71,177	26,327
7109.4 Recharge & Well Monitoring - Laboratory Services	48,146	0	101,500	111,650	10,150
Total 7109 Recharge & Well Monitoring	118,328	22,272	146,350	182,827	36,477

**CHINO BASIN WATERMASTER
FY 2007/2008**

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DETAIL BUDGET

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
7200 OBMP Pgm Element 2 - Comp Recharge					
7201 Comp Recharge - WM Staff	119,569	56,565	159,727	128,327	-31,400
7202 Comp Recharge - Engineering Services	42,595	15,424	40,270	14,340	-25,930
7202.1 Comp Recharge - Recharge Master Plan	78,651	0	0	317,660	317,660
7203 Comp Recharge - Contract Services	26,432	10,214	20,000	28,000	8,000
7204 Comp Recharge - Supplies	5,798	2,406	10,000	5,000	-5,000
7206 Comp Recharge - Basin Program O&M	510,000	616,505	1,233,000	760,000	-473,000
7207 Comp Recharge - Legal	3,348	0	10,000	2,500	-7,500
7208 Hansen Aggregate Damages	0	16,677	0	0	0
Total 7200 Comprehensive Recharge	786,392	717,791	1,472,997	1,255,827	-217,170
7300 OBMP Pgm Element 3 & 5 - Water Supply Plan - Desalter					
7301 OBMP - WM Staff	580	325	4,676	23,909	19,233
7303 OBMP - Engineering Services	0	0	0	135,600	135,600
Total 7300 OBMP Elements 3 & 5 Water Supply Plan	580	325	4,676	159,509	154,833
7400 OBMP Pgm Element 4 - Mgmt Zone Strategies					
7401 OBMP - WM Staff	5,594	2,363	13,762	11,667	-2,095
7402 OBMP - Engineering Services	243,166	70,559	169,000	147,457	-21,543
7403 OBMP - Contract Services	1,589	14,845	396,000	0	-396,000
7404 OBMP - Supplies	2,751	44	0	100	100
7405 OBMP - Other Expenses	9,937	217	0	450	450
Total 7400 OBMP Element 4 - Mgmt Zone Strategies	263,037	88,029	578,762	159,674	-419,088
7500 OBMP Pgm Element 6 & 7 - Coop Efforts/Salt Mgmt					
7501 OBMP - WM Staff	2,906	0	3,507	3,783	276
7502 OBMP - Engineering Services	100,424	117,280	307,000	269,750	-37,250
7503 OBMP - Contract Services	8,820	0	0	0	0
7506 OBMP - CO-OP Legal	0	14,376	0	35,000	35,000
Total 7500 OBMP Element 6 & 7 - Coop Efforts/Salt Mgmt	112,150	131,656	310,507	308,533	-1,974

CHINO BASIN WATERMASTER

FY 2007/2008

DETAIL BUDGET

 DRAFT

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
7600 OBMP Pgm Element 8 & 9 Storage Mgmt/Conj Use					
7601 OBMP - WM Staff	7,547	4,060	6,698	9,660	2,962
7602 OBMP - Engineering Services	0	0	0	62,500	62,500
7603 OBMP - Contract Services	0	6,868	0	20,000	20,000
7605 OBMP - Other Expenses	0	0	0	500	500
Total 7600 OBMP Element 8 & 9 Storage Mgmt/Conj Use	7,547	10,928	6,698	92,660	85,962
7700 Inactive Well Protection Program					
7701 Inactive Well Protection Program - WM Staff	0	0	5,171	2,839	-2,332
7702 Inactive Well Protection Program - Engineering Services	0	0	1,000	0	-1,000
7703 Inactive Well Protection Program - Contract Services	1,304	0	8,750	1,500	-7,250
Total 7700 Inactive Well Protection Program	1,304	0	14,921	4,339	-10,582
7690 Recharge Improvement Debt Payment	399,761	608,415	1,358,000	1,377,552	19,552
9502 Allocated G&A Expenditures	249,152	126,896	266,734	278,441	11,707
Total OBMP Implementation Projects	3,148,429	2,096,856	5,089,269	5,183,883	94,614
Total General OBMP & Implementation Projects	4,641,341	3,107,459	6,950,064	7,051,220	101,156
Total Expenses	5,425,756	3,663,000	7,722,405	7,867,370	144,965
Net Ordinary Income	46,924	1,659,472	-139,700	0	139,700

CHINO BASIN WATERMASTER
FY 2007/2008

DRAFT

DETAIL BUDGET

	FY 05-06 June Actual	FY 06-07 December Actual	FY 06-07 "Amended" Budget	FY 07-08 Proposed Budget	Current vs. Proposed
Other Income					
Water Replenishment Assessments					
4210 Approp Pool-Replenishment					
4211 15% Gross Assessments	891,531	0	0	0	0
4212 85% Net Assessments	5,052,010	0	0	0	0
4213 100% Net Assessments	235,349	0	0	0	0
4214 Prior Year Adjustment	369,248	369,248	0	0	0
Total 4210 Approp Pool-Replenishment	6,548,139	369,248	0	0	0
4220 Non-Ag Pool-Replenishment					
4223 Net Replenishment	0	0	0	0	0
Total 4220 Non-Ag Pool-Replenishment	0	0	0	0	0
4230 Groundwater Recharge Activity					
4230 Groundwater Recharge	0	0	0	0	0
4231 MZ1 Assigned Water Sales	0	0	0	0	0
Total 4230 Groundwater Recharge Activity	0	0	0	0	0
Total Other Income	6,548,139	369,248	0	0	0
Other Expense					
5010 Groundwater Recharge					
5011 Replenishment Water	8,619,003	1,290,960	0	0	0
5012.4 MZ1 Interim Imported Water Purchase	0	0	0	0	0
5014 Vector Control	2,860	0	0	0	0
5015 OC-59 Use Fees	41,107	26,142	0	0	0
5015.1 OC-59 Use Fees - Other	0	6,175	0	0	0
5016.1 CBWCD Basin Maintenance	0	0	0	0	0
5017 IEUA Surcharges	326,052	212,243	0	0	0
Total 5010 Groundwater Recharge	8,989,022	1,535,520	0	0	0
Total Other Expense	8,989,022	1,535,520	0	0	0
Net Other Income	-2,440,884	-1,166,272	0	0	0
(To) / From Reserves	2,393,960	-493,199	139,700	0	-139,700
Net Income	\$0	\$0	\$0	\$0	\$0

Budget Line Number	Comments	
ORDINARY INCOME/EXPENSE		
4000 COOPERATIVE EFFORT CONTRIBUTIONS		
4010	Local Agency Subsidies - Other	This account represents funds which are to be received from Metropolitan Water District to offset our costs related to administering the Dry Year Yield Program.
4110 APPROPRIATIVE POOL ASSESSMENTS		
4111	Administrative Assessment	Appropriative Pool Assessments equal the Pool's share of all General Administrative Expenses levied to the Appropriators on a per acre-foot basis levied based on the prior year's production.
4111.2	OBMP Assessment	Appropriative Pool Assessments equal the Pool's share of all Optimum Management costs levied to the Appropriators on a per acre-foot basis based on the prior year's production.
4112	Agricultural Pool Reallocation-Administrative Assessment	The Appropriative Pool and the Overlying Agricultural Pool agreed that the unproduced portion of Ag Pool's annual share of safe yield (82,800 acre-feet) would be immediately reallocated to the Appropriative Pool members provided the Appropriative Pool would pay the Agricultural Pool's share of Administrative and Special Project expenses.
4113	Agricultural Pool Reallocation- OBMP Assessment	With separate assessments levied for General Administration and Optimum Basin Management Plan and Implementation Costs, the Agricultural Pool costs charged through the reallocation levy have been separated to differentiate between the revenues from the two levies.
4115	Recharge Improvement Revenue	This line item covers funds required to pay the budgeted debt service payment and the operating & maintenance expenses.
4117	P/Y Adjustments	Consists of adjustments related to prior years, if any.
4120 NON-AGRICULTURAL POOL ASSESSMENTS		
4123	Administrative Assessment	Non-Agricultural Pool Assessments equal the Pool's share of all General Administrative Expenses levied to the Non-Agricultural Pool based on the prior year's production.
4124	OBMP Assessment	Non-Agricultural Pool Assessments equal the Pool's share of all Optimum Basin Management costs levied to the Pool members based on the prior year's production.
4127	P/Y Adjustments	Consists of adjustments related to prior years, if any.
4730 PRORATED INTEREST INCOME		
Interest is prorated between the Pools and the Education Fund using formula approved by the Advisory Committee and Pools several years ago.		
4900 MISCELLANEOUS INCOME		
Miscellaneous income, such as fees collected for data requests, rebates, etc.		
6010 SALARY COSTS		
6011	WM Staff Salaries & Payroll Burden	Expenses related to administrative staff hours and costs not related to a particular project.
6012	Payroll Services	Expenses related to processing of bi-weekly payroll and preparation of quarterly and annual tax returns, including year end W-2 processing.
6016	Employee Search Costs	Costs cover "help wanted" advertisements, pre-employment physicals & non-staff or consultant interviewer's time (if applicable).
6018	Fringe Benefits	Benefits paid to employees such as medical, dental, vacation, sick leave & holidays.
60199	Payroll Burden Allocated	Fringe benefits allocated to salary costs.
6020 OFFICE BUILDING EXPENSE		
6021	Office Lease	Lease for Watermaster office.
6022	Telephone	Telephone expense includes office telephone system, cellular phones for management & field staff along with conference call service.
6024	Building Repair & Maintenance	This line item covers monthly housekeeping & maintenance requests to the office.
6026	Security Services	This line item covers the office alarm system.
6027	Other Expense	Expenses to this line include office building improvements.
6030 OFFICE SUPPLIES & EQUIPMENT		
6031	Office Supplies	Office supplies include: copy paper, stationary, envelopes, checks and other miscellaneous office supplies.
6038	Office Equipment	This Budget line covers the cost of office equipment not included in office supplies referenced in account 6031.
6039	Office Expense	This line covers the costs of items not covered under any of the above #6030 lines including file management consulting fees.
6141	Meeting Expenses	Expenses charged to this line include administrative meeting expenses.


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CHINO BASIN WATERMASTER
2007-2008 BUDGET
LINE ITEM JUSTIFICATION

Budget Line Number	Comments	
<u>6040 POSTAGE & PRINTING COSTS</u>		
6042	Postage	Postage reflected here covers the cost of mailing or shipping all meeting notices and agendas; correspondence; Annual Reports; outgoing bills and payments, etc. Charges include Fedex and United Parcel Service costs as well as postage.
6043	Copy Machine Lease	This line covers the cost of leasing copy machines as well as the costs for copies exceeding the minimum number per month/year as stipulated in the lease agreements.
6044	Postage Meter Lease	Postage meter costs includes the annual lease fees, quarterly reset fees and postage meter ink cartridge replacements.
6045	Printing	Printing costs covered here are those done by outside printers and include the Annual Report, blueprints, special area street maps, color prints, emergency printing when copiers are down for repairs, etc. Color brochures and annual financial statements will be printed.
<u>6050 WATERMASTER INFORMATION SERVICES</u>		
6052	Computer Consultant Support Services	Watermaster uses consultants to maintain its computer network & workstations as well as to develop & maintain databases.
6053	Internet Services	Website maintenance costs & T-1 internet connection.
6054	Computer Software	Costs include new software, software upgrades, textbooks, manuals, etc.
6055	Computer Hardware	Costs include new and upgraded computer hardware such as workstations, servers, printers, backup power supplies, etc.
6057	Computer Maintenance	Computer maintenance includes parts for breakdowns and routine maintenance.
<u>6060 WATERMASTER SPECIAL CONTRACT SERVICES</u>		
6061	Other Contract Services	Watermaster retains consultants to develop and implement strategic plans and develop brochures and the Annual Report.
6062	Audit Services	This line item budgets funds to pay for the required annual financial statement audit.
6063	Public Relations Consultant	Watermaster retains outside consultants on a per contract basis as our Public Relations Consultant, to keep us up to date regarding relevant legislative issues.
6067	Legal Services - General Counsel	Watermaster's general counsel expenses related to personnel and non-project specific matters.
<u>6080 INSURANCES</u>		
6085	Business Insurance Package	All insurance policies are now included under Business Insurance Package, including auto & general liability.
6086	Position Bond Insurance	Insures key positions for risk of misappropriation and/or fraud.
<u>6110 DUES & SUBSCRIPTIONS</u>		
6111	Membership Dues	Watermaster memberships include: American Water Works Assoc Research Foundation, Association of California Water Agencies, Association of Ground Water Agencies.
6112	Subscriptions	Watermaster subscribes to the periodicals and trade journals.
<u>6150 FIELD SUPPLIES & EQUIPMENT</u>		
6151	Small Tools & Equipment	Small tools include: any tool which might be required while work in the field.
6154	Uniforms & Safety Shoes	T-shirts, hats & jackets are provided to staff with Watermaster's logo to wear while in the field and while representing Watermaster. This line item also includes work boots for field staff.
<u>6170 TRAVEL & TRANSPORTATION</u>		
6170	Travel & Transportation	Travel & Transportation costs related to Watermaster business, not related to conferences & seminars.
6171	Vehicle Allowances	Employment agreement allows the Chief Executive Officer a vehicle allowance of \$650 per month.
6173	Mileage Reimbursements	Reimbursements paid to Watermaster employees' for use of personal vehicles for Watermaster business at the federally approved rate per mile.
6175	Vehicle Fuel	Fuel expenses for Watermaster owned vehicles.
6177	Vehicle Repairs	Covers repairs & maintenance to Watermaster's vehicles.
6179	Vehicle Purchase	This item includes purchases of additional vehicles.

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CHINO BASIN WATERMASTER
2007-2008 BUDGET
LINE ITEM JUSTIFICATION

Budget Line Number	Comments	
<u>6190 CONFERENCES & SEMINARS</u>		
6191	Conferences & Seminars	Staff attends conferences for information, training, or making presentations regarding the Chino Basin Watermaster activities.
6192	Training & Continuing Education	Attendance at training & continuing education for staff.
<u>6200 ADVISORY COMMITTEE</u>		
6201	WM Staff Salaries	Salary and burden costs of WM staff in attending and preparing for Advisory Committee meetings.
6212	Meeting Expenses	Advisory Committee meetings are normally scheduled to cover the lunch hour so that members are absent from their normal jobs the least amount of time possible. To accommodate the members, a luncheon or refreshments are served and those costs are reflected here.
<u>6300 WATERMASTER BOARD EXPENSES</u>		
6301	WM Staff Salaries	Salary and burden costs of WM staff in preparing for and attending Watermaster Board Meetings.
6311	Member Compensation	Board Members are entitled to, but may waive, compensation for each day of service. Those who have not waived, receive \$125 per day served at various meetings including Board meetings, Committee meetings and other water agency meetings, including conference calls.
6312	Meeting Expenses	Board and Committee meetings may be scheduled to cover the lunch hour so that attendees are absent from their normal jobs the least amount of time possible. If this occurs, a luncheon or refreshments are served and those costs are reflected here.
6313	Board Member's Expenses	Board Members are entitled to receive reimbursement for expenses incurred on behalf of Watermaster. Upon request, mileage is reimbursed to any Board Member using a personal vehicle on Watermaster business.
<u>6500 EDUCATION FUND EXPENDITURES</u>		
This account disburses funds from the educational account as directed.		
<u>8300 APPROPRIATIVE POOL ADMINISTRATION AND SPECIAL PROJECTS</u>		
8301	WM Staff Salaries	Salary and burden costs of WM staff in attending and preparing for Pool Meetings, and any other Appropriative Pool administrative activity.
8312	Meeting Expenses	This item covers meeting expenses, including the cost of refreshments.
<u>8400 AGRICULTURAL POOL ADMINISTRATION AND SPECIAL STUDIES</u>		
8401	WM Staff Salaries	Salary and burden costs of WM staff in attending and preparing for Pool Meetings, and any other Agricultural Pool administrative activity.
8411	Compensation - AG Pool Members	AG Pool Members are reimbursed \$25 for each Pool, Committee or Board Meeting attended. Ag Pool voted to increase reimbursement to \$125 per meeting with the extra \$100 to be paid out of Ag Pool accumulated interest. This additional \$100 is shown under account #8470.
8412	Meeting Expenses	This item covers meeting expenses, including the cost of refreshments.
8456	IEUA RTS Meter Charge	Inland Empire Utilities Agency implemented a 'readiness to serve' charge against Watermaster for future provision of service to the land in the Agricultural preserve.
8467	Agri-Pool Legal Services	The Agricultural Pool retains its own legal council to represent them in all Watermaster matters.
8467.1	Frank B & Associates	The Agricultural Pool has contracted with a water management consultant to assist them in following Watermaster activities important to the Agricultural Pool.
8470	Ag Pool Meeting Special Compensation	See account #8411 for details of this line item.
<u>8500 NON-AGRICULTURAL POOL ADMINISTRATION AND SPECIAL PROJECTS</u>		
8501	WM Staff Salaries	Salary and burden costs of WM staff in attending and preparing for Pool Meetings and any other Non-Agricultural Pool administrative activity.
8512	Meeting Expense	This item covers meeting expenses, including the cost of refreshments.
9500	<u>ALLOCATED G&A EXPENDITURES</u>	Administrative Overhead is allocated to OBMP & Project jobs as a percentage of total Watermaster salaries.
<u>6900 OPTIMUM BASIN MANAGEMENT PROGRAM</u>		
6900	OPTIMUM BASIN MANAGEMENT PROGRAM - GENERAL ENGINEERING	This work includes general engineering services requested by Watermaster to support implementation of the OBMP. The current budget request includes general, non-project specific as well as ad hoc requests for services and data requests promoting the ongoing efforts to implement the OBMP. Items include CEQA work as required for the Peace II process including basic CEQA processing, recalibrating the groundwater model, preparing documentation, and peer review and forecasting; Dr. Sunding's Microeconomic Study as part of the Peace II process; the design, modification, and maintenance of the DataX program (half of the total expense for this project is budgeted, as the other half will be paid by IEUA); and all aspects of preparing reports as required by the OBMP, including the State of the Basin Report bi-annually.

Budget Line Number	Comments	
6950 COOPERATIVE EFFORTS		On an ad hoc basis, Watermaster and other agencies agree to share the costs of various projects that will benefit both parties.
6953	TDS/Nitrogen Study - SAWPA	This is an on-going study managed through SAWPA with many contributors and participants. The amount budgeted is one-half the previous Watermaster commitment as was budgeted for Phase 2B. It is to finalize the Basin Plan Update with the RWQCB.
6956	CBWCD-Turner Basin Development	This represents funds expended for development within the Turner Basin.
6959	Public Awareness Campaign/Legislative Updates	This is a project that began as a result of the State of California's electric supply problems. It has subsequently evolved to include public awareness campaigns, along with updates regarding legislative activities.
9501	ALLOCATED G&A EXPENDITURES	Administrative Overhead is allocated to OBMP & Project jobs as a percentage of total Watermaster salaries.
7000 OPTIMUM BASIN MANAGEMENT PROGRAM IMPLEMENTATION PROJECTS		
7101 PRODUCTION MONITORING		Watermaster staff collects and processes production information for the approximately 670 wells within the Basin, including approximately 220 Appropriator wells and approximately 450 private wells. Consultant staff reads the meters for the private wells, while the Appropriators report their meter readings to Watermaster. The data are inputted into a production database that is updated quarterly, and that is used at the end of the fiscal year to provide essential data for the Assessment Package. Computer services are for the subscription for parcel lot information (split 50/50 with 7103--Groundwater Quality Monitoring).
7102	IN-LINE METER INSTALLATION	Approximately 350 in-line flow meters are now installed on the previously unmetered private wells. Approximately 150 meters must be calibrated each year and other maintenance and repairs are required. Each calibration is expected to cost \$175. Eight more meters are expected to be installed this fiscal year, as these wells are expected to remain for at least another 12 months.
7103	GROUNDWATER QUALITY MONITORING	Pursuant to the OBMP & Peace Agreement, Program Element 1 includes the development and implementation of a comprehensive groundwater quality monitoring program. Previously, Watermaster annually collected water quality data from approximately 200 private wells and obtained other water quality data from other cooperators so that approximately one-third of the active wells were sampled every third year. Other cooperators include members of the appropriative and overlying non-agricultural pools, the Regional Water Quality Control Board, the Department of Toxic Substances Control, the United States Geological Survey, the Orange County Water District and others. The key well monitoring program has now been implemented. Approximately 115 wells are included within the water quality key well program, with approximately 60 wells being sampled and analyzed each year. This monitoring activity is a requirement for the Chino Basin to receive TDS and Nitrogen objectives based on maximum beneficial use. The ad hoc Water Quality Committee oversees the surface water and groundwater quality programs to ensure that necessary data are collected to effectively manage the Basin. Required supplies for this line item include sampling equipment such as piping and valving. Computer services are for the subscription for parcel lot information (split 50/50 with 7101--Production Monitoring).
7104	GROUNDWATER LEVEL MONITORING PROJECT	Pursuant to the OBMP & Peace Agreement, Program Element 1 includes the development and implementation of a comprehensive groundwater-level monitoring program. Previously, Watermaster staff measured all the private wells in the agricultural area that could be measured - once in the fall and once in the spring. Groundwater level data was also obtained from cooperators for other wells. Cooperators include members of the appropriative and overlying non-agricultural pools, Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), United States Geological Survey, Orange County Water District, and others. The key well monitoring program has now been implemented. Desalter/HCMP wells are now measured monthly and an additional approximately 380 are now measured semi-annually. Contract services for this item include the construction of aluminum covers for transducers not otherwise enclosed in structures and ground-level surveys of well reference points. Required supplies for this line item include sounder replacement lines, rubber gloves, distilled water, and fittings for installing transducers. Capital equipment for this line item include transducers and transducer download cables.
7105	BASIN WATER QUALITY MONITORING	Pursuant to the OBMP & Peace Agreement, Program Element 1 also includes the surface water quality monitoring program. Work in this line item includes measuring water quality at recharge and flood retention basins within the Chino Basin. This was typically done during the rainy season only; approximately 3-4 samplings per basin per year. However, with the start of more recycled water and imported water recharge, sampling is expected to increase significantly. Flow and water quality data will also be collected from cooperators including IEUA, WR, JCSD, Cities of Corona and Riverside, Regional Water Quality Control Board, United States Geological Survey, Orange County Water District and others. This information is necessary to determine the quality of stormwater recharge, which is subsequently used to estimate salt offsets for recycled and imported water recharge. This monitoring activity is a requirement for the Chino Basin to receive TDS and Nitrogen objectives based on maximum beneficial use. Required supplies for this line item include rubber gloves, sample bags, tools, and field lab equipment.

Budget Line Number	Comments	
7107	GROUND LEVEL MONITORING	Pursuant to the OBMP & Peace Agreement, Program Element 1 also includes the development and implementation of a ground level monitoring program. Watermaster is interested in determining how much, if any, subsidence has occurred in the Basin and in monitoring the effectiveness of the OBMP in minimizing it. Data will be collected from a network of ground elevation stations (surveys), from a multi-piezometer and from a dual borehole extensometer in the subsidence-prone area (mainly Management Zone 1). Satellite imagery (InSAR) also will be collected and analyzed for subsidence. Watermaster is implementing these efforts as part of the monitoring program associated with the MZ1 interim management plan. A web page for real-time water level reading at the PA-7 Piezometer (Ayala Park) will be implemented, which is a requirement of the MZ-1 Long-Term Management Plan. A new Central MZ1 piezometer is also planned; as well as is an extensive ground-level survey to determine reference points for several wells near the piezometer.
7108	HYDRAULIC CONTROL MONITORING PROGRAM	As part of the Basin Plan, a monitoring plan to evaluate the state of hydraulic control in the southern end of the basin has been developed. Hydraulic control will be used to maximize the safe yield of the basin. Watermaster, OCWD and the Regional Board have developed a monitoring plan to assess the state of hydraulic control to provide information to Watermaster to manage future production and recharge. Samples are collected from seven stations along the SAR every-other-week for water quality analyses. Stream flow measurements are also collected from five stations along the SAR. This monitoring activity is a requirement for the Chino Basin to receive TDS and Nitrogen objectives based on maximum beneficial use. Two new nested monitoring wells are also planned, that will be located near the OIA VOC plume and near the former IEUA Co-Composter Facility.
7109	RECHARGE AND WELL MONITORING PROGRAM	Pursuant to the OBMP & Peace Agreement, Program Element 1 also includes the surface water quality monitoring program. Work in this line item includes measuring water quality at recharge and flood retention basins within the Chino Basin. Lysimeter samples will be collected and analyzed at recycled water recharge basins. Also, monitoring well samples will be collected and analyzed at recycled water recharge basins. This monitoring activity is a requirement for the Chino Basin to receive TDS and Nitrogen objectives based on maximum beneficial use. Reports prepared under this line item include Quarterly and Annual Reports, Start-up Reports for Brooks and 8th Street Basins, and the Tracy Study at Brooks Basin Report.
7200	OBMP PROGRAM ELEMENT 2 -- COMPREHENSIVE RECHARGE PROGRAM	Watermaster and IEUA will continue to improve the new recharge facilities by enhancing the SCADA system, hardening and heightening the internal conservation berms, installing ground water monitoring wells and lysimeters, adding reclaimed water turnouts, and conducting new basin feasibility studies. This line item includes the development and revision of the Recharge Master Plan.
7300	OBMP PROGRAM ELEMENTS 3 & 5 -- WATER SUPPLY PLAN - DESALTER	Pursuant to the OBMP & Peace Agreement, Watermaster assisted in the formation of the Chino Basin Desalter Authority (CDA) to expand the Chino I Desalter and to construct Chino II Desalter. The work in this line item includes engineering services for the technical review of non-Watermaster consultant work products for consistency with OBMP and other Watermaster interests. Work in this line item also includes the design and implementation of the proposed Chino Creek Desalter well field.
7400	OBMP PROGRAM ELEMENT 4 - MANAGEMENT ZONE MANAGEMENT STRATEGIES	Pursuant to the OBMP & Peace Agreement, Watermaster has begun the process of developing management plans for MZ1 & MZ3. Producers in the known subsidence area in MZ1 agreed to an MZ1 Interim Management Plan. Watermaster will be collecting and reporting data gathered from the piezometer and extensometer installed in FY 02/03 and data from ground level survey stations. Data collected will be presented and discussed at the MZ1 Technical Group meetings. In Management Zone 3, Watermaster will conduct a thorough ground water quality survey to locate contaminant plumes which might impact appropriator wells. Plans include quarterly sampling and analyses of two new "sentry" wells to provide on-going monitoring of plume management.
7500	OBMP PROGRAM ELEMENTS 6 & 7 -- COOPERATIVE EFFORTS AND SALT MANAGEMENT	Pursuant to the OBMP & Peace Agreement, Watermaster will complete specific activities to improve water quality monitoring and analyze the effectiveness of the OBMP to accomplish its goals. The work in this line item included coordinating with RWQCB and DTSC, and participating in the TMDL process for Santa Ana River, Chino and Mill Creeks.
7600	OBMP PROGRAM ELEMENTS 8 & 9 -- STORAGE MANAGEMENT AND CONJUNCTIVE USE PROGRAMS	Pursuant to the OBMP & Peace Agreement, Watermaster will complete specific activities to implement storage management and to develop storage and recovery programs.
7700	INACTIVE WELL PROTECTION PROGRAM	Pursuant to the OBMP & Peace Agreement, Watermaster has compiled a list of inactive wells that have not been properly abandoned. Watermaster equips inactive wells with devices that meet the requirement of well abandonment to protect the integrity of the groundwater. These devices also allow for access to the well for monitoring purposes, if necessary. This fiscal year, approximately three more inactive wells will be equipped with such devices.
7690	RECHARGE IMPROVEMENT DEBT PAYMENT	Repayment of debt as agreed to in contract with Inland Empire Utilities Agency for improvement of recharge basins within the Chino Basin, to be paid by the Appropriators.
9502	<u>ALLOCATED G&A EXPENDITURES</u>	Administrative Overhead is allocated to OBMP & Project jobs as a percentage of total Watermaster salaries.



CHINO BASIN WATERMASTER
2007-2008 BUDGET
LINE ITEM JUSTIFICATION

Budget
Line
Number Comments

SUPPLEMENTAL & REPLENISHMENT WATER INCOME AND EXPENSES

Water rights were assigned in the Judgment entered in 1978. It established the terms and conditions regarding replenishment water and how the assessments would be levied to cover the water for each pool. No amounts are budgeted in this category as Watermaster is unable to determine what the overproduction will be at year, if any. Replenishment water is a "pass-thru" expense meaning all amounts overproduced by an agency are billed to them at the rate Watermaster pays for the cost of the water.

4210	App Pool Replenishment Assessments	Certain Appropriators under the Judgment have 15% of the cost of replenishment water required by their group and 85% of the cost is paid by the appropriator overproducing water in the prior year. Other Appropriators have the obligation to pay 100% of the costs of replacing any overproduced water.
4211	15% Gross Assessments	Costs levied against the 15%/85% group for replacing water.
4212	85% Gross Assessments	Costs levied against the 15%/85% group for replacing water.
4213	100% Net Assessments	Costs levied against those subject to 100% assessments for replacing water.
4220	Non-Ag Pool Replenishment	Non-Ag members (primarily industrial producers) are required to replace any water produced which exceeds their assigned water rights.
4230	Net Replenishment Assessments	Costs levied against those subject to 100% assessments for replacing.
5010	GROUNDWATER RECHARGE	Costs of Replenishment or Supplemental Water.
5011	Replenishment Water	This line covers the costs of purchasing replenishment water from MWD at \$233/AF.
5012.4	MZ1 Interim Imported Water Purchase	This line covers the costs of purchasing water @ \$233/AF.
5014	Vector Control	Vector control at Recharge Basins.
5015	OC-59 Use Fees	Connection Fees.
5017	IEUA Surcharges	Inland Empire Utilities Agencies charges a fee for water delivered.

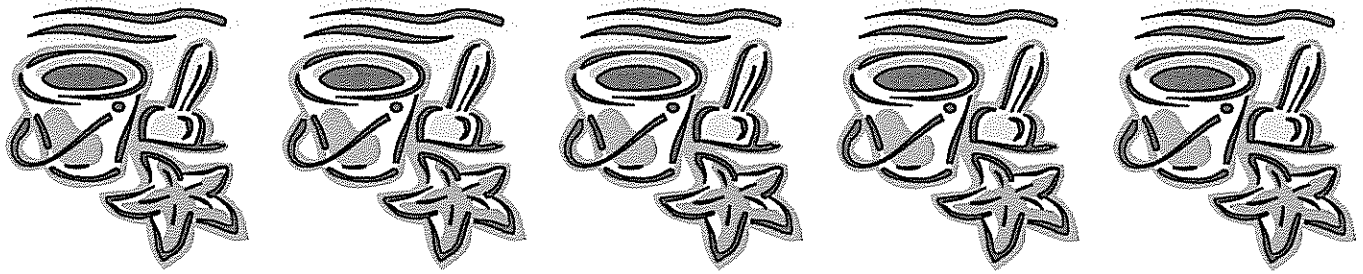
**CHINO BASIN WATERMASTER
ASSESSMENT CALCULATION
FISCAL YEAR 2007-2008**

****ESTIMATED, BASED ON PREVIOUS YEARS ASSESSMENT PACKAGE**

	MEMO ONLY FISCAL YEAR 2007-2008 BUDGET TOTALS	ASSESSMENT	APPROPRIATIVE POOL		AGRICULTURAL POOL		NON-AG POOL	
PRODUCTION BASIS								
2004-05	Production & Exchanges in Acre-Feet	164,588,252	127,810,967	77.655%	34,450,449	20.931%	2,326,836	1.414%
2005-06	Production & Exchanges in Acre-Feet	161,240,932	124,315,140	77.099%	33,899,960	21.024%	3,025,832	1.877%
BUDGET								
			General Administration	OBMP	General Administration	OBMP	General Administration	OBMP
Administration, Advisory Committee & Watermaster Board (1)	\$816,150	\$816,150	\$629,243		\$171,591		\$15,316	
OBMP & Implementation Projects(1)	5,673,668	5,673,668		\$4,374,341		\$1,192,855		\$106,472
General Admin & OBMP Assessments	6,489,818	6,489,818	629,243	4,374,341	171,591	1,192,855	15,316	106,472
TOTAL BUDGET		6,489,818	629,243	4,374,341	171,591	1,192,855	15,316	106,472
Less Budgeted Interest Income	(181,500)	(181,500)		(140,944)		(37,990)		(2,566)
Contributions from Outside Agencies	(145,500)	(145,500)		(112,179)		(30,591)		(2,730)
CASH DEMAND		6,162,818	629,243	4,121,218	171,591	1,124,274	15,316	101,176
OPERATING RESERVE								
Administrative	0%	0	\$0	\$0	\$0		\$0	
OBMP	0%	0	0	0	0	0	0	0
Less: Funds On Hand Utilized for Assessments		0	0	0	0	0	0	0
FUNDS REQUIRED TO BE ASSESSED		\$6,162,818	\$629,243	\$4,121,218	\$171,591	\$1,124,274	\$15,316	\$101,176
Proposed Assessments								
General Administration Assessments		Per Acre-Foot	\$5.06	\$33.15	\$5.06	\$33.16	\$5.06	\$33.44
Minimum Assessments		Per Producer	\$5.00				\$5.00	
Prior Year Assessments (For Information Only)								
		Per Acre-Foot	\$6.23	\$34.49	\$6.23	\$34.49	\$6.23	\$34.49

(1) Total costs are allocated to Pools by actual production percentages. Does not include Recharge Debt Payment or Replenishment water purchases.

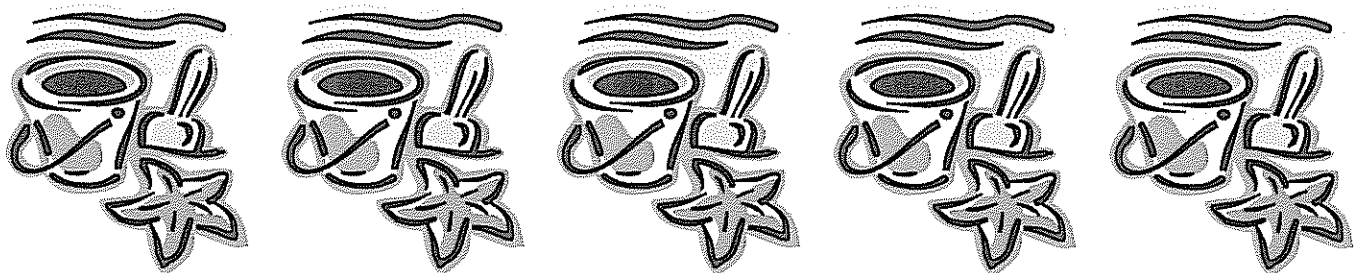
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CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

C. MICRO-ECONOMIC ANALYSIS STUDY





CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, Ca 91730
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

KENNETH R. MANNING
Chief Executive Officer

STAFF REPORT

DATE: June 28, 2007
TO: Advisory Committee Members
Watermaster Board Members
SUBJECT: Scope of Work for Socioeconomic Study Update

SUMMARY

Recommendation – Authorize Mr. Manning to execute a contract with Dr. Sunding to proceed with the Socioeconomic Study Update as proposed in the Scope of Work at a cost of not to exceed \$ 172,600.

BACKGROUND

According to section I.E. of the Stakeholder Non-Binding Term Sheet ("Term Sheet"):

Watermaster will update earlier analysis of socioeconomic impacts conducted pursuant to the Judgment prior to requesting Court approval of the final agreement and Judgment Amendments. The analysis of socioeconomic impacts will consider the impacts (positive and negative) of implementing the OBMP and the Peace Agreement as well as those that may arise from Watermaster pursuing the suite of actions set forth in this Non-Binding Term Sheet, including but not limited to Watermaster assessments. The analysis will specifically address the potential distribution of costs and benefits among the parties that were initiated with the approval of the Peace Agreement in 2000. This socioeconomic impact study will be considered by Watermaster as it discharges its continuing duties under Exhibits "H" and "I" of the Judgment. The study will be completed by March 1, 2007. Accordingly, each party and Watermaster will have the benefit of socioeconomic analysis prior to executing a binding agreement.

The scope of this analysis will be set in a public Watermaster workshop among stakeholders.

The analysis described in section I.E. is separate from the earlier economic study conducted pursuant to I.A.2. of the Term Sheet. That study was termed a "macro" economic study and evaluated costs and benefits to the parties as a whole that are attributable to Hydraulic Control, Basin Re-Operation and Desalter elements of the Term Sheet. Watermaster contracted with Dr. David Sunding to perform that study. It was completed and a draft was presented to the parties at a workshop on July 26, 2006. After the workshop, the study was further revised and a final version was approved by the Watermaster Board on December 21, 2006.

The analysis under section I.E. differs from the earlier study in that it will evaluate costs and benefits to individual parties. For this reason, this study has been termed a "micro" economic study. In March 2007, the Watermaster Board approved a contract with Dr. David Sunding to perform this study. However, the approval was limited to the completion of the scope of work for the study, and a cost cap was placed on this task.

According to the schedule for the completion of the Peace II process submitted by Watermaster to the Court on April 30, 2007, the Socioeconomic Study Update is intended to be complete by August 1, 2007. (April 30, 2007 Transmittal of Revised Exhibit C, Exhibit C, item 6.)

On April 24, 2007, Dr. Sunding met individually with several parties in order to begin developing a scope of work. On June 7, 2007, Dr. Sunding met individually with additional parties and on that same day a public workshop among the stakeholders was held in order to develop the scope of work. It was announced at the workshop that a proposed scope of work would be submitted to the parties as a late item for the June 14, 2007 joint Appropriative Pool and Non-Agricultural Pool meetings, in the hope that the scope can be approved so that the study may commence in an attempt to meet the schedule as submitted to the Court.

Scope of Work

The scope of work as presented follows closely the list of issues for study as discussed at the June 7, 2007 workshop. None of the items discussed at the workshop have been deleted from the proposed scope.

The scope of work anticipates that a draft report will be available in the August time frame for review by the parties and a workshop. At this time the study will be either ready for finalization, or can go through a process of revision.

The scope of work anticipates a cost of approximately \$172,600 to complete the study. This amount is higher than originally proposed in March, primarily because it is not anticipated that Dr. Sunding will need to coordinate and respond to other economists that have been retained by parties to conduct a peer review in parallel with the progress of the study.

On June 13, 2007, comments on Dr. Sunding's proposed scope of work were received by Watermaster from Monte Vista Water District, City of Pomona, City of Upland, Three Valleys Municipal Water District and the City of Chino Hills. These comments were forwarded to Dr. Sunding, and the proposed changes were presented by Mr. Kinsey to the Appropriative Pool and the Overlying Non-Agricultural Pool. The scope of work has been revised since being presented to the Pools to incorporate the proposed changes.

Recommendation

Recommend approval of the scope of work as presented and authorize Mr. Manning to execute a contract with Dr. Sunding to commence work on the study at a cost of not to exceed \$ 172,600.

This motion was passed unanimously by the Appropriative Pool, the Non-Agricultural Pool and the Agricultural Pool.

BERKELEY ECONOMIC CONSULTING, INC.
2550 NINTH STREET, SUITE 102
BERKELEY, CA 94710

June 12, 2007 (Revised June 21, 2007)

Michael Fife
Hatch & Parent
21 E. Carillo St.
Santa Barbara, CA 93101

Dear Michael:

I am writing to propose a scope of work for the microeconomic study of agency costs and benefits attributable to the Peace Agreement, OBMP Implementation, Non-Binding Term Sheet and other associated policies and regulations. As you recall, the microeconomic study was the subject of a workshop held last week at the Watermaster offices. The result of the workshop was an agreement for the study to consider a certain list of factors. The list below is the one resulting from the meeting, but rearranged and with relevant agreement sections attached. It should be noted that other changes in water management costs or benefits may be identified during the analysis. To the extent such are identified, and to the extent allowed by schedule and budget, these other changes will be evaluated.

As agreed, the microeconomic study will consider the following factors:

Peace Agreement/OBMP Implementation

1. Mutual Covenants (Section 4) and Covenants by Members of the Agricultural Pool (Section 6)
 - a. The value of peace
 - b. Hypothetical consequences in "No Peace Agreement" scenario
 - c. Other intangible values
2. Watermaster Performance (Section 5)
 - a. Recharge and replenishment (5.1)
 - i. Value of New Yield from recharge
 - ii. Recharge improvements
 - b. Local storage (5.2(b))
 - c. Storage and recovery program (5.2(c))
 - d. Transfers (5.3)
 - i. Transfer market (5.3(a)-(e))
 - ii. Transfer of unallocated Agricultural Pool Safe Yield (5.3(f))
 - iii. Early transfer of water to the Appropriative Pool (5.3(g))
 - iv. Land use conversion credits (5.3(h))

- v. Allocation of Agricultural Pool assessments to Appropriative Pool (5.4(a))
 - vi. Pomona credit (5.4(b))
- 3. Desalters (Section 7)
 - a. Costs of desalter expansion (7.2-7.4)
 - b. Desalter replenishment (7.5 (as amended in 2004))
 - c. Sale of water (7.6)
 - d. Desalter production credits
- 4. Subsidence management (Program Element 4 of OBMP)
- 5. Accommodation of exports (Judgment)

Non-Binding Term Sheet

- 6. Hydraulic Control and Basin Re-Operation (II)
 - a. Replenishment obligations for desalter production (III)
 - b. Use of recycled water for recharge
 - c. Use of recycled water for irrigation
 - d. Avoided cost of wastewater disposal
 - e. Changes in pumping costs
 - f. Reduced storage losses
 - g. Allowed overdraft
 - h. SAR inflow
- 7. Future desalters (IV)
- 8. Agricultural Pool reallocation (V)
- 9. Watermaster purchase of Non-Agricultural Pool storage (VI.F)
- 10. Supplemental recharge (VIII)

For each of the above subject areas, both relevant costs and benefits will be considered. While the list does not explicitly list which costs associated with implementation of the programs and agreements should be evaluated, it is recognized that changes in assessments to the parties are based, in part, on the underlying changes in costs. In calculating agency gains and losses I will consider the effects of state and federal grants and loans, groundwater modeling work paid by others and sharing of monitoring costs. The analysis will calculate benefits and costs for individual entities, and will do so using a "Pre-Peace Agreement" baseline.

With respect to timing, I anticipate being able to deliver a draft of the report within two months of commencing work. This draft would be presented at a public workshop, and would be reviewed by various agency staff and consultants. Following review and public comment, I would undertake a revision of the report. It is difficult to anticipate when the final report would be completed as this depends on the nature and scope of the input received during the comment period.

I anticipate that the analysis will take \$170,000 to complete, inclusive of a workshop to present results, revisions to the report following public comment, time dedicated to coordinating with other consultants, and direct expenses including travel. Following is an estimate of the project budget by task:

Estimated Budget

Task	Hours		
	Principal	Senior Consultant	Research Assistant
Base Data and Assumptions	8	16	16
Analysis	80	160	120
Responding to other consultants	24	16	16
Report Writing	32	24	40
Workshop	12	8	8
Revisions and Final Report	32	24	24
Total Hours	188	248	224
Total Labor	\$170,800		
Travel	\$1,800		
Total Budget	\$172,600		

Please bear in mind that some of these estimates are rough and are based on my experience in other, similar situations. Actual costs may differ depending on factors such as data availability and the like.

I will be in Berkeley all week, and then leaving for a week's vacation on June 15. I can be reached at 415-299-2653.

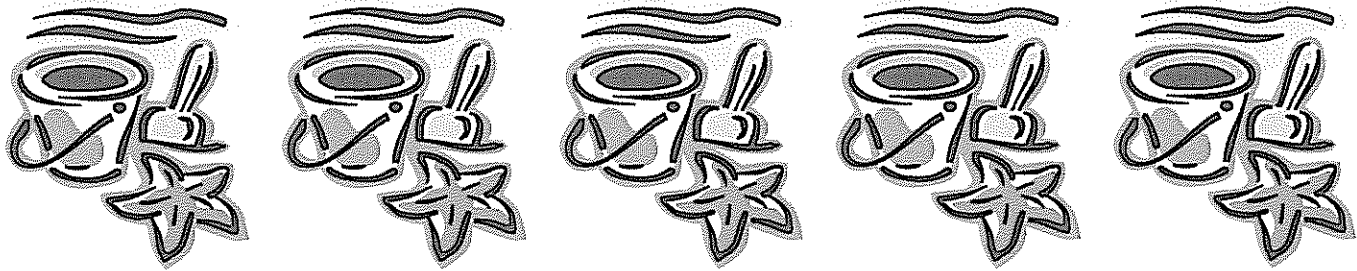
I look forward to hearing you and your client's reaction to this proposal.

Best,

/s/ David Sunding

Dave Sunding
Principal, Berkeley Economic Consulting, Inc.
Professor, UC Berkeley

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CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

D. VOLUME VOTE





CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, Ca 91730
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

KENNETH R. MANNING
Chief Executive Officer

STAFF REPORT

DATE: June 28, 2007
TO: Advisory Committee Members
SUBJECT: Volume Vote

SUMMARY

Issue – The Advisory Committee needs to adopt their volume vote.

Recommendation – It is recommended that the Advisory Committee take action to adopt their volume vote.

Fiscal Impact – None.

BACKGROUND

Following the approval of each Assessment Package, volume vote calculations are performed and agencies are allocated a voting percentage. The Appropriative Pool Committee and the Non-Agricultural Pool Committee adopted their Volume Vote which was prepared according to their respective rules. On June 14, 2007, the Appropriative Pool took action to modify their method of calculating the Appropriative Pool Volume Vote. The current method of calculating the Appropriative Pool Volume Vote utilizes 50% of the each appropriators previous years assessable production and 50% of each appropriators Operation Safe Yield.

DISCUSSION

The Advisory Committee's Volume Vote is calculated based on a combination of rights allocated to minor and non-minor appropriator's which totals 75%, the Non-Agricultural Pool has a 5% allocation and the Agricultural Pool has a 20% allocation of the Advisory Committee's Volume Vote. If there are any questions regarding the calculations, please contact Sheri Rojo at 909-484-3888 or by email at srojo@cbwm.org.

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ADVISORY COMMITTEE

ALLOCATION OF VOLUME VOTE(1)

Fiscal Year 2006-2007 (Based on 2005-2006 Production)

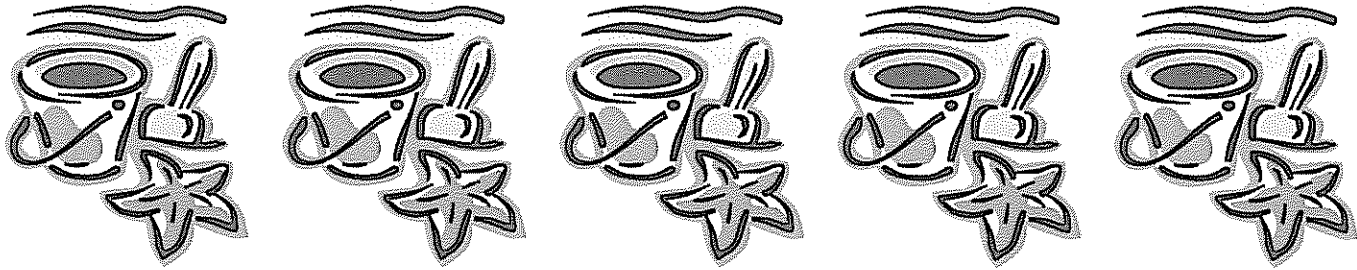
<u>APPROPRIATIVE POOL</u>	<u>ALLOCATED VOTE</u>	<u>ABSENT</u>	<u>REALLOCATION OF VOTE</u>	<u>VOLUME VOTE</u>
Chino, City of	4.20		0.00	4.20
Chino Hills, City of	2.30		0.00	2.30
Cucamonga Valley Water District	6.84		0.00	6.84
Fontana Union Water Company	4.37		0.00	4.37
Fontana Water Co.	4.57		0.00	4.57
Jurupa Community Services District	6.71		0.00	6.71
Monte Vista Water District	8.38		0.00	8.38
Ontario, City of	16.72		0.00	16.72
Pomona, City of	11.90		0.00	11.90
Upland, City of	3.52		0.00	3.52
San Antonio Water Company	2.75		0.00	2.75
Santa Ana River Water Co.	2.75		0.00	2.75
	<u>75.01</u>	<u>0.00</u>	<u>0.00</u>	<u>75.01</u>
<u>OVERLYING AGRICULTURAL POOL</u>				<u>20.00</u>
<u>OVERLYING NON-AGRICULTURAL POOL</u>				<u>5.00</u>
TOTAL				100.01

(1) If an appropriator is absent, his vote is reallocated to the remaining members in attendance.

Motion: _____

Date: _____

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CHINO BASIN WATERMASTER

III. REPORTS/UPDATES

A. WATERMASTER GENERAL LEGAL COUNSEL REPORT

1. Santa Ana River Hearing Closing Brief



Chino Basin
Watermaster
Santa Ana
River Hearing
Closing Brief

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1 MICHAEL T. FIFE (State Bar No. 203025)
BRADLEY J. HERREMA (State Bar No. 228976)
2 MORGAN R. EVANS (State Bar No. 241639)
HATCH & PARENT, A Law Corporation
3 21 East Carrillo Street
Santa Barbara, California 93101
4 Telephone: (805) 963-7000
Facsimile: (805) 965-4333
5
6 Attorneys for Applicant
CHINO BASIN WATERMASTER

7
8 **BEFORE THE STATE WATER RESOURCES**
9 **CONTROL BOARD**

10
11 In the Matter of Water Right Applications
31165 and 31370 of San Bernardino Valley
12 Municipal Water District and Western
Municipal Water District of Riverside
13 County; Application 31174 of Orange
County Water District; Application 31369
14 of Chino Basin Watermaster; Application
31371 of San Bernardino Valley Water
15 Conservation District; and Application
31372 and Wastewater Change Petition
16 WW-0045 of the City of Riverside

**CHINO BASIN WATERMASTER
CLOSING BRIEF**

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. HEARING BACKGROUND	1
A. Procedural History of Application 31369.....	1
B. Hearing Key Issues	2
C. Additional Question Presented at the Hearing Relevant to Application 31369	2
D. Stipulation of Applicants Regarding Key Issues 4 and 5	2
III. DESCRIPTION OF THE PROJECT (APPLICATION 31369).....	3
A. Watermaster’s Project is an Implemented Project that Uses Pre-Existing Facilities Primarily Constructed for Flood Control Purposes.....	3
B. CEQA Compliance	4
C. Operation of the Facilities	5
IV. WATER AVAILABILITY.....	5
A. Physical Availability.....	6
B. Beneficial Use in an Erratic and Flashy System.....	6
C. Previous State Board Decisions.....	8
D. Other Appropriations	9
V. PUBLIC TRUST	10
A. Flow Analysis	11
B. CEQA Analysis	12
C. Supplemental Analysis Regarding Special Species of Concern.....	13
1. Riparian Habitat and Avian Species	13
2. Santa Ana Sucker.....	15
D. Public Trust in an Erratic and Flashy System.....	16
VI. PUBLIC INTEREST	16
VII. GROUNDWATER QUALITY	18
A. Watermaster’s Project Will Have a Beneficial Impact on Groundwater Quality in the Chino Basin	18
B. Watermaster’s Project Will Not Have Any Effect on the Movement of any Contaminated Groundwater Plumes	18
C. Watermaster and the RWQCB Are Already Addressing All the Plumes in the Chino Basin.	19
VIII. PROPOSED FINDINGS	19
IX. PROPOSED PERMIT TERMS	20
A. Deference to the Existing Integrated Regional Management of the Santa Ana Watershed (Proposed Permit Terms 12 and 13).....	20
1. Policy Background.....	21

1
2
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4
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14
15
16
17
18
19
20
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27
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TABLE OF CONTENTS
(continued)

	<u>Page</u>
2. Permit Terms Recognizing Existing Institutional Framework	22
B. Incorporation of Existing OBMP Program Elements (Proposed Permit Terms 10, 11 and 13)	24
C. Permit Terms Responsive to Erratic and Flashy Nature of Creek System	25
1. Diversion Quantity (Proposed Permit Term 5).....	25
2. Modified Period of Use and Development (Proposed Permit Term 7)	26
3. Administration of Rights and Coordination Between Legal Users of Water (Proposed Permit Term 12).....	27
X. CONCLUSION.....	27

TABLE OF AUTHORITIES

Page

CASES

Environmental Defense Fund Inc. v. East Bay Municipal Utility District (1980) 26 Cal.3d 183 21

National Audubon Society v. Superior Court (1983) 33 Cal.3d 419 21

Plant Instruction Co. v. Fibreboard Corp. (1990) 224 Cal.App.3d 781, 786-87..... 21

Solano Irrigation Districts v. All Appropriative Water Rights Holders in Upper Basin (1994) Cal. Env. Lexis 8, June 2, 1994..... 22

STATUTES

Water Code § 1253 16

Water Code § 1256 16

Water Code § 1257 17

Water Code § 1258 17

Water Code § 1375, subd. (d)..... 5

Water Code § 380 27

Water Code § 7044 3

Water Code §§ 1201, 1202 5

HATCH & PARENT, A LAW CORPORATION
21 East Camino Street
Santa Barbara, CA 93101

1 **I. INTRODUCTION**

2 The Santa Ana River Applications present the State Water Resources Control Board (“State
3 Board”) with a unique situation. The Santa Ana River already has a well-developed and complex
4 system for the integrated regional management of the watershed, and for the administration of the
5 water rights to use the River and its tributaries. This system has evolved over many decades in
6 response to the particular needs of the local region, and today is a model of integrated and
7 comprehensive water resource management.

8 The State Board is thus faced with the choice of whether it will recognize and encourage
9 integrated planning by acknowledging the existing system and tailoring the permits to work within
10 that system, or whether it will choose to regard the existing system as secondary and create a new
11 and separate system of water rights administration for the watershed. (RT Vol. I, 99:11-22.)

12 The Chino Basin Watermaster encourages the State Board to take this opportunity to aid in
13 the evolution of integrated planning in the Santa Ana Watershed by tailoring its order and the
14 resulting permits in such a way that the State Board will become a valuable new component to an
15 already highly functional system. The discussion in this closing brief, and the proposed permit
16 attached here as Exhibit “A,” are intended to suggest ways in which the State Board can accomplish
17 this goal in a manner facilitating the State Board’s exercise of its statutory and common law duties.

18 **II. HEARING BACKGROUND**

19 **A. Procedural History of Application 31369**

20 On July 3, 2002, the State Board held a hearing on various Petitions for a Limited Revision
21 of the Declaration of Fully Appropriated Stream Status of the Santa Ana River. State Board Order
22 2002-0006 amended the Declaration of Fully Appropriated Stream Status for the purpose, inter alia,
23 of accepting the Chino Basin Watermaster’s (“Watermaster”) water right application.

24 Watermaster’s application was noticed by the State Board on July 31, 2003.

25 Application 31369 was protested by four entities: the California Department of Fish &
26 Game, the United States Forest Service, the Cucamonga Valley Water District, and the East Valley
27 Water District. All of these protests were resolved prior to the hearing.

28 Also prior to the hearing, Watermaster received stipulations from all non-applicant parties

1 that such parties would not present any evidence concerning Application 31369, nor would they
2 cross-examine any witness offered in support of Application 31369. These stipulating parties were:
3 the Center for Biological Diversity, Southern California Edison, United States Forest Service, East
4 Valley Water District, City of Chino, and the Santa Ana River Mainstem Project Local Sponsors.
5 Watermaster submitted these stipulations to the State Board via letter dated April 17, 2007.

6 **B. Hearing Key Issues**

7 On February 16, 2007, the State Board issued a Notice of Public Hearing. The Notice of
8 Public Hearing specified six issues for consideration at the hearing:

9 *1. Is there water available for appropriation by each of the applicants? If so, when is water*
10 *available and under what circumstances?*

11 *2. Will approval of any of the applications or the petition result in any significant adverse*
12 *impacts to water quality, the environment or public trust resources? If so, what adverse impact or*
13 *impacts would result from the project or projects? Can these impacts be avoided or mitigated to a*
14 *level of non-significance? If so, how? What conditions, if any, should the State Board adopt to*
15 *avoid or mitigate any potential adverse impacts on fish, wildlife, or other public trust resources that*
16 *would otherwise occur as a result of approval of the applications and petition?*

17 *3. Is each of the proposed projects in the public interest? If so, what conditions, if any,*
18 *should the State Board adopt in any permits that may be issued on the pending applications, or in*
19 *any order that may be issued on the wastewater change petition, to best serve the public interest?*

20 *4. Will any of the proposed appropriations by the applicants and/or the proposed change in*
21 *treated wastewater discharge by the petitioner cause injury to the prior rights of other legal users*
22 *of water?*

23 *5. What should be the relative priority of right assigned to any permits that may be issued on*
24 *the pending applications?*

25 *6. What effect, if any, will the projects have on groundwater and/or movement of any*
26 *contaminated groundwater plumes? Can the effects be mitigated? If so, how?*

27 **C. Additional Question Presented at the Hearing Relevant to Application 31369**

28 At the hearing, input was requested from the parties as to how the State Board should
administer its permitting authority where stream flows are erratic and flashy. Watermaster
submitted responsive information to the State Board along with suggested permit terms addressing
the erratic hydrology within the Chino Basin watershed. (CBWM Exh. 7-1.) These issues are
further addressed in this closing brief.

D. Stipulation of Applicants Regarding Key Issues 4 and 5

On April 5, 2007, the applicants presented the State Board with a stipulation constituting a

1 full resolution of Key Issues 4 and 5. An executed copy of this stipulation is attached to this closing
2 brief as Exhibit "B." The stipulation contains a recitation of the water rights adjudication
3 judgments pertaining to the Santa Ana River Watershed and the subsequent agreements that have
4 been entered into pursuant to those judgments. The stipulation explains how these judgments and
5 agreements work together to constitute a full resolution of the relative priorities to the water of the
6 Santa Ana Watershed, and how the judgments and agreements provide satisfactory protections to all
7 legal users of water in the watershed.

8 At the April 5, 2007 Pre-Hearing Conference, the Hearing Officer ordered that any party
9 who objected to the stipulation should submit its objection within seven days, by April 12, 2007 at
10 5:00 pm. If no objections were received, then Key Issues 4 and 5 would be eliminated as issues
11 from the hearing. The Hearing Officer subsequently issued a letter ruling dated April 10, 2007,
12 confirming this ruling.

13 No party objected to the stipulation and no party presented evidence concerning Key Issues
14 4 and 5. (RT Vol. I, 2:21-24.)

15 **III. DESCRIPTION OF THE PROJECT (APPLICATION 31369)**

16 **A. Watermaster's Project is an Implemented Project that Uses Pre-Existing**
17 **Facilities Primarily Constructed for Flood Control Purposes.**

18 Application 31369 seeks the right to appropriate to underground storage 68,500 acre-feet per
19 year ("AFY") of ephemeral storm flows from four creek systems tributary to the Santa Ana River.¹
20 (CBWM Ex. 1-1, page 2 lines 8-17.) These creek systems include the San Antonio Creek System
21 (including San Antonio Creek and Chino Creek), the Cucamonga Creek System (including
22 Cucamonga Creek and Deer Creek), the Day Creek System, and the San Sevaine Creek System
23 (including San Sevaine Creek, and Etiwanda Creek). (Id., CBWM Ex. 1-2 and 1-3.) This requested
24 appropriation is in addition to two currently permitted appropriations under Permits 19895

25 _____
26 ¹ Watermaster withdrew without prejudice that portion of Application 31369 concerning 28,500 acre-feet of recycled
27 water. As stated at the hearing, while Watermaster could not know in 2000 how the recycled water program in the
28 Chino Basin would operate, the actual program as implemented does not involve any issues that would invoke the State
Board's jurisdiction. Control over the water is maintained at all times, and to the extent that recycled water is placed in
the channels, those channels are used merely as a means of conveyance under Water Code § 7044. (RT Vol. I, 167:5-
169:9; 180:13-181:5.)

1 (Application 28473) for 15,000 AFY, and 20753 (Application 28996) for 27,000 AFY, for a total
2 appropriation by Watermaster of 110,500 AFY.

3 The area from which the water will be appropriated, and the place of use for the water
4 appropriated, is the jurisdictional area of the Chino Basin Watermaster as defined in Exhibit A (by
5 map) and Exhibit K (by legal description) of the stipulated judgment in the case *Chino Basin*
6 *Municipal Water District v. City of Chino*, San Bernardino Superior Court Case No. RCV 51010.
7 (CBWM Ex. 1-5; App. Joint Ex. 2-11; CBWM Ex. 1-2.)

8 The points of diversion are existing recharge basins spread throughout the Chino Basin, and
9 built primarily for flood control purposes. (CBWM Ex. 1-1, page 2, lines 20-23.) Watermaster
10 presented evidence at the hearing that the points of diversion are the same as those listed in
11 Attachment 3b and Attachment 13 to Application 31369. (CBWM Ex. 1-3.)

12 The storm water recharge project described by Application 31369 is one component of
13 Watermaster's Recharge Master Plan. (CBWM Ex. 1-1, pages 6-8; CBWM Ex. 1-11 and 1-12.)
14 The Recharge Master Plan implements Program Element Two of Watermaster's Optimum Basin
15 Management Program. (CBWM Ex. 1-1, page 4; CBWM Ex. 1-7 and 1-10; RT Vol. I, 133:19 –
16 134:12.) Implementation of the Recharge Master Plan was called the Chino Basin Facilities
17 Improvement Project ("CBFIP"). (CBWM Ex. 1-13.) The cost of the CBFIP was approximately
18 \$44 million, and construction was completed in December 2005. (CBWM Ex. 1-15, page 2-1.)

19 **B. CEQA Compliance**

20 Watermaster's Optimum Basin Management Program ("OBMP"), inclusive of all the
21 OBMP Program Elements including Program Element Two and the storm water recharge project,
22 was analyzed in the OBMP Programmatic Environmental Impact Report ("OBMP PEIR"). (CBWM
23 Ex. 3-3.) The OBMP PEIR was certified by the Inland Empire Utilities Agency ("IEUA") on July
24 13, 2000, two months prior to the submittal of Application 31369. (CBWM Ex. 3-1, page 2, line 3
25 and page 4, line 2.) Project level analysis for the CBFIP was conducted through the Initial Study
26 for the Implementation of Storm Water and Imported Water Recharge at 20 Recharge Basins in the
27 Chino Basin. (CBWM Ex. 3-4.) This Initial Study supported the adoption of a Finding of
28 Consistency by IEUA on October 3, 2001. (CBWM Ex. 3-5.) The written testimony of Mr. Dodson

1 says that he performed supplemental investigations of the facts contained in the PEIR and the Initial
2 Study, and that while these analyses were performed a number of years ago, the findings made in
3 the PEIR and Initial Study are still accurate and can serve as a basis for decision with respect to
4 Application 31369. (CBWM Ex. 3-1, page 13.) There was no objection to this testimony.

5 As additional background information, Watermaster submitted additional CEQA analyses
6 that were prepared prior to the Initial Study for those recharge basins that were constructed post-
7 CEQA. (CBWM Exhibits 3-6 through 3-14.)

8 **C. Operation of the Facilities**

9 The operation of the facilities is governed by a complex set of procedures described in the
10 document titled Chino Basin Recharge Facilities Operation Procedures dated March 2006
11 (“Operation Manual”). (CBWM Ex. 1-15.) The Operation Manual is a collaborative work of the
12 Chino Basin Groundwater Recharge Coordinating Committee (“GRCC”) composed of the Chino
13 Basin Watermaster, the Chino Basin Water Conservation District, the Inland Empire Utilities
14 Agency, and the San Bernardino County Flood Control District. (CBWM Ex. 1-15, page 1-1.)

15 In general, the pattern of operations of the facilities for water conservation purposes
16 involves the diversion and retention of as much storm water as possible into the facilities. (RT Vol.
17 II, 12:17-18; 15:20.) Because of variability in the weather and the priority of the flood control
18 function of the basins, it sometimes happens that water that is diverted is not able to be recharged.
19 (Id., 16:1-9.) Any water that is diverted but which is not able to be recharged returns to the system.
20 (Id., 16:13-20.) While for planning purposes Watermaster uses an average number of 18,000 acre-
21 feet per year of water recharged, this number is an *average* and depends on Watermaster having the
22 flexibility to divert and recharge as much of the storm water as possible. (CBWM Ex. 2-1, page 7,
23 lines 3-6; RT Vol. II, 12:18; RT Vol. I, 143:6; RT Vol. I, 162:21-163:7.)

24 **IV. WATER AVAILABILITY**

25 When considering whether to approve an application to appropriate water, the State Board
26 must determine whether unappropriated water is available to supply the project described in an
27 application. (Water Code § 1375, subd. (d).) Unappropriated water includes water that has not
28 been either previously appropriated or diverted for riparian use. (Water Code §§ 1201, 1202.)

1 **A. Physical Availability**

2 Watermaster provided unequivocal and uncontested evidence that water is available to
3 supply the project. Watermaster’s hydrologist, Mr. Wildermuth, presented testimony as to his
4 model analysis regarding water availability. The model used for this analysis is known as the
5 “waste load allocation model” because it is the model used by the Santa Ana Regional Water
6 Quality Control Board in setting waste load allocations for the watershed, and was the model used
7 by the Regional Board in formulating the 2004 Basin Plan Amendments. (CBWM Ex. 2-1, page 4,
8 lines 14-20; RT Vol. II, 4:22-5:20.)

9 This analysis simulated the amount of water that would be available to Watermaster’s points
10 of diversion over a 50-year period using historical precipitation and 1993 land use conditions.
11 (CBWM Ex. 2-1, page 4, line 25 through page 5, line 3.) According to this analysis, the maximum
12 amount of water that would be available at the points of diversion is approximately 160,000 acre-
13 feet. (CBWM Ex. 2-1, figure 6; RT Vol. II, 6:24.) This amount is well in excess of the amount
14 requested by Application 31369, and well in excess of the 110,500 acre-feet requested by
15 Application 31369 in combination with Watermaster’s existing two permits. Watermaster’s
16 evidence shows that under its simulated conditions, in five out of the last 50 years, more than
17 110,500 acre-feet would have been available to Watermaster’s facilities. (RT Vol. II, 9:20-24.)
18 Watermaster’s evidence further shows that had current (rather than 1993) land-use conditions been
19 used, the analysis would have shown even more water available at the points of diversion. (CBWM
20 Ex. 2-1, page 6, lines 13-17; RT Vol. II, 10:17-20.)

21 There was no opposition to any of the evidence presented by Watermaster, nor were any
22 contrary facts entered into the record by any party.

23 **B. Beneficial Use in an Erratic and Flashy System**

24 At the hearing, the Hearing Officer asked the applicants to address permitting issues as they
25 relate to the erratic nature of stream flows in the Santa Ana Watershed. One aspect of this question
26 concerns the ability to make beneficial use of the available water.

27 The erratic nature of the flow of the creek systems in the Chino Basin does not create an
28 impediment to the beneficial use of the water appropriated because the Chino Basin contains

1 substantial groundwater storage assets, and all water diverted is intended to be recharged to
2 underground storage.

3 Groundwater storage is an important component of the management of the Chino Basin. It
4 is so important that two of the nine OBMP Program Elements concern groundwater storage
5 management. (CBWM Ex. 1-7, Program Elements Eight and Nine.) The 1978 Chino Basin
6 Judgment gives Watermaster the authority to control and regulate all use of the storage capacity of
7 the Chino Basin. (CBWM Ex. 1-5, pp. 8-9.) The groundwater storage resources of the Chino Basin
8 allow Watermaster to store any water recharged for use in subsequent years. All storm water
9 recharged will be put to beneficial use by the parties to the Chino Basin Judgment.

10 Watermaster's evidence shows that with the completion of the (CBFIP) the facilities have
11 the capacity to recharge the full amount of water requested under Application 31369 as well as its
12 two existing permits. (RT Vol. I, 141-142; CBWM Ex. 1-13.) Construction of the CBFIP was
13 completed in December 2005. (CBWM Ex. 1-15, page 2-1.) The evidence shows that after the
14 completion of the CBFIP the capacity of the basins in total was anticipated to be 123,195 acre-feet
15 per year. (Applicants Joint Ex. 2-19, Table ES-1; RT Vol. I, 141:20-142:16.) During the 05-06
16 storm season, the Groundwater Recharge Coordinating Committee began to learn about the
17 operational capabilities of the improved recharge basins and were able to finalize the Operation
18 Manual. (CBWM Ex. 1-15.) The Operation Manual states that the initial performance of the
19 facilities is likely to be less than anticipated, but as the facilities come in to full use, the duration of
20 the maintenance cycles of the facilities is decreased, and "experience is gained towards optimizing
21 the operation of these basins," the recharge capacity will increase and exceed the amount originally
22 anticipated.² (CBWM Ex. 1-15, page 2-1.) The procedures described in the Operation Manual have
23 not yet been fully tested since there has been almost no storm flow in the 06-07 storm season.
24 (CBWM Ex. 1-16.)

25 Because of the flashy and erratic nature of the storm flow in the Chino Basin, the only

26 ² Note that the Operation Manual plans for the use of the recharge basins under average conditions and so allocates the
27 recharge capacity between the three types of water to be recharged: storm water, recycled water, and imported
28 supplemental water. However, in wet years when more storm water is available, Watermaster will reduce the amount of
supplemental water that is imported and dedicate the recharge capacity to storm water with the goal of maximizing the
recharge of storm water. (CBWM Ex. 1-1, 6:11-22.)

1 practical method of use for the water is as recharge to underground storage. However, storm water
2 recharge always presents operational challenges because public safety considerations inherent in the
3 flood control functions will always take precedence over recharge. While the erratic nature of the
4 flows in the Chino Basin may thus create operational challenges for Watermaster, there is no reason
5 why they should present a beneficial use limitation on the issuance of a permit for the full amount
6 requested by Watermaster. In fact, Watermaster's evidence shows that any limitation on
7 Watermaster's ability to divert storm flows when available will inhibit the ability to put the
8 available water to beneficial use by recharging it in to the groundwater basin. (CBWM Ex. 2-1,
9 page 7, lines 3-6; RT Vol. II, 12:18; RT Vol. I, 143:6; RT Vol. I, 162:21-163:7.)

10 **C. Previous State Board Decisions**

11 While the Santa Ana River watershed's flashy hydrology may be unique in relation to the
12 perennial stream flows prevalent in northern California, the issue of high variability of available
13 water is not. The State Board has dealt with the issue in its permitting capacity in many past
14 decisions. In addressing the issue, however, the State Board has not constrained itself from
15 permitting applications in such circumstances.

16 For example:

17 The available information relating to the applications and protests
18 points to the conclusion that the flow of the sources from which the
19 applicants seek to appropriate is erratic and uncertain, that
20 unappropriated water nevertheless exists therein frequently and that
21 such water, when it exists, may be taken and used beneficially in the
22 manner proposed by the applicants, without injury to downstream
23 users...the applications should therefore be approved and permits
24 issued, subject to the usual terms and conditions.

(In the matter of Application 16326 by Crossley and Application 16327 by Crossley to appropriate
25 water from two Unnamed Streams tributary to Secret Ravine in Placer County (1958) State Board
26 902, slip copy at p. 10.)

27 Similarly, in Decision 1642, the State Board addressed the Monterey County Water
28 Resources Agency's application to increase its storage rights in Nacimiento Reservoir. (*In the
Matter of Application 30532* (2001) State Board D-1642.) The State Board found that water was
available for the project in eight of the 43 years that the project had been in operation, and that in

1 those eight years there were 611 days when water in storage exceeded the licensed amount. (Id.,
2 slip copy at p. 10.) On this basis, the State Board found sufficient water available to supply the
3 project. (Id., slip copy at p. 13; see also *In the Matter of Application 22980 of Western Lake*
4 *Properties, Inc., to Appropriate from Big Creek in Tuolumne County* (1968) State Board D-1320,
5 slip copy at p. 6 [surplus water would be available in 6 out of 42 years].)

6 In Decision 1613, the State Board addressed an application by University Exchange
7 Corporation to appropriate 490 acre-feet for use as a residential supply. (*In the Matter of*
8 *Application 26813* (1986) State Board D-1613.) The Goleta Water District protested the application
9 on public interest grounds, alleging that there may be inadequate water available in dry years. The
10 State Board found that the amount of water available for appropriation would be inadequate for the
11 proposed uses in many years, and would be dependant on a supplemental water supply. (Id §4.2.)
12 Even with a supplemental supply, the State Board found that the volume of water needed by the
13 proposed residential developments could only be met in 96% of the years, and that in the other 4%
14 of the years the applicant would depend on a groundwater supply that would cause overdraft to the
15 groundwater basin. (Id.) The State Board found that these factors were not significant and granted
16 the permit for the full requested amount.

17 As the evidence at the hearing demonstrated, in order to achieve its average storm water
18 recharge to underground storage, Watermaster must divert storm water whenever it is available.
19 (CBWM Ex. 2-1, page 7, lines 3-6; RT Vol. II, 12:18; RT Vol. I, 143:6; RT Vol. I, 162:21-163:7.)
20 The appropriation of storm water when available, though its reliability may be unpredictable, should
21 be allowed despite the inability to rely on that supply for a firm amount of water in each year. (See
22 *In the Matter of Application 22980 of Western Lake Properties, Inc., to Appropriate from Big Creek*
23 *in Tuolumne County* (1968) State Board D-1320, slip copy at p. 4 ["In a proper case, the Board can
24 approve an application to divert from a source with no firm yield remaining above diversions
25 authorized in existing permits, when there is a reasonable expectation that variations in either the
26 supply or the needs of prior rights will leave unappropriated water in the source in some months or
27 some years, which water the applicant will be able to use, whenever it occurs."].)

28 **D. Other Appropriations**

1 Downstream from Watermaster's points of diversion there are no other legal users of water
2 other than the Orange County Water District ("OCWD"). Thus, so long as OCWD's rights are
3 satisfied, there will be no water rights limitation on the availability of water. In this regard,
4 OCWD's rights with respect to the Chino Basin are defined by the 1969 Stipulated Judgment in
5 *Orange County Water District v. City of Chino*, Orange County Superior Court Case No. 117628.
6 (Applicants Joint Ex. 2-1.)

7 Watermaster has historically appropriated as much storm water as it could, consistent with
8 the 1969 Judgment. This, in fact, is the right decreed to the Chino Basin by that Judgment. The
9 1969 Judgment says that the Upper Area parties have the right, ". . . to divert, pump, extract,
10 conserve, store and use all surface and ground water supplies originating within Upper Area without
11 interference or restraint by Lower Area claimants so long as the Lower Area receives the water to
12 which it is entitled under this Judgment and there is compliance with all of its provisions."
13 (Applicants Joint Ex. 2-1, page 10.)

14 So long as OCWD receives the water to which it is entitled under the 1969 Judgment and so
15 long as there is compliance with all of the Judgment's provisions, OCWD's rights do not act as a
16 limitation on the availability of water for appropriation by Watermaster.

17 It is important to emphasize that within the parameters of the 1969 Judgment as quoted
18 above, Watermaster's right to divert storm flows within the Chino Basin is defined not by a limit on
19 the number of acre-feet that may be utilized, but rather as a duty to deliver a certain minimum
20 quantity of water to downstream users. The specification through Application 31369 of a specific
21 acre-foot number to which Watermaster will be limited is thus, in itself, the imposition of a
22 condition on Watermaster that does not exist under the 1969 Judgment. As discussed below, there
23 are no resource-based justifications for the imposition of any conditions on Watermaster's activities.
24 The only justification for even the condition of a defined acre-foot right is that such a condition is a
25 necessary feature of the Water Code's water right system that Watermaster has accepted as an
26 unavoidable consequence of making use of the State Board's services.

27 **V. PUBLIC TRUST**

28 Watermaster presented uncontested and unequivocal evidence that its project will have no

1 impact on public trust resources and that there are no limiting conditions that can be put in to
2 Watermaster's permit that will have any benefit to public trust resources. As discussed below, this
3 lack of impact is the result of the particular physical setting of the Chino Basin: all of the channels
4 in the Chino Basin are concrete lined, and the only impact of the project outside of the Chino Basin
5 is a small reduction in flow in and near Prado Basin, an area of the Santa Ana Watershed which has
6 no shortage of water.

7 **A. Flow Analysis**

8 Watermaster diverts water from four creek systems that are tributary to the Santa Ana River.
9 There is no natural base flow to these creeks, and so the only time water is present is during and
10 immediately following storm events. (RT Vol. II, 108.) The travel time for water entering the four
11 creek channels at the base of the San Gabriel mountains until it discharges to the Santa Ana River is
12 about three to four hours. (RT Vol. II, 108:21.) The operation of the facilities can have the effect of
13 delaying this travel time to between 12 to 24 hours, after which time the flow in the channels
14 becomes negligible. (RT Vol. II, 108:8-11.) The reason for these short travel times is that the
15 channels are concrete-lined with steep gradients. (RT Vol. II, 108:23-109:4.) Apart from these
16 ephemeral flows, water in the channels is composed of some urban dry weather flow and treated
17 waste water that is discharged below Watermaster's points of diversion. (RT Vol. II, 108:8-12.)

18 Watermaster's hydrologist provided testimony on flow duration curves for each of the four
19 creek systems in the Chino Basin, as well as for the Santa Ana River mainstem. These flow
20 duration curves are composite representations of the daily flows of each of the creek systems based
21 upon 50 years of daily data. (CBWM Ex. 2-1 Figures 7-10; RT Vol. II, 110:12-111:1.) These flow
22 duration curves simulate the impacts that Watermaster's proposed appropriation would have had
23 over the last 50 years of historical flow. According to Watermaster's testimony, the changes in flow
24 are generally small and infrequent. (CBWM Ex. 2-1, page 10, lines 15-21; RT Vol. II, 111:23-
25 112:7; Id. at 112:22-24; Id. at 113:3-5.)

26 Watermaster also provided evidence that even these small changes in flow would be
27 eliminated under ultimate land use conditions since urbanization downstream of Watermaster's
28 points of diversion will result in higher flows reaching the Santa Ana River and that these higher

1 flows will offset the amount that Watermaster recharges into the groundwater basin. (RT Vol. II,
2 12:7-11.)

3 Finally, Watermaster provided evidence about the cumulative effect of its appropriations in
4 combination with other Upper Basin applicants' diversions. Flow duration curves were presented
5 which simulated the change in flow at Riverside Narrows and at Prado Dam. (CBWM Ex. 2-1
6 Figures 11-12; CBWM Ex. 2-9.) The flow duration curve at Prado Dam simulates the impact of the
7 diversions by Muni/Western, the City of Riverside, and the Chino Basin Watermaster. (CBWM Ex.
8 2-9; RT Vol. II, 115:21-24.) These impacts were characterized as not significant within the context
9 of the overall flow of the Santa Ana River. (CBWM Ex. 2-1, page 10, lines 22-24; RT Vol. II,
10 116:13-16.)

11 There was no opposition to any of the evidence presented by Watermaster, nor were any
12 contrary facts entered into the record by any party.

13 **B. CEQA Analysis**

14 Watermaster's storm water recharge project was analyzed by the OBMP PEIR and found to
15 have no negative impacts. Subsequently a project level Initial Study was performed that resulted in
16 a Finding of Consistency for the project.

17 With respect to public trust resources, both the OBMP PEIR and the Initial Study found that
18 the channels in the Chino Basin are primarily concrete-lined flood control channels so that there are
19 no public trust resources in this area to consider. (CBWM Ex.3-1 page 5:14; CBWM Ex. 3-3 pp. 4-
20 308 to 4-344 (section 4.8); CBWM Ex. 3-1 page 7:5-10; CBWM Ex. 3-4.) Because of this, the
21 analysis of public trust impacts of the recharge project focused on potential impacts at Prado
22 reservoir. (CBWM Ex 3-1 page 5:16.) The analysis found that Watermaster will divert substantially
23 less than the projected increased flows reaching Prado, so that the net effect will merely be a
24 smaller increase in flows than would otherwise be the case, with no adverse impact on public trust
25 resources. (CBWM Ex.3-1 page 5:17-23; CBWM Ex. 3-3 pp. 4-308 to 4-344 (section 4.8).)

26 There was no opposition to the written testimony concerning Watermaster's CEQA
27 compliance. Because there were no questions to be put to Watermaster's witness concerning such
28 compliance, at the April 20, 2007 Pre-Hearing Conference Call the Hearing Officer permitted

1 Watermaster to rely solely on the written testimony of this witness. There was no opposition to this
2 by any party.

3 **C. Supplemental Analysis Regarding Special Species of Concern**

4 For the purpose of the hearing on Application 31369, Watermaster performed supplemental
5 analyses with regard to special status species that seemed of particular interest to the State Board
6 and other hearing parties. Watermaster presented the testimony of the leading experts familiar with
7 the species of concern in the areas that might be affected by the diversions under Application
8 31369: the four creek systems as they pass through the Chino Basin, Reach Three of the Santa Ana
9 River and the Prado Wetlands.

10 With respect to the four creek systems as they pass through the Chino Basin, Watermaster's
11 evidence demonstrated that there is no habitat for any species within the stream channels from
12 which Watermaster diverts. There is neither riparian habitat nor habitat for the Santa Ana sucker
13 within these areas. (CBWM Ex. 4-1, 3:7-12; RT Vol. II, 146:10-23; CBWM Ex. 6-1, 3:13-23; RT
14 Vol. II, 154:5-14, 156:13-16.) Furthermore, the United States Fish and Wildlife Service's
15 designation of critical habitat for the San Bernardino Kangaroo Rat within the northern portion of
16 the Chino Basin specifically excludes Watermaster's northernmost diversion facilities, and there is
17 no designated critical habitat for any species south of this point. (CBD Ex. 2; RT Vol. II, 148:7-
18 149-5.) Watermaster presented evidence that there is no potential for Watermaster's appropriations
19 to impact habitat upstream from its points of diversion. (RT Vol. II, 149:6-11.) There was no
20 opposition to this evidence, nor were any contrary facts entered in to the record by any party.

21 1. Riparian Habitat and Avian Species

22 With respect to Reach Three and Prado Wetlands, Mr. Tony Bomkamp testified that
23 Watermaster's diversions will have no impact on riparian habitat. (CBWM Ex. 4-1, 8:21-10:4; RT
24 Vol. II, 150:24.) Mr. Bomkamp performed a water budget analysis which calculated the amount of
25 water required by the riparian species within Reach Three and Prado Wetlands and then compared
26 this amount with the amount of water actually available in these areas. (RT Vol. II, 122:10 –
27 124:23.) This methodology was utilized by Mr. Bomkamp for his analysis of both the City of
28 Riverside's project and well as for the Chino Basin in order to provide an analysis of the cumulative

1 effect of both of these projects. (RT Vol. II, 144:18-21; 149:19-23.)

2 The analysis focused on the water needs of the willow because the water needs of this
3 species are larger than any other relevant species in the study area. (RT Vol. II, 145:18-146:1.) It
4 also focused on the habitat needs of the Least Bell's vireo with respect to this riparian habitat
5 because the vireo serves as an umbrella species for all other avian species of concern in the study
6 area. (RT Vol. II, 145:5-14.) The evidence shows that in the area of Reach Three above the Prado
7 Wetlands, there is approximately 18 times more water present than is required by the riparian
8 habitat. (RT Vol. II, 124:21-23.) With respect to the Prado Wetlands, the evidence shows that even
9 with both the Riverside and the Chino Basin diversions, there is still, on average, more than 260,000
10 acre-feet of water in excess of that needed by the riparian habitat. (RT Vol. II, 126:6-13.)
11 Consequently, Watermaster's proposed project will have no impact on the Least Bell's vireo nor
12 any other special status avian species. (RT Vol. II, 126:16-19; 145:2-146:9.) Because there is such
13 a large amount of treated effluent in the Santa Ana River system, the timing of the storm flows does
14 not have a significant effect on this analysis. (RT Vol. II, 151:11-22.)

15 The evidence shows that the conclusion regarding lack of impacts will be true even when
16 Watermaster's appropriations reach the full amount requested. This is because when there is
17 increased water available in the Chino Basin, there is also increased water throughout the Santa Ana
18 Watershed, and even though Watermaster's appropriations may increase, the flows in Reach Three
19 and Prado will also be increasing and Watermaster's percentage impact on the overall flows will
20 actually decrease. (RT Vol. II, 150:6-24.) Similarly, in dry years Watermaster's appropriations will
21 have a decreased percentage impact because in such years the flows in Reach Three and Prado are
22 fed almost exclusively by wastewater discharges. (RT Vol. II, 151:2-22.)

23 Watermaster's evidence shows that even if Watermaster were to divert and recharge all of
24 the flows in the creek systems, that there will be no adverse impact on Reach Three or the Prado
25 Wetlands. (RT Vol. II, 151:23-152:14.) Watermaster's evidence shows that there are no limitations
26 that can be placed on Watermaster's appropriations that will have any benefit to riparian habitat or
27 avian species. (Id.)

28 There was no opposition to any of this evidence, nor were there any questions from staff.

1 (RT Vol. II, 157:24 – 158:4.) No party introduced any contrary evidence in to the record.

2 2. Santa Ana Sucker

3 With respect to the Santa Ana Sucker, Reach Three and the Prado Wetlands do not provide
4 suitable habitat. (CBWM Ex. 6-1, 3:24-4:1; RT Vol. II, 157:2-14.) Dr. Jonathan Baskin testified
5 that Reach Three was generally poor habitat for the Santa Ana Sucker because it is more than 90%
6 sand substrate. (RT Vol. II, 141:11-16.) Dr. Baskin further testified that flows in Reach Three are
7 currently higher than is suitable for the Santa Ana Sucker. (RT Vol. II, 142:6-16.) Prado Basin is
8 also not suitable habitat because of the predominance of standing water which is contrary to the
9 habitat needs of the sucker. (RT Vol. II, 139:20-22.)

10 Dr. Jeffrey Beehler, administrator of the Santa Ana Watershed Project Authority's Santa
11 Ana Sucker Conservation Team, testified that Watermaster's project will not cause any direct
12 impact to the Santa Ana Sucker by, for example, drawing suckers in to Watermaster's diversion
13 facilities. (RT Vol. II, 153:20-154:8.) This is because the sucker does not inhabit the concrete
14 channels within the Chino Basin. (Id.)

15 The testimony analyzed the mouths of the four creek systems where the concrete-lined
16 portions end, and found that none of them offer suitable sucker habitat. Chino Creek and
17 Cucamonga Creek both are low gradient, rip-rapped channels with silty bottoms that empty directly
18 into Prado Basin. (RT Vol. II, 155:8-13.) Prado Basin acts as a barrier against the suckers because it
19 is standing water that is habitat for a number of invasive species which prey on the sucker. (RT Vol.
20 II, 155:12-16.) This testimony is consistent with the analysis provided by Dr. Baskin. (RT Vol. II
21 142:17-24.) The short unlined area at the mouth of Day Creek was also shown to be relatively flat
22 and silty, with unreliable flows. (RT Vol. II, 155:20 -156:4.) Similarly, the short unlined area at the
23 mouth of San Sevaine Creek was also shown to be flat, sandy and containing large barriers to fish
24 movement. (RT Vol. II, 156:6-12.)

25 Watermaster's project will not adversely affect the sucker in Reach Three itself. (CBWM
26 Ex. 6-1, 4:8-10; RT Vol. II, 156:13-157:14.) This is because the limiting factor for the sucker
27 within the Santa Ana River is sufficient habitat and not the availability of adequate flows, and
28 Watermaster's project will not affect the availability of habitat. (CBWM Ex. 6-1, 4:3-7; RT Vol. II,

1 156:20-22, 157:6-14.)

2 Based on the lack of impacts from Watermaster's appropriations under Application 31369,
3 Watermaster's evidence shows that there are no limitations that can be placed on Watermaster's
4 appropriations that will have any benefit to the Santa Ana Sucker. (RT Vol. II 157:15-19.)

5 There was no opposition to any of this evidence, nor were there any questions from staff.
6 (RT Vol. II, 157:24 – 158:4.) No party introduced any contrary evidence into the record.

7 **D. Public Trust in an Erratic and Flashy System**

8 One aspect of the Hearing Officer's concern over the erratic and flashy nature of the system
9 was how to formulate permit terms that would be protective of the public trust. (RT Vol. I, 254:1-
10 23.) This concern is founded on the assumption that some measure of limitation on the
11 appropriation by the permittee may be appropriate in order to protect public trust values; the
12 difficulty of formulating a permit term in an erratic system only manifests itself if it is necessary to
13 find a way to define how much water *cannot* be diverted. As shown by Watermaster's evidence, this
14 issue does not arise in the Chino Basin. In any given year, Watermaster can divert and recharge all
15 of the storm water in the system, and this activity will not harm public trust values, and may even
16 create a public trust benefit. Since there are no permit terms that will be protective of the public
17 trust with respect to the Chino Basin, the issue of how to formulate such terms with regard to the
18 erratic nature of the stream flows does not arise.

19 **VI. PUBLIC INTEREST**

20 The State Board is to allow the appropriation for beneficial purposes of unappropriated
21 water under such terms and conditions as in its judgment will best develop, conserve, and utilize in
22 the public interest the water sought to be appropriated. (Water Code § 1253.) In determining
23 whether an appropriation of water is in the public interest, the State Board shall give consideration
24 to any general or coordinated plan looking toward the control, protection, development, utilization
25 and conservation of the water resources of the State. (Water Code § 1256.)

26 The storm water recharge project described in Application 31369 is one component of
27 Watermaster's Recharge Master Plan. (CBWM Ex. 1-1, pp. 6-7.) The Recharge Master Plan
28 implements Program Element Two of Watermaster's OBMP. The OBMP is a comprehensive and

1 integrated groundwater management program for the Chino Basin that functions as the Physical
2 Solution under the 1978 Judgment. When implementation of the OBMP began in 2000, the Santa
3 Ana Watershed Project Authority named the program “Integrated Project of the Year.” (CBWM
4 Ex. 1-1, p. 5.)

5 As its name indicates, the purpose of the OBMP is to provide a management program for the
6 Chino Basin that will optimize the use of the Basin for the wide variety of beneficial uses there.
7 The water appropriated under Application 31369 will be recharged into the Chino Basin and put to
8 use for municipal, agricultural and industrial uses by the 800,000 people who live and work in the
9 Basin area. (RT Vol. II, 21:24-22:8.)

10 In addition, in acting upon an application to appropriate water, the State Board shall
11 consider water quality control plans which have been established pursuant to Division Seven of the
12 Water Code. (Water Code § 1258.)

13 On September 30, 2004, the State Board approved the most recent set of amendments to the
14 Santa Ana Region Basin Plan. These amendments included an innovative program to encourage the
15 use of recycled water in selected places within the Santa Ana Watershed, most notably in the Chino
16 Basin. The central feature of these amendments is the inclusion of what are known as the
17 “Maximum Benefit Standards” which provide for greater assimilative capacity in the Chino Basin
18 thereby allowing for increased recycled water use and recharge. (CBWM Ex. 1-8: Attachment to
19 Resolution No. R8-2004-0001, pp.52-53; CBWM Ex. 1-1. pp.5:10-6:22.) In exchange for the
20 ability to utilize the Maximum Benefit Standards, the parties in the Chino Basin committed to
21 implement a suite of water quality improvement measures. One of the measures specifically
22 identified is the storm water recharge project that is the subject of Application 31369. (CBWM Ex.
23 1-8: Attachment to Resolution No. R8-2004-0001, page 58, item numbered “5”; *see also* Water
24 Code § 1257). In order to recharge recycled water, Watermaster must recharge a prescribed amount
25 of storm water to meet blending requirements. (CBWM Ex. 1-1, p. 6; CBWM Ex. 1-8; CBWM Ex.
26 2-7; CBWM Ex. 2-4; RT Vol. III, 23:22-24:7.) Without the recharge of storm water, Watermaster’s
27 recharge of recycled water will be limited unless Watermaster can import an amount of water that
28 will have an equivalent function as a dilutant. Such a scenario will require additional importation of

1 water from the Bay-Delta through the State Water Project. (CBWM Ex. 1-1, p. 9; RT Vol. III,
2 22:17-23-:1; see CBWM Ex. 2-1, p. 11.) It cannot be in the public interest to compel a community
3 to unnecessarily forego the use of available local resources and to instead increase its reliance on
4 imported supplies whose reliability may be in question.

5 Watermaster provided unequivocal evidence that any permit conditions that limit
6 Watermaster's flexibility will have a negative impact on the public interest values of Watermaster's
7 project. (RT Vol. III, 22:17-23:1; 24:8-14.) There was no opposition to any of this evidence. No
8 party introduced contrary evidence into the record.

9 VII. GROUNDWATER QUALITY

10 A. Watermaster's Project Will Have a Beneficial Impact on Groundwater Quality 11 in the Chino Basin

12 Watermaster presented uncontested and unequivocal evidence that Watermaster's recharge
13 of increased amounts of storm water to the Chino Basin will improve groundwater quality within
14 the Basin. (CBWM Ex. 1-1, p. 7; CBWM Ex. 1-12, p. ES-2.) The Initial Study for the storm water
15 recharge project found that the recharge of high quality storm water into the Chino Basin will have
16 a beneficial impact on the groundwater quality in the Basin. (CBWM Ex. 3-4, page 49; CBWM Ex.
17 3-1, page 6, line 16.) Watermaster's extensive water quality monitoring activities have
18 demonstrated this to be the case. (CBWM Ex. 3-1, p. 11; see CBWM Ex. 2-7, p. 6-1.)

19 B. Watermaster's Project Will Not Have Any Effect on the Movement of any 20 Contaminated Groundwater Plumes

21 Watermaster presented uncontested and unequivocal evidence that its recharge of storm
22 water under Application 31369 will not cause the plumes of contamination in the Chino Basin to
23 move differently than they are already moving. Watermaster has conducted extensive modeling of
24 the movement of the contaminant plumes within Chino Basin. (CBWM Ex. 2-1, p. 18, Figures 14,
25 15; CBWM Ex. 2-3; RT Vol. III, 71:9-20.) This analysis demonstrates that plume movement within
26 the Basin will be virtually the same with or without Watermaster's anticipated recharge under
27 Application 31369. (CBWM Ex. 2-1, pp. 18, 19; RT Vol. III, 75:19-22, 78:14-19.)
28

1 **C. Watermaster and the RWQCB Are Already Addressing All the Plumes in the**
2 **Chino Basin.**

3 Pursuant to Program Element Six of the OBMP, Watermaster works closely with the
4 RWQCB to address the plumes of contamination in the Chino Basin. (RT Vol. III, 77:5-78:13.) In
5 addition to Watermaster's oversight of these plumes pursuant to the OBMP, the remediation of each
6 plume in the Basin is the subject of remediation effort under additional state or federal supervision.
7 (CBWM Ex. 7-1, Exhibit "B"; see also CBWM Ex. 2-1, pp. 12-18.) A summary of efforts currently
8 underway to remediate the plumes in the Chino Basin was attached as Exhibit "B" to CBWM Ex. 7-
9 1. A copy is also attached to this closing brief as Exhibit "C."

10 **VIII. PROPOSED FINDINGS**

- 11 1. There is adequate water available for appropriation under Application 31369 in combination
12 with Watermaster's existing Permits 19895 and 20753.
- 13 2. There is no water availability basis for limiting or conditioning Watermaster's appropriation.
- 14 3. The appropriated water will be put to beneficial use.
- 15 4. There is no beneficial use basis for limiting or conditioning Watermaster's appropriation.
- 16 5. The water is available year round, though it occurs in the greatest quantities during the
17 winter and spring months. The conditions under which the water is available for appropriation
18 relate almost exclusively to precipitation conditions, though also to flood control operations.
- 19 6. There is no basis for limiting Watermaster's season of use.
- 20 7. Approval of Application 31369 will not result in any adverse impacts to water quality, the
21 environment or public trust resources.
- 22 8. There is no public trust basis for limiting or conditioning Watermaster's appropriation.
- 23 9. The project proposed by Application 31369 is in the public interest, and any limitations
24 imposed on Watermaster's ability to divert and recharge storm water will detract from the public
25 interest.
- 26 10. The rights of other users of water and the priority of those rights are fully defined in the
27 judgments and agreements described in the Stipulation of Applicants on file with the State Board.
- 28 11. The Santa Ana Watershed has a well-developed and complex system for the integrated

1 regional management of the Santa Ana River, and for the administration of the rights of the parties
2 of the watershed to use the River and its tributaries.

3 12. In the Santa Ana Watershed, the most effective manner by which the State Board can fulfill
4 its statutory and common law duties is to give a high level of deference to the existing judgments
5 and agreements.

6 13. The project proposed by Application 31369 will have a beneficial impact on the
7 groundwater of the Chino Basin.

8 14. The project proposed by Application 31369 will not have any negative impact on the
9 movement of any contaminated groundwater plumes.

10 15. There is no water quality basis in the record for limiting or conditioning Watermaster's
11 appropriation.

12 16. Continued implementation of OBMP Program Element Six is adequate to provide water
13 quality protections within the Chino Basin.

14 17. Because of the erratic nature of storm flows in the Santa Ana Watershed, it is appropriate to
15 utilize a modified approach to defining the period of development and use.

16 18. The Optimum Basin Management Program constitutes an integrated and comprehensive
17 management plan for the water resources of the Chino Basin.

18 **IX. PROPOSED PERMIT TERMS**

19 Attached to this closing brief as Exhibit "A," is a proposed permit that is based on the
20 discussion contained in this closing brief and upon the model provided by Watermaster's two
21 existing permits. The proposed permit is composed primarily of standard State Board permit terms,
22 though in some respects these standard permit terms have been modified in an attempt to tailor the
23 permit to the particular conditions of the Santa Ana Watershed and in an attempt to integrate the
24 permit in to the existing integrated regional management of the watershed. The discussion below
25 provides an explanation for each of the areas where the proposed permit deviates from standard
26 State Board permit terms.

27 **A. Deference to the Existing Integrated Regional Management of the Santa Ana**
28 **Watershed (Proposed Permit Terms 12 and 13)**

1 1. Policy Background

2 Pursuant to the California Supreme Court's decision in *National Audubon Society v.*
3 *Superior Court* (1983) 33 Cal.3d 419, superior courts and the State Board have concurrent original
4 jurisdiction in cases involving water issues. (*Id.* at 451.) However, under the rule of exclusive
5 concurrent jurisdiction, when two tribunals have concurrent jurisdiction over the subject matter and
6 all parties involved in litigation, the first to assume jurisdiction has exclusive and continuing
7 jurisdiction over the subject matter and all parties involved until such time as all necessary related
8 matters have been resolved. (See *Plant Instruction Co. v. Fibreboard Corp.* (1990) 224 Cal.App.3d
9 781, 786-87 In the present case the Superior Court, through the 1969 Judgment, retained this
10 "exclusive and continuing jurisdiction."

11 Any decision of the State Board as to the Applications at issue in this proceeding may not
12 conflict with the provisions of the 1969 Judgment. In *Environmental Defense Fund Inc. v. East Bay*
13 *Municipal Utility District* (1980) 26 Cal.3d 183, the Supreme Court faced a situation on the
14 American River where both a Superior Court and the State Board were exercising jurisdiction. In
15 that case the court held that even though the State Board had retained jurisdiction to consider the
16 diversion point of an appropriation, the Superior Court could exercise jurisdiction over claims
17 involving reasonable use of water under Article X, Section 2 of the California Constitution. (*Id.* at
18 199-200.) Here even though the State Board has authority to permit applications to appropriate
19 surface waters, it can not deprive the Superior Court of its exclusive retained jurisdiction over the
20 allocation of waters between the parties to the 1969 Judgment.

21 In the judicial adjudication involving all of the waters of Putah Creek, the State Board has
22 addressed the issue of how to exercise its jurisdiction concurrently with the Superior Court. In *In*
23 *the Matter of Modification of Appropriative Water Rights Subject to Condition 12* (1996) State
24 Board Order WR 96-002, the State Board faced a situation on Putah Creek where the Superior
25 Court was adjudicating the water rights of over 2,000 water users. After months of negotiations, the
26 parties reached an agreement as to how to exercise their water rights. The State Board found that:

27 In the coordinated actions in the Sacramento County Superior Court,
28 both the SWRCB and the court have concurrent jurisdiction over the
 post-1914 appropriative water rights issued by the SWRCB. The

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SWRCB is requested to amend the terms and conditions in appropriative rights to give effect to the terms of the Agreement...

In order to avoid the possibility that post-1914 appropriative rights could be subjected to inconsistent mandates from the SWRCB and the court, the SWRCB should review any and all orders of the court implementing the provisions of the Agreement. If it appears that the order of the court and the SWRCB impose inconsistent mandates on appropriative water rights, the SWRCB should consider amending the requirements set forth by this order. (*Id.* at 48-49.)

In the present matter, as the existing framework created by the 1969 Judgment has served the parties well in the nearly 40 years since its issuance, the State Board's decision as to the applications at issue should be consistent with the terms of the 1969 Judgment.

As the Board noted in *Solano Irrigation Districts v. All Appropriative Water Rights Holders in Upper Basin* (1994) Cal. Env. Lexis 8, June 2, 1994, a matter also involving Putah Creek, it is a difficult situation where both the State Board and a court have jurisdiction over a stream system.

However, the State Board added:

Having expressed this reservation, the SWRCB hastens to add that it is also sensitive to the problem presented by its concurrent jurisdiction with the Court and will make earnest effort to avoid conflict with the decision of the Court whenever possible. (*Id.* at 61.)

2. Permit Terms Recognizing Existing Institutional Framework

The April 5, 2007 Stipulation of the Applicants represents a summation of the complex and highly developed institutional framework that exists in the Santa Ana Watershed for the administration of water rights. This system has been evolving over several decades and integrates the management of both surface and groundwater. The system also incorporates water quality considerations in to the water rights decision-making process.

This system, administered by three separate watermaster bodies, forms the foundation upon which Integrated Regional Water Management ("IRWM") in the Santa Ana Watershed occurs. Joint testimony was presented on behalf of all applicants that the State Board should take this opportunity to demonstrate its support for IRWM by encouraging the process that has evolved in the Santa Ana Watershed. (Joint Exhibit 1-1, pp. 9-10; RT Vol. 1, 99:11-22.)

The State Board should recognize and encourage the system that has developed in the Santa Ana Watershed through the inclusion in all permits of Standard Permit Terms 23 and/or 24, and N.

1 PERMIT TERM 23 Adjudicated Rights

2 When Used: If diversion is from an adjudicated source.

3 Term:
4 Rights under this permit are, and shall be, specifically subject to existing rights determined by the
5 Adjudication, Superior Court, ___ County, No. ___ insofar as said adjudicated rights are maintained. (0000023)

6 PERMIT TERM 24 Private Agreement

7 When Used: As necessary.

8 Term:
9 Permittee shall comply with the following provisions which are derived from the agreement between
10 permittee and _____ executed on ___ and filed with the State Water Resources Control Board:

- 11 1.
12 2.
13 etc.

14 Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as
15 disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of
16 such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

17 PERMIT TERM N Subject to Watermaster

18 When Used: In adjudicated areas where a watermaster supervises distribution of water.

19 Term:
20 Diversion of water under this permit shall be subject to regulation by the watermaster appointed to enforce
21 the terms of the ___ Decree. (000000N)

22 These standard permit terms demonstrate a clear precedent for the State Board to recognize
23 and incorporate existing arrangements between the parties in the fulfillment of its statutory duties.

24 Standard Permit Term 23 allows the State Board to incorporate the terms of the three
25 judgments in the Santa Ana Watershed governing water rights as between the parties. In fact, the
26 State Board has done exactly this on two prior occasions with regard to Watermaster's two existing
27 permits. Watermaster's Permit 19895 (Application 28473) Term 14, and Permit 20753 (Application
28 28996) Term 13 both state:

*Rights under this permit are, and shall be, specifically subject to existing rights determined
by the judgment in Chino Basin Municipal Water District v. City of Chino, Superior Court, San*

1 *Bernardino County No. 164327³, and the stipulated judgment in Orange County Water District v.*
2 *City of Chino Case No. 117628, insofar as such adjudicated rights are maintained.*

3 Standard Permit Term 24 allows the State Board to incorporate private agreements among
4 the parties. The State Board should utilize both these approaches and incorporate the April 5, 2007
5 stipulation in its entirety and as an operative term into each of the parties' permits.

6 Finally, under Permit Term N, the State Board should acknowledge that the Santa Ana River
7 Watermaster, and the two additional local Watermasters, already administer a complex system of
8 water rights. Permit Term N recognizes that in adjudicated areas such administration can serve as a
9 logical and efficient extension of the administration by the State Board. The State Board should
10 take advantage of this precedent and become, as Mr. Dendy testified, a "partner" in the existing
11 process in the Santa Ana Watershed. (RT Vol. I, 11-22.) The State Board should acknowledge the
12 primary responsibility for administration of water rights in the watershed by the three existing
13 Watermaster entities and should reserve for itself an oversight role that will come in to play only if
14 the existing system should somehow fail.

15 Proposed Permit Terms 12 and 13 accomplish this goal by incorporating the Stipulation of
16 the Parties in to the permit as an operative element, and by establishing the Santa Ana Watermaster
17 as the primary entity to which the permittees will report. Watermaster recommends that these permit
18 elements be incorporated into each of the Applicant's permits.

19 **B. Incorporation of Existing OBMP Program Elements (Proposed Permit Terms**
20 **10, 11 and 13)**

21 Permit terms included in Watermaster's existing two permits require the installation of
22 adequate measuring devices prior to the diversion of water (Permit 19895, Term 15; Permit 20753,
23 Term 14) and specify that allowed diversions under the permits may be altered if necessary in order
24 to meet the water quality objectives contained in a water quality control plan (Permit 19895 Term
25 13; Permit 20753, Term 12).

26 As described in the written testimony of Mr. Malone, Watermaster has an extensive
27 monitoring program under OBMP Program Element One through which Watermaster gathers a

28 ³ Case No. 164327 has subsequently been renumbered by the San Bernardino Superior Court as Case No. RCV 51010.

1 wide variety of types of data about all aspects of the water resources of the Chino Basin. (CBWM
2 Ex. 5-1.) Watermaster already has a detailed set of monitoring activities relating to the diversion
3 and recharge of water at the recharge basins. (CBWM Ex. 5-1, pp. 19-22.) These monitoring
4 activities include both water quantity and water quality parameters.

5 OBMP Program Element Six (Develop and Implement Cooperative Programs with the
6 Regional Board and Other Agencies to Improve Basin Management) relates directly to water quality
7 issues, and specifically relates to the Regional Board Water Quality Control Board. Additionally, as
8 described at length above, the storm water recharge project described by Application 31369 is
9 specifically identified in the most recent Basin Plan for the Santa Ana Region as a mitigation
10 measure for the use of recycled water. Since a management program already exists, it will be more
11 effective for the permit to simply reference these existing activities rather than trying to create
12 something new.

13 The State Board can rely upon these existing management elements without involving itself
14 in enforcement issues because ultimately enforcement of the OBMP commitments remains with the
15 court overseeing Watermaster. (RT Vol. I, 133:8-14; CBWM Ex. 1-5; CBWM Ex. 1-9; CBWM Ex.
16 1-10.)

17
18 **C. Permit Terms Responsive to Erratic and Flashy Nature of Creek System**

19 **1. Diversion Quantity (Proposed Permit Term 5)**

20 The evidence shows that Watermaster is capable of diverting and recharging the storm water
21 when it is available. Watermaster's testimony demonstrated the overwhelming positive features of
22 recharging as much of the available storm water as possible. However, the number of variables
23 involved in predicting how much of any given storm event will be able to be recharged is virtually
24 impossible. The permit should acknowledge this reality and not attempt to define limits beyond the
25 gross quantity of water to be diverted and the potential diversion rate of the facilities. Beyond this,
26 Watermaster should be left with the flexibility to make best efforts to recharge as much of this water
27 as possible. This is true especially since any water that is not able to be recharged simply returns to
28 the channel from which it was diverted a very short time later. (RT Vol. II, 108:17-109:11.)

1 2. Modified Period of Use and Development (Proposed Permit Term 7)

2 The question of the erratic and flashy nature of the Santa Ana Watershed was put to the
3 hearing participants in the context of a challenge with regard to the formulation of permitting terms.
4 With respect to the Chino Basin, the issue of the erratic nature of the flows should not pose an issue
5 with regard to the formulation of a permit because there are neither beneficial use nor public trust
6 concerns with Watermaster's diversion activities, even if Watermaster is simply given the discretion
7 and the flexibility to divert and recharge as much water as it can, whenever it is available. Rather,
8 the challenge of the erratic availability of water presents a challenge with regard to defining the
9 manner in which Watermaster may perfect its permit into a license.

10 In a more traditional stream system, an applicant receives a permit and then proceeds to
11 construct a project to appropriate water. A limited period of development and use is imposed on the
12 applicant so that water resources are not inappropriately tied-up and kept from being put to
13 maximum beneficial use. With respect to the Chino Basin, this concern does not exist.
14 Watermaster's project is a project proposed on behalf of the universe of potential water users, and it
15 is a project that has already been implemented.

16 Application 31369 requests the ability to divert and recharge 68,500 acre-feet per year. This
17 amount, when combined with Watermaster's existing permits, will give Watermaster the right to
18 divert and recharge 110,500 acre-feet per year. Watermaster did not apply for the maximum amount
19 that its evidence shows will be available. (CBWM Ex. 2-1, Figure 6.) Rather, Watermaster
20 formulated its request based on a reasonable expectation about the capacity of its facilities and a
21 reasonable expectation about precipitation conditions. However, it is impossible to know when
22 there will again be sufficient water available in the system to allow Watermaster to appropriate the
23 full amount of its permit and subsequently apply for a license for the full permitted amount.
24 Watermaster should not be held subject to the vagaries of the weather patterns when there is no
25 benefit that will be derived from such a limitation.

26 Proposed Permit Term 7 resolves this problem by allowing Watermaster to request a license
27 on its permit when it can make a credible demonstration that the facilities have the capacity to
28 appropriate the full amount of the permit. Because it is likely that such a demonstration will require

1 some level of operation during high flow periods, the proposed permit term gives Watermaster a 50-
2 year period in which to make this demonstration. 50 years was chosen because this is the statistical
3 period modeled in Watermaster's water availability analysis, which analysis showed that over the
4 course of such a period there is a 10% chance that water will be available in sufficient quantity to
5 satisfy the full amount of Watermaster's requested appropriation.

6 3. Administration of Rights and Coordination Between Legal Users of Water (Proposed
7 Permit Term 12)

8 Ultimately, the incorporation of the existing system of management and administration is the
9 best way for the State Board to craft permit terms that take account of the flashy and erratic nature
10 of the system. (See Water Code § 380.) The existing system evolved in response to the particular
11 conditions in the Santa Ana Watershed, including the erratic and flashy nature of the River and its
12 tributaries. This system can be incorporated into the permit by incorporation of the Stipulation of
13 the Applicants as an operative terms as recommended in Proposed Permit Term 12.

14 ///

15 ///

16 ///

17 **X. CONCLUSION**

18 Watermaster's Application 31369 should be granted as requested without conditions except
19 as discussed herein.

20 Dated: June 6, 2007

HATCH & PARENT

21 By: /s/ Michael T. Fife

22 MICHAEL T. FIFE
23 BRADLEY J. HERREMA
24 Attorneys for Attorneys For
25 CHINO BASIN WATERMASTER
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Exhibit A
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Permit)

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[PROPOSED]

State of California

State Water Resources Control Board
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT _____

Application 31369 of the Chino Basin Watermaster (9641 San Bernardino Road, Rancho Cucamonga, CA 91730) filed on September 21, 2000, has been approved by the State Water Resources Control Board subject to the limitations and conditions of this Permit.

Chino Basin Watermaster is hereby authorized to divert and use water as follows:

1. Source:

San Antonio Creek System (including San Antonio Creek and Chino Creek), Cucamonga Creek System (including Cucamonga Creek, West Cucamonga Creek and Deer Creek), Day Creek System, San Sevaine Creek System (including San Sevaine Creek, West Fontana Channel, Decler Channel, and Etiwanda Creek).

All creeks are tributary to the Santa Ana River.

2. Location of Points of Diversion:

SEE ADDENDUM

Counties of San Bernardino and Riverside.

3. Purpose of use:

Recharge to storage in the Chino Groundwater Basin for the purpose of supply augmentation and for blending with recycled water. End uses of recharged water include: Municipal, Irrigation, Stockwatering, and Industrial

4. Place of use:

The jurisdictional area of the Chino Basin Watermaster as defined in Exhibit A (by map) and Exhibit K (by legal description) of the stipulated judgment in the case *Chino Basin Municipal Water District v. City of Chino*, San Bernardino Superior Court Case No. RCV 51010.

5. The water appropriated shall be limited to a quantity of 68,500 acre-feet per year at a maximum rate of 115,570 cubic feet per second distributed throughout the points of diversion as described in the ADDENDUM, from January 1 to December 31. Watermaster will make best efforts to recharge all water appropriated into the Chino Groundwater Basin.
6. The amount authorized for appropriation may be reduced in the license if investigation warrants.
7. Chino Basin Watermaster may request a license to be issued when Watermaster is able to demonstrate that operationally and physically the facilities have the capability to appropriate the full amount of the permit. Such a demonstration shall not depend on an actual appropriation of that amount of water so long as the reason such an appropriation has not occurred is solely because of precipitation conditions or flood control operational decisions. Chino Basin Watermaster shall complete this demonstration within 50 years of the issuance of this permit.
8. Progress reports shall be submitted promptly by Chino Basin Watermaster when requested by the State Water Resources Control Board until a license is issued.
9. Chino Basin Watermaster shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the public interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the State Water Resources Control Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of the Chino Basin without unreasonable draft on the source. The Chino Basin Watermaster may be required to implement or facilitate the implementation of a water conservation plan, and operate efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. It is recognized by this permit that such measures are already underway by the Chino Basin Watermaster, the parties to the stipulated judgment in the case *Chino Basin Municipal Water District v. City of Chino*, San Bernardino Superior Court Case No. RCV 51010, and pursuant to the Chino Basin Watermaster's Optimum Basin Management Program ("OBMP"). No action will be taken pursuant to this paragraph unless the State Water Resources Control Board

determines, after notice to the affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Resources Control Board may be exercised by imposing further limitations on the diversion and use of water by the Chino Basin Watermaster in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to the affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

11. The Chino Basin Watermaster shall continue to implement its water quality program under OBMP Program Element Six (Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management).

This permit shall be construed to allow the Chino Basin Watermaster to comply with the terms of the 2004 Santa Ana Regional Water Quality Control Board's resolution R802004-0001 that amended the Water Quality Control Plan for the Santa Ana Region with respect to the requirement to recharge stormwater into the groundwater basin and as reflected in permit R8-2005-0033 Water Recycling Requirements for Inland Empire Utilities Agency and Chino Basin Watermaster, Phase I Chino Basin Recycled Water Groundwater Recharge Project, and similar permits that may be issued regarding the recharge of recycled water and as these permits may from time to time be amended.

12. Rights under this permit are, and shall be, specifically subject to existing rights determined by the judgments and agreements as described by that "Stipulation of the Applicants" on file with the State Water Resources Control Board and made a part of the official record relating to this permit through submission to the State Water Resources Control Board by Watermaster, et al. on April 5, 2007.

Diversion of water under this permit shall be subject to regulation by the court maintaining continuing jurisdiction over the case *Chino Basin Municipal Water District v. City of Chino*, San Bernardino Superior Court Case No. 51010, and by the watermaster appointed to enforce the terms of the stipulated judgment in the case *Orange County Water District v. City of Chino*, Orange County Superior Court Case No. 117628.

The terms of this permit shall be construed as consistent with the judgments and agreements as described in the Stipulation of the Applicants, and as those judgments and agreements may be amended from time to time. Provided, however, that enforcement of such judgments and agreements shall be solely the responsibility of the watermasters and courts associated with such judgments and agreements.

13. The Chino Basin Watermaster shall continue to implement its comprehensive monitoring program under Program Element One of the OBMP. Watermaster shall provide its recharge and production monitoring data to the Santa Ana Watermaster on an

annual basis. Watermaster will ensure that if the State Water Resources Control Board requires the reporting of any such data either under this permit or under any license granted based on this permit, that such reporting is provided to the Board by the Santa Ana River Watermaster.

14. This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code). In respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of the sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Addendum to
Exhibit A
(Chart of
Points of
Diversion)

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**CHINO BASIN WATERMASTER
APPLICATION 31369 POINTS OF DIVERSION**

Spreading Facility	Basin Type	Diversion Name	Eastings	Northings	Point is Within	Section	Township	Range	Base and Diversion Meridian Name	Conduit	Stormwater Recharge Rate of Diversion (cfs)	Annual Amount (acre-ft/yr)	Spreading Area (Acres)	
Chino Creek (San Antonio Creek) System														
College Heights	FB	San Antonio Creek Inlet	665367.0	1861320.7	NW 1/4 of NW 1/4 of	11	01S	08W	S.B.B.M.	San Antonio Creek Inlet	3 - 5' x 5' reinforced concrete culvert, 150' long, 2% slope	290	420	10
Upland Basin	FT	Misc Existing Urban Storm Drains	Varies	Varies						Misc Existing Urban Storm Drains	varies	690	2,500	32
Montclair 1	Both	San Antonio Creek Inlet Misc Existing Urban Storm Drains	6652040.1 Varies	1855855.9 Varies	NE 1/4 of NE 1/4 of	15	01S	08W	S.B.B.M.	San Antonio Creek Inlet Misc Existing Urban Storm Drains	140" reinforced concrete pipe, 60% slope	1,400	1,870	9
Montclair 2	FT	Outlet from Montclair 1 Misc Existing Urban Storm Drains	6651927.8 Varies	1854846.5 Varies	NE 1/4 of NE 1/4 of	15	01S	08W	S.B.B.M.	Outlet from Montclair 1 Misc Existing Urban Storm Drains	Concrete spillway	2,220	1,300	13
Montclair 3	Both	San Antonio Creek Inlet Outlet from Montclair 2 Misc Existing Urban Storm Drains	6651423.5 6651675.5 Varies	1853334.9 1853570.8 Varies	NW 1/4 of SE 1/4 of NW 1/4 of NE 1/4 of	15	01S	08W	S.B.B.M.	San Antonio Creek Inlet (proposed) Outlet from Montclair 2 Misc Existing Urban Storm Drains	3 - 5' x 5' reinforced concrete culvert, 150' long, 2% slope Concrete spillway	2,390	680	5
Montclair 4	FT	Outlet from Montclair 3 Misc Existing Urban Storm Drains	6651331 Varies	1852355.3 Varies	NW 1/4 of SE 1/4 of	15	01S	08W	S.B.B.M.	Outlet from Montclair 3 Misc Existing Urban Storm Drains	Concrete spillway	2,480	1,070	8
Brooks	FT	San Antonio Creek Inlet Misc Existing Urban Storm Drains	6647789.6 Varies	1845097.3 Varies	NW 1/4 of NW 1/4 of	27	01S	08W	S.B.B.M.	San Antonio Creek Inlet (proposed) Misc Existing Urban Storm Drains	Trapezoidal channel, b=4', z=1, d=6', 5% slope, diverted completely	1,060	3,660	14
Cucamonga Creek System														
8th Street	FT	Misc Existing Urban Storm Drains	6673019.3	1856071.8	NE 1/4 of NE 1/4 of	17	01S	07W	S.B.B.M.	West Cucamonga Creek Inlet	varies	2,910	2,680	19
7th Street	FT	Outlet from 8th Street Basin	6673030.1	1854979	NE 1/4 of NE 1/4 of	17	01S	07W	S.B.B.M.	Outlet from 8th Street Basin	50' wide spillway & 3 - 10' x 5' reinforced concrete culvert, 110' long	2,880	370	8
Ely Basin	FT	West Cucamonga Creek Inlet Misc Existing Urban Storm Drains	6676902.7 Varies	1835570.1 Varies	SW 1/4 of SE 1/4 of	33	01S	07W	S.B.B.M.	West Cucamonga Creek Inlet Misc Existing Urban Storm Drains	Trapezoidal Channel, b = 36', z = 16', 5% slope, diverted comple	6,030	5,770	43
Grove Street	FT	Misc Existing Urban Storm Drains	Varies	Varies	SW 1/4 of SE 1/4 of	33	01S	07W	S.B.B.M.	Misc Existing Urban Storm Drains	varies	1,140	1,530	17
Turner No. 1	FB	Cucamonga Creek Inlet	6682542.5	1850672.8	NW 1/4 of NE 1/4 of	22	01S	07W	S.B.B.M.	Cucamonga Creek Inlet	8' x 4' reinforced concrete culvert, 40' long, 5% slope	310	1,210	10
Turner No. 2,3,4	Both	Deer Creek Inlet Outlet from Turner 589	6684634.1 Varies	1850133.8 Varies	NE 1/4 of NE 1/4 of	22	01S	07W	S.B.B.M.	Deer Creek Inlet (proposed) Misc Existing Urban Storm Drains	3 - 5' x 5' reinforced concrete culvert, 150' long, 2% slope	650	2,490	30
Turner No. 5,8,9	Both	Deer Creek Inlet Misc Existing Urban Storm Drains	6686169 Varies	1850180.3 Varies	NE 1/4 of NW 1/4 of	23	01S	07W	S.B.B.M.	Deer Creek Inlet (proposed) Misc Existing Urban Storm Drains	3 - 5' x 5' reinforced concrete culvert, 150' long, 2% slope	630	3,780	26
Day Creek System														
Lower Day	Both	Day Creek Inlet Misc Existing Urban Storm Drains	6700373.3 Varies	1871850 Varies	NE 1/4 of NE 1/4 of	31	01N	06W	S.B.B.M.	Day Creek Inlet Misc Existing Urban Storm Drains	96" reinforced concrete pipe, 360' long, 4% slope	140	920	18
Ebwarda Percolation Ponds (aka Ebwarda Basins)	FT	Misc Existing Urban Storm Drains	Varies	Varies						Misc Existing Urban Storm Drains	varies	1,560	2,540	20
Wineville	FT	Day Creek Inlet Misc Existing Urban Storm Drains	6700368.6 Varies	1838940.8 Varies	SE 1/4 of NE 1/4 of	31	01S	06W	S.B.B.M.	Day Creek Inlet Misc Existing Urban Storm Drains	60" wide concrete channel diverted completely into basin	12,000	4,100	70
Riverside	FT	Wineville Outlet Misc Existing Urban Storm Drains	6699249.7 Varies	1837568 Varies	SE 1/4 of NE 1/4 of	31	01S	06W	S.B.B.M.	Wineville Outlet Misc Existing Urban Storm Drains	104" wide spillway & 72" RCP diverted completely into basin	4,440	4,800	59
Ebwarda Debris Basin	FT	Outlet from Ebwarda Spreading Area	6709726	1877535.3	SW 1/4 of SE 1/4 of	21	01N	06W	S.B.B.M.	Outlet from Ebwarda Spreading Area	Natural channel diverted completely through basin	4,620	2,300	40
San Sevaine Creek System														
San Sevaine No. 1	FT	San Sevaine Creek Inlet	6715443.4	1877470.9	NE 1/4 of NE 1/4 of	27	01N	06W	S.B.B.M.	San Sevaine Creek Inlet	Natural channel diverted completely through basin	6,750	1,850	20
San Sevaine No. 2	FT	Outlet from San Sevaine 1	6715806.1	1876823.8	NE 1/4 of NE 1/4 of	27	01N	06W	S.B.B.M.	Outlet from San Sevaine 1	150' wide spillway	6,630	250	12
Rich Basin	FT	Misc Existing Urban Storm Drains	Varies	Varies						Misc Existing Urban Storm Drains	varies	3,420	1,340	8
San Sevaine No. 3	FT	Outlet from Rich Basin Outlet from San Sevaine 2 Misc Existing Urban Storm Drains	6719551.8 6715774.2 Varies	1880432 1876134.1 Varies	SW 1/4 of NE 1/4 of SE 1/4 of NE 1/4 of	23 27	01N	06W	S.B.B.M.	Outlet from Rich Basin Outlet from San Sevaine 2 Misc Existing Urban Storm Drains	Concrete channel diverted completely into basin 150' wide spillway	11,010	1,760	12
San Sevaine No. 4	FT	Outlet from San Sevaine 3	6715757.2	1875495.7	SE 1/4 of NE 1/4 of	27	01N	06W	S.B.B.M.	Outlet from San Sevaine 3	150' wide spillway	10,830	300	6
San Sevaine No. 5	FT	Outlet from San Sevaine 4	6715623.9	1874577.6	SE 1/4 of NE 1/4 of	27	01N	06W	S.B.B.M.	Outlet from San Sevaine 4	150' wide spillway	10,800	500	127
Victoria Basin	Both	Inlet from Ebwarda Creek Misc Existing Urban Storm Drains	6711701.1 Varies	1870738.9 Varies	SW 1/4 of NW of	34	01N	06W	S.B.B.M.	Inlet from Ebwarda Creek Misc Existing Urban Storm Drains	2 - 5' x 5' reinforced concrete culvert, 120' long, 2% slope	740	2,000	15
Banana Basin	FT	Misc Existing Urban Storm Drains	Varies	Varies						Misc Existing Urban Storm Drains	varies	1,230	1,560	8
Hickory Basin	FT	Outlet from Banana Basin	6713257.7	1857072.2	SE 1/4 of SW 1/4 of	10	01S	06W	S.B.B.M.	Outlet from Banana Basin	varies	1,200	1,880	11
Jurupa Basin	Both	Inlet from San Sevaine Channel Misc Existing Urban Storm Drains	6708521.7 Varies	1841430.5 Varies	SW 1/4 of SE 1/4 of	28	01S	06W	S.B.B.M.	Inlet from San Sevaine Channel Misc Existing Urban Storm Drains	3 - 5' x 5' reinforced concrete culvert, 150' long, 2% slope	3,000	7,600	50
Former RP3 Site	FT	Inlet from Declez Channel	6721780.9	1838204.8	SE 1/4 of NE 1/4 of	35	01S	06W	S.B.B.M.	Inlet from Declez Channel	25' wide concrete channel diverted completely into basin	3,300	3,573	30
Declez Basin	FT	Inlet from Declez Channel	6713195.3	1834901.3	NE 1/4 of NW 1/4 of	3	02S	06W	S.B.B.M.	Inlet from Declez Channel	25' wide concrete channel diverted completely into basin	3,240	1,787	9
Totals											115,570	68,500		

Note (1) - FT is a flow-through basin where all inflows are unregulated and completely diverted into the basin; FB is a flow-by basin where inflows are controlled by other manageable inlet works or by flow magnitude. Both is a combination flow-through and flow-by basin.

Note (1) - Misc existing storm drains consists of reinforced concrete boxes, reinforced concrete pipes and corrugate.