



CHINO BASIN WATERMASTER



NOTICE OF MEETINGS

Thursday, July 10, 2008

10:00 a.m. – Joint Appropriative and Non-Agricultural Pool Meeting

AT THE CHINO BASIN WATERMASTER OFFICES

*9641 San Bernardino Road
Rancho Cucamonga, CA 91730
(909) 484-3888*

Tuesday, July 15, 2008

9:00 a.m. – Agricultural Pool Meeting

AT THE INLAND EMPIRE UTILITIES AGENCY OFFICES

*6075 Kimball Ave. Bldg. A Board Room
Chino, CA 91710
(909) 993-1600*



CHINO BASIN WATERMASTER

Thursday, July 10, 2008

10:00 a.m. – Joint Appropriative & Non-Ag Pool Meeting

Tuesday, July 15, 2008

9:00 a.m. – Agricultural Pool Meeting

AGENDA PACKAGE



CHINO BASIN WATERMASTER
JOINT APPROPRIATIVE & NON-AGRICULTURAL POOL MEETING

10:00 a.m. – July 10, 2008

At The Offices Of

Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

AGENDA

CALL TO ORDER

AGENDA - ADDITIONS/REORDER

I. CONSENT CALENDAR

Note: All matters listed under the Consent Calendar are considered to be routine and non-controversial and will be acted upon by one motion in the form listed below. There will be no separate discussion on these items prior to voting unless any members, staff, or the public requests specific items be discussed and/or removed from the Consent Calendar for separate action.

A. MINUTES

1. Minutes of the Joint Appropriative & Non-Agricultural Pool Meeting held June 12, 2008
(Page 2)

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of June 2008 (Page 16)
2. Watermaster Visa Check Detail (Page 20)
3. Combining Schedule for the Period July 1, 2007 through May 31, 2008 (Page 22)
4. Treasurer's Report of Financial Affairs for the Period May 1, 2008 through May 31, 2008
(Page 24)
5. Budget vs. Actual July 2007 through May 2008 (Page 26)

C. INTERVENTION

1. Consider Approval for Intervention into the Agricultural Pool – Michael Y. Park (Page 29)

II. BUSINESS ITEMS

A. O&M AGREEMENT

Consider Approval for the Adoption of First Amendment to Attachment 2 to Agreement for Operation and Maintenance of Facilities to Implement the Chino basin Recharge Master Plan to Conform Agreement to Peace II Agreement section 8.1(a) (Page 34)

B. APPROPRIATIVE POOL COMMITTEE FORMATION

Discussion and Possible Action for the Appropriative Pool to Form a Committee regarding the Analysis of Residual Agricultural Pumping

III. REPORTS/UPDATES

A. WATERMASTER GENERAL LEGAL COUNSEL REPORT

1. August 21 Hearing
2. SWRCB Permit (Page 41)

C. CEO/STAFF REPORT

1. Legislative Update
2. Recharge Update
3. August Meetings

IV. INFORMATION

1. Newspaper Articles (*Page 74*)

V. POOL MEMBER COMMENTS

VI. OTHER BUSINESS

VII. FUTURE MEETINGS

July 10, 2008	10:00 a.m.	Joint Appropriative & Non-Agricultural Pool Meeting
July 15, 2008	9:00 a.m.	Agricultural Pool Meeting @ IEUA
July 24, 2008	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
July 24, 2007	9:00 a.m.	Advisory Committee Meeting
July 24, 2007	11:00 a.m.	Watermaster Board Meeting

Meeting Adjourn

**CHINO BASIN WATERMASTER
AGRICULTURAL POOL MEETING**

9:00 a.m. – July 15, 2008

At The Offices Of

Inland Empire Utilities Agency

6075 Kimball Ave., Bldg. A, Board Room

Chino, CA 91710

AGENDA

CALL TO ORDER

AGENDA - ADDITIONS/REORDER

I. CONSENT CALENDAR

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A. MINUTES

1. Minutes of the Agricultural Pool Meeting held June 17, 2008 *(Page 8)*

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of June 2008 *(Page 16)*
2. Watermaster Visa Check Detail *(Page 20)*
3. Combining Schedule for the Period July 1, 2007 through May 31, 2008 *(Page 22)*
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C. CEO/STAFF REPORT

1. Legislative Update
2. Recharge Update
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July 24, 2007	9:00 a.m.	Advisory Committee Meeting
July 24, 2007	11:00 a.m.	Watermaster Board Meeting

Meeting Adjourn



CHINO BASIN WATERMASTER

I. CONSENT CALENDAR

A. MINUTES

1. Joint Appropriative and Non-Agricultural Pool Meeting – June 12, 2008



Draft Minutes
CHINO BASIN WATERMASTER
JOINT APPROPRIATIVE & NON-AGRICULTURAL POOL MEETING
June 12, 2008

The Joint Appropriative and Non-Agricultural Pool Meeting were held at the offices of Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, CA, on June 12, 2008 at 10:00 a.m.

APPROPRIATIVE POOL MEMBERS PRESENT

Robert Tock, Vice-Chair	Jurupa Community Services District
Mohamad El-Amamy	City of Ontario
Raul Garibay	City of Pomona
Marty Zvirbulis	Cucamonga Valley Water District
Rich Atwater	Inland Empire Utilities Agency
Mike McGraw	Fontana Water Company
Robert Young	Fontana Union Water Company
Dave Crosley	City of Chino
Charles Moorrees	San Antonio Water Company
Gil Aldaco	City of Chino
J. Arnold Rodriguez	Santa Ana River Water Company

NON-AGRICULTURAL POOL MEMBERS PRESENT

Kevin Sage	Vulcan Materials Company (Calmat Division)
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Watermaster Staff Present

Kenneth R. Manning	Chief Executive Officer
Sheri Rojo	CFO/Asst. General Manager
Danielle Maurizio	Senior Engineer
Sherri Lynne Molino	Recording Secretary

Watermaster Consultants Present

Michael Fife	Brownstein, Hyatt, Farber & Schreck
Mark Wildermuth	Wildermuth Environmental Inc.

Others Present

Eunice Ulloa	Chino Basin Water Conservation District
Bob Wagner	Chino Basin Water Conservation District
Gerald Thibeault	Regional Water Quality Control Board
Gil Aldaco	City of Chino
David DeJesus	Three Valleys Municipal Water District
Ben Pak	Visitor
Rick Rees	State of California Department of Justice/CIM
Michael Hughes	State of California Department of Justice/CIM
Jocelyn Pease	Brownstein, Hyatt, Farber & Schreck
Martha Davis	Inland Empire Utilities Agency

Vice-Chair Tock called the Joint Appropriative and Non-Agricultural Pool Meeting to order at 10:10 a.m.

AGENDA - ADDITIONS/REORDER

It was noted the 2008-2009 Watermaster Budget in the packet did not reflect the most recently recommended changes and that the revised budget is on the back table.

I. CONSENT CALENDAR**A. MINUTES**

1. Minutes of the Joint Appropriative & Non-Agricultural Pool Meeting held May 15, 2008

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of May 2008
2. Watermaster Visa Check Detail
3. Combining Schedule for the Period July 1, 2007 through April 30, 2008
4. Treasurer's Report of Financial Affairs for the Period April 1, 2008 through April 30, 2008
5. Budget vs. Actual July 2007 through April 2008

C. WATER TRANSACTION

1. **Consider Approval for Notice of Sale or Transfer** – Cucamonga Valley Water District has agreed to lease 4,500 acre-feet of water from the City of Pomona. This lease is to be taken first from the FY 2007/08 allocation from the City of Pomona's net underproduction, if any, with any remainder from Pomona's local storage account. Date of Application: May 9, 2008
2. **Consider Approval for Notice of Sale or Transfer** – Cucamonga Valley Water District (CVWD) has agreed to the transfer of 8,530.000 acre-feet of water from San Antonio Water Company (SAWCO). This transfer is made from SAWCO's annual production right. Date of Application: May 30, 2008

D. OPEN NEW CHECKING ACCOUNT

1. Open a New Checking for Chino Basin Watermaster with Vineyard National Bank

*Motion by Garibay, second by Crosley, and by unanimous vote – Non-Ag concurred
Moved to approve Consent Calendar Items A through C1, C2, and D, as presented*

Item C3 was pulled for a discussion.

3. **Consider Approval for Notice of Sale or Transfer** – Attachment G of the Chino Basin Watermaster Peace II documents allows for a one-time special water transfer of 8,530.000 acre-feet from Vulcan Materials to San Antonio Water Company (SAWCO). SAWCO is purchasing the transferring 8,530.000 acre-feet of Vulcan Material's water in storage. Date of Application: May 30, 2008

A discussion on C3 regarding the 85/15 rule ensued.

*Motion by El-Amamy, second by Garibay, and by unanimous vote – Non-Ag concurred
Moved to approve Consent Calendar Item C3, as presented*

II. BUSINESS ITEMS**A. WATERMASTER 2008-2009 BUDGET**

Mr. Manning asked that the committee members use the updated budget on the back table rather than the one in the meeting packet. Mr. Manning noted this item was on the agenda last month and the recommendations made by the Appropriative and Non-Agricultural Pools at the May meeting along with recommendations made at the Budget Workshop and Ad-Hoc Board Budget meeting were incorporated in the budget being presented today. Ms. Rojo gave the revised 2008-2009 budget presentation. A discussion regarding the revised budget ensued.

*Motion by Garibay, second by Moorrees, and by unanimous vote – Non-Ag concurred
Moved to approve the Watermaster 2008-2009 budget, as presented*

B. AGREEMENT FOR O & M OF FACILITIES TO IMPLEMENT THE RECHARGE MASTER PLAN

Mr. Manning stated in section VIII 8.1(a) of the Peace II Agreement calls for modification to the agreements that are in place for O&M for the basins. The agreement that was agreed upon in the Peace II process calls for a pro-rata share of costs to be paid by Inland Empire Utilities Agency for the amount of recycled water that they put into the basin. The first amendment to the original agreement will then memorialize this. This agreement will be signed by four parties, one of whom is Chino Basin Water Conservation District and they are asking that this item be pulled from the agenda for them to have time to review it and approve it by their board. A discussion regarding this agreement and it being pulled from the June agenda ensued.

*Motion by Moorrees, second by El-Amamy, and by unanimous vote – Non-Ag concurred
Moved to pull this item from the June calendar, as presented*

C. CONDITION SUBSEQUENT NO. 6

Mr. Manning stated in the court documents given to Watermaster in December, Condition Subsequent No. 6 requires Watermaster to report to the court on the development of standards and criteria by which the Regional Water Quality Control Board (RWQCB) will determine that Hydraulic Control is achieved and maintained. Mr. Manning stated Mr. Thibeault from the RWQCB has written a letter to the court which deals with this issue and will be part of the submittal that Watermaster will make to the court in August. Counsel Fife stated with regard to Condition Subsequent No. 6 it is simply to provide to the court what kind of progress is being made on the development of standards and criteria. Mr. Thibeault offered comment on the content of the letter written by him regarding Condition Subsequent No. 6 and the fact that it appears that the parties are falling behind on the schedule that they had submitted. A discussion with regard to this matter ensued.

No motion was made regarding this item – discussion item only

D. RECHARGE MASTER PLAN DRAFT OUTLINE SCHEDULE

Mr. Manning stated a filing is required by the court regarding the Recharge Master Plan Outline Schedule will be due to the court. Comments at the meeting prior to the meeting this morning were received and those suggestions will be incorporated into the outline prior to filing it with the court. Staff is asking for comments from this committee and is seeking approval for this outline which will include comments/recommendations received to be presented to the Advisory Committee and Watermaster Board meeting later this month.

*Motion by Zvirbulis, second by Garibay, and by unanimous vote – Non-Ag concurred
Moved to approve the Recharge Master Plan draft outline schedule, as presented*

III. REPORTS/UPDATES**A. WATERMASTER GENERAL LEGAL COUNSEL REPORT****1. August 21, 2008 Hearing**

Counsel Fife stated there is a hearing scheduled for August 21, 2008 which will be a consolidated hearing for various items that need court approval. If there are any comments on the pleading which will accompany the filing, you need to submit those to counsel or staff as soon as possible; the final pleading will go to the Advisory Committee and Watermaster Board meeting at the end of June.

2. Hanson Aggregates Litigation

Counsel Fife stated Watermaster is in litigation with Hanson Aggregates over the contamination in the Lower Day Basin. A closed session did take place with the Watermaster board last month on this matter. Litigation is proceeding with Hanson Aggregates and requests for documents have been made by Hanson staff. Counsel and staff are hopeful there will be a settlement made shortly; however, counsel is proceeding currently as if a hearing will take place on this issue.

3. Chino Airport Potential Litigation

Counsel Fife stated there was discussion on this item last month regarding a letter written by three of the Chino Desalter Expansion group members asking Watermaster to get involved in the dispute with the county over the Chino Airport Plume. This matter went to the Watermaster Board in closed session last month and there was no formal action taken by the board except to give direction for counsel to work with the Chino Desalter Authority on what their needs are. An update will be made next month on this issue.

B. ENGINEERING UPDATES

1. Condition Subsequent No. 5 Recharge Master Plan

Mr. Wildermuth stated Condition Subsequent No. 5 is still being worked on by both Wildermuth Environmental and counsel that will be filed with the court.

2. Condition Subsequent No. 6 Hydraulic Control

Mr. Wildermuth gave a report titled, "Recovery of Hydraulic Control after a Six-Month Shut Down of Desalters I and II." Mr. Wildermuth reviewed the contents of Condition Subsequent No. 6 and gave an update on the status of each requirement. Several maps regarding failure scenarios using the model were reviewed in detail. A discussion regarding Mr. Wildermuth's presentation ensued.

3. Analysis of Residual Agricultural Pumping

Mr. Wildermuth stated this item pertains to the requirement stemming from Monte Vista Water District's stipulation regarding the analysis of residual agricultural pumping. A draft report addressing this issue will be sent out next week for review and/or comment.

C. CEO/STAFF REPORT

1. Legislative Update

Mr. Manning commented on AB2046/Jones which is regarding eliminating the use of impaired water sources for use in Urban Water Management Plans. Mr. Manning commented on AB2270/Laird which is sponsored by Inland Empire Utilities Agency and is moving through the legislature presently; this bill relates to water softener issues.

2. Recharge Update

Mr. Manning stated there was a late year storm in May which allowed for the capture of 1,000 acre-feet of recharge water. The Recharge handout is available on the back table for review.

3. Personnel Matter

Mr. Manning stated in April, 2008 Gordon Treweek had retired and the vacant position of Project Engineer was placed in several publications for approximately four weeks. A screening committee was formed and the panel interviewed several candidates. One candidate stood out and was approached with an offer of employment at Watermaster. The candidate has accepted our offer; Mr. Ben Pak who is currently employed with Inland Empire Utilities Agency. Mr. Pak will be starting at Watermaster on July 7, 2008 and staff is looking forward to working with him as our new Senior Project Engineer.

4. Strategic Planning Conference

Mr. Manning stated the next Strategic Planning Conference has been scheduled for September 28-30, 2008, at the Lake Arrowhead Resort. The format will mirror the Strategic Planning Conference of 2006; however, we will be focusing on the Recharge Master Plan this time. A golf tournament will be held on Sunday afternoon and the kick-off reception will be held at the golf course in the club house Sunday evening. Monday will be a full day of meetings and Tuesday will be a half day of meetings. Mark your calendars for this upcoming conference.

IV. INFORMATION

1. IEUA Supports Governor's Emergency Drought Declaration
No comment was made regarding this item.

2. Newspaper Articles
No comment was made regarding this item.

V. POOL MEMBER COMMENTS

Mr. Garibay offered comment on a statement from Governor Schwarzenegger regarding the drought allocation.

VI. OTHER BUSINESS

No comment was made regarding this item.

VII. FUTURE MEETINGS

June 12, 2008	9:00 a.m.	Recharge Master Plan Follow Up Meeting
June 12, 2008	10:00 a.m.	Joint Appropriative & Non-Agricultural Pool Meeting
June 17, 2008	9:00 a.m.	Agricultural Pool Meeting @ IEUA
June 19, 2008	3:00 p.m.	Personnel Committee Meeting
June 26, 2008	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
June 26, 2007	9:00 a.m.	Advisory Committee Meeting
June 26, 2007	11:00 a.m.	Watermaster Board Meeting

The Joint Appropriative and Non-Agricultural Pool meeting was dismissed by Vice-Chair Tock at 11:13 a.m.

Secretary: _____

Minutes Approved: _____

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CHINO BASIN WATERMASTER

I. CONSENT CALENDAR

A. MINUTES

1. Agricultural Pool Meeting – June 17, 2008



Draft Minutes
**CHINO BASIN WATERMASTER
AGRICULTURAL POOL MEETING**

June 17, 2008

The Agricultural Pool Meeting was held at the offices of the Inland Empire Utilities Agency, 6075 Kimball Avenue, Chino, CA, on June 17, 2008 at 9:00 a.m.

Agricultural Pool Members Present

Bob Feenstra, Chair	Dairy
Jeff Pierson	Crops
Nathan deBoom	Dairy
Glen Durrington	Crops
Pete Hettinga	Dairy
John Huitsing	Dairy
Jennifer Novak	State of California Department of Justice for CIM
Nathan Mackamul	State of California/CIW

Watermaster Staff Present

Kenneth R. Manning	Chief Executive Officer
Sheri Rojo	CFO/Asst. General Manager
Danielle Maurizio	Senior Engineer
Sherri Lynne Molino	Recording Secretary

Watermaster Consultants Present

Michael Fife	Brownstein, Hyatt, Farber & Schreck
Mark Wildermuth	Wildermuth Environmental Inc.

Others Present

Steven Lee	Reid & Hellyer
Sandra Rose	Monte Vista Water District
Ben Pak	Visitor
Gerry Foote	Chino Basin Water Conservation District

Chair Feenstra called the Agricultural Pool meeting to order at 9:40 a.m.

AGENDA - ADDITIONS/REORDER

No additions or reorders were made to the agenda.

I. CONSENT CALENDAR

A. MINUTES

1. Minutes of the Agricultural Pool Meeting held May 20, 2008

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of May 2008
2. Watermaster Visa Check Detail
3. Combining Schedule for the Period July 1, 2007 through April 30, 2008
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3. **Consider Approval for Notice of Sale or Transfer** – Attachment G of the Chino Basin Watermaster Peace II documents allows for a one-time special water transfer of 8,530.000 acre-feet from Vulcan Materials to San Antonio Water Company (SAWCO). SAWCO is purchasing the transferring 8,530.000 acre-feet of Vulcan Material's water in storage. Date of Application: May 30, 2008

D. OPEN NEW CHECKING ACCOUNT

1. Open a New Checking for Chino Basin Watermaster with Vineyard National Bank

Motion by Durrington, second by deBoom, and by unanimous vote

Moved to approve Consent Calendar Items A through D, as presented

II. BUSINESS ITEMS**A. WATERMASTER 2008-2009 BUDGET**

Mr. Manning asked that the committee members use the updated budget on the back table rather than the one in the meeting packet. Mr. Manning noted this item was on the agenda last month and the recommendations made by the Pools at the May meetings along with recommendations made at the Budget Workshop and Ad-Hoc Board Budget Committee meeting were incorporated in the budget being presented today as a handout. Ms. Rojo offered comment on the changes made to the presented budget and a brief discussion ensued.

Motion by deBoom, second by Durrington, and by unanimous vote

Moved to approve the Watermaster 2008-2009 budget, as presented

B. AGREEMENT FOR O & M OF FACILITIES TO IMPLEMENT THE RECHARGE MASTER PLAN

Mr. Manning stated in section VIII 8.1(a) of the Peace II Agreement calls for modification to the agreements that are in place for O&M for the basins. The agreement that was agreed upon in the Peace II process calls for a pro-rata share of costs to be paid by Inland Empire Utilities Agency for the amount of recycled water that they put into the basin. The first amendment to the original agreement will then memorialize this. Mr. Manning noted this agreement will be signed by four parties, one of whom is Chino Basin Water Conservation District and at the Appropriative and Non-Agricultural Pool meeting last week they asked that this item be pulled from the agenda for them to have time to review it and approve it by their board. A discussion regarding the agreement ensued. It was decided to proceed with the Appropriative and Non-Agricultural Pool motion to pull this item from the agenda and bring it back at a future date.

No motion was made regarding this item – discussion item only

C. CONDITION SUBSEQUENT NO. 6

Mr. Manning stated in the court documents given to Watermaster in December, Condition Subsequent No. 6 requires Watermaster to report to the court on the development of standards and criteria by which the Regional Water Quality Control Board (RWQCB) will determine that Hydraulic Control is achieved and maintained. Mr. Manning stated Mr. Thibeault from the RWQCB has written a letter to the court which deals with this issue and will be part of the submittal that Watermaster will make to the court in August. Counsel Fife stated with regard to Condition Subsequent No. 6 it is simply to provide to the court what kind of progress is being made on the development of standards and criteria. Mr. Wildermuth offered comment on the 9 items discussed in the RWQCB's letter. A discussion regarding the Bright-Line Agreement ensued.

No motion was made regarding this item – discussion item only

D. RECHARGE MASTER PLAN DRAFT OUTLINE SCHEDULE

Mr. Manning stated a filing that is required by the court regarding the Recharge Master Plan Outline Schedule is due to the court shortly with the actual Recharge Master Plan being due in 2010. Mr. Manning offered comment regarding the recommendations made at the Recharge Master Plan meeting that took place last week prior to the Appropriative and Non-Agricultural Pool meeting. Staff is asking for comments from this committee and is seeking approval for this outline to be presented to the Advisory Committee and Watermaster Board meeting later this month. It was noted this outline was required by Conditions Subsequent no. 5. A discussion regarding this matter ensued.

Motion by deBoom, second by Durrington, and by unanimous vote

Moved to approve the Recharge Master Plan draft outline schedule, as presented

III. REPORTS/UPDATES**A. WATERMASTER GENERAL LEGAL COUNSEL REPORT**1. August 21, 2008 Hearing

Counsel Fife stated there was an original hearing scheduled for May but the court has rescheduled that hearing to now take place on August 21, 2008. Several different items will be presented at this hearing for the judge's consideration due to the delay in holding the hearing.

2. Hanson Aggregates Potential Litigation

Counsel Fife noted the Watermaster Board did meet last month in closed session to be update and have discussion on the Hanson Aggregates potential litigation matter. No report was made by the Board on this item. Counsel has met several times with the Hanson Aggregate staff and all parties are attempting to settle this matter. Hanson has asked for Watermaster to provide some information to them.

3. Chino Airport Potential Litigation

Counsel Fife noted the Watermaster Board did meet last month in closed session to be updated and have discussion regarding the Chino Airport potential litigation matter. Last month a letter was received from the people who are expanding the Desalter asking Watermaster to take the lead in litigation against San Bernardino County with regard to the Chino Airport. Discussions are taking place with the Chino Desalter Authority staff regarding this matter. Counsel Fife will give an update after more information is received. A discussion regarding the Chino Airport plume ensued.

B. ENGINEERING UPDATES1. Condition Subsequent No. 5 Recharge Master Plan

Mr. Wildermuth stated Conditions Subsequent no. 5 is still being worked on by both Wildermuth Environmental and counsel on the pleading that will be filed with the court.

2. Condition Subsequent No. 6 Hydraulic Control
Mr. Wildermuth gave a report titled, "Recovery of Hydraulic Control after a Six-Month Shut Down of Desalters I and II." Mr. Wildermuth reviewed the contents of Condition Subsequent No. 6 and gave an update on the status of each requirement. Several maps regarding failure scenarios using the model were reviewed in detail. A discussion regarding Mr. Wildermuth's presentation ensued.
3. Analysis of Residual Agricultural Pumping
It was noted this item will be presented and discussed at a future meeting.

C. CEO/STAFF REPORT

1. Legislative Update
Mr. Manning commented on AB2046/Jones which is regarding eliminating the use of impaired water sources for use in Urban Water Management Plans. Mr. Manning commented on AB2270/Laird which is sponsored by Inland Empire Utilities Agency and is moving through the legislature presently; this bill relates to water softener issues.
2. Recharge Update
Mr. Manning stated there was a late year storm in May which allowed for the capture of 1,000 acre-feet of recharge water. The Recharge handout is available on the back table for review.
3. Personnel Matter
Mr. Manning stated in April, 2008 Gordon Treweek had retired and the vacant position of Project Engineer was placed in several publications for approximately four weeks. A screening committee was formed and the panel interviewed several candidates. One candidate stood out and was approached with an offer of employment at Watermaster. The candidate has accepted our offer; Mr. Ben Pak who is currently employed with Inland Empire Utilities Agency. Mr. Pak will be starting at Watermaster on July 7, 2008 and staff is looking forward to working with him as our new Senior Project Engineer.
4. Strategic Planning Conference
Mr. Manning stated the next Strategic Planning Conference has been scheduled for September 28-30, 2008, at the Lake Arrowhead Resort. The format will mirror the Strategic Planning Conference of 2006; however, we will be focusing on the Recharge Master Plan this time. A golf tournament will be held on Sunday afternoon and the kick-off reception will be held at the golf course in the club house Sunday evening. Monday will be a full day of meetings and Tuesday will be a half day of meetings. Mark your calendars for this upcoming conference.

IV. INFORMATION

1. IEUA Supports Governor's Emergency Drought Declaration
No comment was made regarding this item.
2. Newspaper Articles
No comment was made regarding this item.

V. POOL MEMBER COMMENTS

No comment was made regarding this item.

VI. OTHER BUSINESS

No comment was made regarding this item.

The Agricultural Pool meeting was dismissed to hold a brief closed session at 10:41 a.m.

VII. FUTURE MEETINGS

June 12, 2008	9:00 a.m.	Recharge Master Plan Follow Up Meeting
June 12, 2008	10:00 a.m.	Joint Appropriative & Non-Agricultural Pool Meeting
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June 26, 2008	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
June 26, 2007	9:00 a.m.	Advisory Committee Meeting
June 26, 2007	11:00 a.m.	Watermaster Board Meeting

The Agricultural Pool meeting was dismissed by Chair Feenstra at 10:50 a.m.

Secretary: _____

Minutes Approved: _____

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CHINO BASIN WATERMASTER

I. CONSENT CALENDAR

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of June 2008
2. Watermaster Visa Check Detail
3. Combining Schedule of Revenue, Expenses and Changes in Working Capital for the Period July 1, 2007 through May 31, 2008
4. Treasurer's Report of Financial Affairs for the Period May 1, 2008 through May 31, 2008
5. Profit & Loss Budget vs. Actual July 2007 through May 2008





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: July 10, 2008
July 15, 2008
July 24, 2008

TO: Committee Members
Watermaster Board Members

SUBJECT: Cash Disbursement Report

SUMMARY

Issue – Record of cash disbursements for the month of June 2008.

Recommendation – Staff recommends the Cash Disbursements for June 2008 be received and filed as presented.

Fiscal Impact – Funds disbursed were included in the FY 2007-08 Watermaster Budget.

BACKGROUND

A monthly cash disbursement report is provided to keep all members apprised of Watermaster expenditures.

DISCUSSION

Total cash disbursements during the month of June 2008 were \$1,035,721.25. The most significant expenditures during the month were the City of Chino in the amount of \$738,396.00, Brownstein, Hyatt, Farber & Schreck in the amount of \$61,501.61 and Ellison, Schneider & Harris, LLP in the amount of \$17,834.24.

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CHINO BASIN WATERMASTER
Cash Disbursement Detail Report
June 2008

Type	Date	Num	Name	Amount
Jun 08				
Bill Pmt -Check	6/4/2008	12354	APPLIED COMPUTER TECHNOLOGIES	-2,467.55
Bill Pmt -Check	6/4/2008	12355	ARROWHEAD MOUNTAIN SPRING WATER	-66.21
Bill Pmt -Check	6/4/2008	12356	CAROLLO ENGINEERS	-8,482.50
Bill Pmt -Check	6/4/2008	12357	COMPUTER NETWORK	-1,928.73
Bill Pmt -Check	6/4/2008	12358	CUCAMONGA VALLEY WATER DISTRICT	-5,495.00
Bill Pmt -Check	6/4/2008	12359	DIRECTV	-76.98
Bill Pmt -Check	6/4/2008	12360	ELLISON, SCHNEIDER & HARRIS, LLP	-17,834.24
Bill Pmt -Check	6/4/2008	12361	GRAINGER	-199.07
Bill Pmt -Check	6/4/2008	12362	HOPPERS	-210.11
Bill Pmt -Check	6/4/2008	12363	HSBC BUSINESS SOLUTIONS	-240.70
Bill Pmt -Check	6/4/2008	12364	INLAND EMPIRE UTILITIES AGENCY	-127.31
Bill Pmt -Check	6/4/2008	12365	JAMES JOHNSTON	-900.00
Bill Pmt -Check	6/4/2008	12366	KONICA MINOLTA BUSINESS SOLUTIONS	-589.73
Bill Pmt -Check	6/4/2008	12367	MAACO	-1,450.00
Bill Pmt -Check	6/4/2008	12368	MATHIS & ASSOCIATES	-1,125.00
Bill Pmt -Check	6/4/2008	12369	NAKANO, JUSTIN	-2,000.00
Bill Pmt -Check	6/4/2008	12370	OFFICE DEPOT	-469.35
Bill Pmt -Check	6/4/2008	12371	PARK PLACE COMPUTER SOLUTIONS, INC.	-5,325.00
Bill Pmt -Check	6/4/2008	12372	PAYCHEX	-198.44
Bill Pmt -Check	6/4/2008	12373	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-5,596.67
Bill Pmt -Check	6/4/2008	12374	PURCHASE POWER	-2,018.99
Bill Pmt -Check	6/4/2008	12375	R&D PEST SERVICES	-85.00
Bill Pmt -Check	6/4/2008	12376	CUCAMONGA VALLEY WATER DISTRICT	-5,495.00
Bill Pmt -Check	6/4/2008	12377	HOPPERS	-2,103.82
Bill Pmt -Check	6/4/2008	12378	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-5,700.47
Bill Pmt -Check	6/4/2008	12379	STANDARD INSURANCE CO.	-515.09
Bill Pmt -Check	6/4/2008	12380	TELECOM SERVICES	-95.00
Bill Pmt -Check	6/4/2008	12381	THE STANDARD INSURANCE COMPANY	-156.56
Bill Pmt -Check	6/4/2008	12382	VERIZON	-438.97
Bill Pmt -Check	6/4/2008	12383	VISION SERVICE PLAN	-36.11
Bill Pmt -Check	6/4/2008	12384	W.C. DISCOUNT MOBILE AUTO DETAILING	-75.00
Bill Pmt -Check	6/4/2008	12385	YUKON DISPOSAL SERVICE	-142.88
Bill Pmt -Check	6/4/2008	12386	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-5,700.47
Bill Pmt -Check	6/4/2008	12387	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-5,700.55
Bill Pmt -Check	6/4/2008	12388	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	0.00
Bill Pmt -Check	6/10/2008	12389	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-5,270.33
Bill Pmt -Check	6/10/2008	12390	CITISTREET	-3,095.66
Bill Pmt -Check	6/10/2008	12391	CITISTREET	-2,595.66
Bill Pmt -Check	6/10/2008	12392	CITISTREET	-2,595.66
Bill Pmt -Check	6/10/2008	12393	CITISTREET	-2,595.66
Bill Pmt -Check	6/10/2008	12394	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-4,964.34
Bill Pmt -Check	6/10/2008	12395	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	-4,964.34
General Journal	6/14/2008	08/06/03	PAYROLL	-6,483.80
General Journal	6/14/2008	08/06/03	PAYROLL	-22,090.08
Bill Pmt -Check	6/17/2008	12396	ACWA SERVICES CORPORATION	-7.76
Bill Pmt -Check	6/17/2008	12397	BANC OF AMERICA LEASING	-3,186.17
Bill Pmt -Check	6/17/2008	12398	BANK OF AMERICA	-3,832.90
Bill Pmt -Check	6/17/2008	12399	BOWCOCK, ROBERT	-125.00
Bill Pmt -Check	6/17/2008	12400	BOWMAN, JIM	-125.00
Bill Pmt -Check	6/17/2008	12401	CITY OF RANCHO CUCAMONGA	-25.00
Bill Pmt -Check	6/17/2008	12402	COMPUTER NETWORK	-91.59
Bill Pmt -Check	6/17/2008	12403	OFFICE DEPOT	-118.47
Bill Pmt -Check	6/17/2008	12404	PREMIERE GLOBAL SERVICES	-52.39
Bill Pmt -Check	6/17/2008	12405	RANCHO GLASS & MIRRORS	-66.78
Bill Pmt -Check	6/17/2008	12406	REID & HELLYER	-9,160.07
Bill Pmt -Check	6/17/2008	12407	SAFEGUARD DENTAL & VISION	-13.85
Bill Pmt -Check	6/17/2008	12408	SAFETY CLEAN JANITORIAL SERVICES	-590.00
Bill Pmt -Check	6/17/2008	12409	SOUTHERN CALIFORNIA WATER COMMITTEE	-850.00
Bill Pmt -Check	6/17/2008	12410	STATE COMPENSATION INSURANCE FUND	-649.41
Bill Pmt -Check	6/17/2008	12411	STAULA, MARY L	-136.61
Bill Pmt -Check	6/17/2008	12412	UNION 76	-186.42
Bill Pmt -Check	6/17/2008	12413	UNITED PARCEL SERVICE	-362.24
Bill Pmt -Check	6/17/2008	12414	VANDEN HEUVEL, GEOFFREY	-125.00
Bill Pmt -Check	6/17/2008	12415	VERIZON WIRELESS	-430.95
Bill Pmt -Check	6/17/2008	12416	WESTERN DENTAL SERVICES, INC.	-36.50
Bill Pmt -Check	6/18/2008	12417	LAKE ARROWHEAD RESORT	-3,000.00
Bill Pmt -Check	6/25/2008	12418	A & R TIRE	-724.48
Bill Pmt -Check	6/25/2008	12419	CALPERS	-2,735.55

CHINO BASIN WATERMASTER
Cash Disbursement Detail Report
June 2008

Type	Date	Num	Name	Amount
Bill Pmt -Check	6/25/2008	12420	CHINO, CITY OF - FINANCE DEPT	-738,396.00
Bill Pmt -Check	6/25/2008	12421	COMPUTER NETWORK	-1,461.55
Bill Pmt -Check	6/25/2008	12422	ELLISON, SCHNEIDER & HARRIS, LLP	-7,029.22
Bill Pmt -Check	6/25/2008	12423	FIRST AMERICAN REAL ESTATE SOLUTIONS	-125.00
Bill Pmt -Check	6/25/2008	12424	INLAND EMPIRE UTILITIES AGENCY	-127.31
Bill Pmt -Check	6/25/2008	12425	MCI	-1,169.95
Bill Pmt -Check	6/25/2008	12426	MWH LABORATORIES	-117.00
Bill Pmt -Check	6/25/2008	12427	PETTY CASH	-727.96
Bill Pmt -Check	6/25/2008	12428	PRE-PAID LEGAL SERVICES, INC.	-103.60
Bill Pmt -Check	6/25/2008	12429	RICOH BUSINESS SYSTEMS-Lease	-888.94
Bill Pmt -Check	6/25/2008	12430	STANDARD INSURANCE CO.	-484.06
Bill Pmt -Check	6/25/2008	12431	STATE COMPENSATION INSURANCE FUND	-614.77
Bill Pmt -Check	6/25/2008	12432	THE STANDARD INSURANCE COMPANY	-156.56
Bill Pmt -Check	6/25/2008	12433	VISION SERVICE PLAN	-36.11
Bill Pmt -Check	6/25/2008	12434	W.C. DISCOUNT MOBILE AUTO DETAILING	-50.00
Bill Pmt -Check	6/25/2008		WILDERMUTH ENVIRONMENTAL INC	0.00
Bill Pmt -Check	6/25/2008	12436	RICOH BUSINESS SYSTEMS-Lease	-888.94
Bill Pmt -Check	6/25/2008	12437	CAROLLO ENGINEERS	-10,028.50
Bill Pmt -Check	6/25/2008	12438	DIRECTV	-76.98
Bill Pmt -Check	6/25/2008	12439	LOS ANGELES TIMES	-44.40
General Journal	6/28/2008	08/06/05	PAYROLL	-6,692.50
General Journal	6/28/2008	08/06/05	PAYROLL	-25,684.23
Bill Pmt -Check	6/30/2008	12440	ARROWHEAD MOUNTAIN SPRING WATER	-58.14
Bill Pmt -Check	6/30/2008	12441	BROWNSTEIN HYATT FARBER SCHRECK	-61,501.61
Bill Pmt -Check	6/30/2008	12442	CUCAMONGA VALLEY WATER DISTRICT	-5,495.00
Bill Pmt -Check	6/30/2008	12443	HOPPERS	-2,103.82
Bill Pmt -Check	6/30/2008	12444	PARK PLACE COMPUTER SOLUTIONS, INC.	-4,800.00
Bill Pmt -Check	6/30/2008	12445	PRINTING RESOURCES	-204.14
Bill Pmt -Check	6/30/2008	12446	COMPUTER NETWORK	-958.97
Bill Pmt -Check	6/30/2008	12447	HSBC BUSINESS SOLUTIONS	-267.34
Bill Pmt -Check	6/30/2008	12448	JAMES JOHNSTON	-900.00
Bill Pmt -Check	6/30/2008	12449	PAYCHEX	-194.48
Jun 08				-1,035,721.25

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CHINO BASIN WATERMASTER
Check Detail
June 2008

Type	Num	Date	Name	Account	Paid Amount
Bill Pmt -Check	12398	6/17/2008	BANK OF AMERICA	1012 · Bank of America Gen'l Ckg	
Bill	4024...	5/30/2008		7204 · Comp Recharge-Supplies	-274.62
				6054 · Computer Software	-245.00
				6212 · Meeting Expense	-151.80
				6312 · Meeting Expenses	-151.81
				6031.7 · Other Office Supplies	-150.83
				6191 · Conferences	-2,577.04
				6192 · Training & Seminars	-249.00
				6909.1 · OBMP Meetings	-32.80
TOTAL					-3,832.90

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CHINO BASIN WATERMASTER
 COMBINING SCHEDULE OF REVENUE, EXPENSES AND CHANGES IN WORKING CAPITAL
 FOR THE
 PERIOD JULY 1, 2007 THROUGH MAY 31, 2008

	WATERMASTER ADMINISTRATION	OPTIMUM BASIN MANAGEMENT	POOL APPROPRIATIVE	POOL AGRICULTURAL NON-AGRIC.	POOL NON-AGRIC.	GROUNDWATER REPLENISHMENT	GROUNDWATER OPERATIONS SB222	EDUCATION FUNDS	GRAND TOTALS	BUDGET 2007-2008
Administrative Revenues										
Administrative Assessments			7,480,691		122,298				7,602,989	\$7,540,370
Interest Revenue			118,983	17,019	3,305			53	139,360	181,500
Mutual Agency Project Revenue		41,667							41,667	145,500
Grant Income										0
Miscellaneous Income			35,023		41				35,064	0
Total Revenues	-	41,667	7,634,697	17,019	125,644	-	-	53	7,819,080	7,867,370
Administrative & Project Expenditures										
Watermaster Administration	414,545								414,545	627,797
Watermaster Board-Advisory Committee	51,288								51,288	60,645
Pool Administration			18,654	124,661	6,096				149,411	162,333
Optimum Basin Mgmt Administration		2,348,900							2,348,900	2,852,337
OBMP Project Costs		3,881,538							3,881,538	4,153,883
Education Funds Use								375	375	375
Mutual Agency Project Costs		10,000							10,000	10,000
Total Administrative/OBMP Expenses	465,833	6,240,438	18,654	124,661	6,096			375	6,856,057	7,867,370
Net Administrative/OBMP Income	(465,833)	(6,198,771)							-	-
Allocate Net Admin Income To Pools	465,833		355,373	101,308	9,152					
Allocate Net OBMP Income To Pools		6,198,771	4,728,896	1,348,095	121,780					
Agricultural Expense Transfer			1,563,005	(1,563,005)						
Total Expenses	6,665,928		11,059		137,028			375	6,856,057	7,867,370
Net Administrative Income	968,769		5,960		(11,384)			(322)	963,023	-
Other Income/(Expense)										
Replenishment Water Assessments						3,402,393			3,402,393	0
MZ1 Supplemental Water Assessments										0
Water Purchases										0
MZ1 Imported Water Purchase										0
Groundwater Replenishment						(2,328,727)			(2,328,727)	0
Net Other Income						1,073,666			1,073,666	0
Net Transfers To/(From) Reserves			968,769	5,960	(11,384)	1,073,666		(322)	2,036,689	-
Working Capital, July 1, 2007			4,222,862	475,604	156,528	294,397	158,251	1,655	5,309,297	
Working Capital, End Of Period			5,191,631	481,564	145,144	1,368,063	158,251	1,333	7,345,986	
06/07 Assessable Production			130,826,204	37,295,410	3,369,080				171,490,694	
06/07 Production Percentages			76.288%	21.748%	1.965%				100.000%	

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CHINO BASIN WATERMASTER
Budget vs. Actual
July 2007 through May 2008

Ordinary Income/Expense	Jul '07 - May 08	Budget	\$ Over Budget	% of Budget
Income				
4010 · Local Agency Subsidies	41,667	145,500	(103,833)	28.64%
4110 · Admin Asmnts-Approp Pool	7,480,691	7,423,878	56,813	100.77%
4120 · Admin Asmnts-Non-Agri Pool	122,298	116,492	5,806	104.98%
4700 · Non Operating Revenues	174,424	181,500	(7,076)	96.1%
Total Income	7,819,080	7,867,370	(48,290)	99.39%
Gross Profit	7,819,080	7,867,370	(48,290)	99.39%
Expense				
6010 · Salary Costs	419,417	477,247	(57,830)	87.88%
6020 · Office Building Expense	92,129	101,580	(9,451)	90.7%
6030 · Office Supplies & Equip.	32,543	46,500	(13,957)	69.99%
6040 · Postage & Printing Costs	83,736	83,000	736	100.89%
6050 · Information Services	116,580	132,000	(15,420)	88.32%
6060 · Contract Services	80,822	117,500	(36,678)	68.78%
6080 · Insurance	4,160	18,210	(14,050)	22.85%
6110 · Dues and Subscriptions	14,864	16,750	(1,886)	88.74%
6140 · WM Admin Expenses	2,487	4,650	(2,163)	53.48%
6150 · Field Supplies	459	2,500	(2,041)	18.34%
6170 · Travel & Transportation	14,794	25,000	(10,206)	59.17%
6190 · Conferences & Seminars	23,608	22,500	1,108	104.93%
6200 · Advisory Comm - WM Board	15,922	18,931	(3,009)	84.1%
6300 · Watermaster Board Expenses	35,366	41,714	(6,348)	84.78%
8300 · Appr PI-WM & Pool Admin	18,654	24,001	(5,347)	77.72%
8400 · Agri Pool-WM & Pool Admin	23,323	24,004	(681)	97.16%
8467 · Ag Legal & Technical Services	90,279	95,000	(4,721)	95.03%
8470 · Ag Meeting Attend -Special	11,059	12,000	(941)	92.16%
8500 · Non-Ag PI-WM & Pool Admin	6,096	7,328	(1,232)	83.19%
6500 · Education Funds Use Expens	375	375	-	100.0%
9500 · Allocated G&A Expenditures	(471,052)	(419,640)	(51,412)	112.25%
Subtotal Administrative Expenditures	615,619	851,150	(235,531)	72.33%
6900 · Optimum Basin Mgmt Plan	2,221,226	2,711,138	(489,912)	81.93%
6950 · Mutual Agency Projects	10,000	10,000	-	100.0%
9501 · G&A Expenses Allocated-OBMP	165,185	141,199	23,986	116.99%
Subtotal OBMP Expenditures	2,396,412	2,862,337	(465,925)	83.72%
7101 · Production Monitoring	97,024	101,709	(4,685)	95.39%
7102 · In-line Meter Installation	17,345	17,791	(446)	97.49%
7103 · Grdwtr Quality Monitoring	90,684	117,104	(26,420)	77.44%
7104 · Gdwtr Level Monitoring	171,349	182,667	(11,318)	93.8%
7105 · Sur Wtr Qual Monitoring	7,858	15,553	(7,695)	50.52%

CHINO BASIN WATERMASTER
Budget vs. Actual
July 2007 through May 2008

	<u>Jul '07 - May 08</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
7107 · Ground Level Monitoring	222,436	270,465	(48,029)	82.24%
7108 · Hydraulic Control Monitoring	182,633	199,232	(16,599)	91.67%
7109 · Recharge & Well Monitoring Prog	29,587	102,827	(73,240)	28.77%
7200 · PE2- Comp Recharge Pgm	922,304	945,827	(23,523)	97.51%
7300 · PE3&5-Water Supply/Desalte	103,070	159,509	(56,439)	64.62%
7400 · PE4- Mgmt Plan	139,358	159,674	(20,316)	87.28%
7500 · PE6&7-CoopEfforts/SaltMgmt	105,639	138,533	(32,894)	76.26%
7600 · PE8&9-StorageMgmt/Conj Use	86,989	82,660	4,329	105.24%
7690 · Recharge Improvement Debt Pymt	1,368,373	1,377,552	(9,179)	99.33%
7700 · Inactive Well Protection Prgm	295	4,339	(4,044)	6.8%
9502 · G&A Expenses Allocated-Projects	299,081	278,441	20,640	107.41%
Subtotal Project Expenditures	<u>3,844,026</u>	<u>4,153,883</u>	<u>(309,857)</u>	<u>92.54%</u>
Total Expense	<u>6,856,057</u>	<u>7,867,370</u>	<u>(1,011,313)</u>	<u>87.15%</u>
Net Ordinary Income	963,023		963,023	100.0%
Other Income/Expense				
Other Income				
4210 · Approp Pool-Replenishment	3,393,137			
4220 · Non-Ag Pool-Replenishment	9,256			
Total Other Income	<u>3,402,393</u>			
Other Expense				
5010 · Groundwater Replenishment	2,328,727			
9999 · To/(From) Reserves	2,036,689			
Total Other Expense	<u>4,365,416</u>			
Net Other Income	<u>(963,022)</u>			
Net Income	<u>-</u>		<u>-</u>	<u>0.0%</u>

**CHINO BASIN WATERMASTER
TREASURER'S REPORT OF FINANCIAL AFFAIRS FOR THE PERIOD
MAY 1 THROUGH MAY 31, 2008**

DEPOSITORIES:			
Cash on Hand - Petty Cash	\$	500	
Bank of America			\$ 391,678
Governmental Checking-Demand Deposits			391,678
Zero Balance Account - Payroll			6,643,631
Local Agency Investment Fund - Sacramento			
TOTAL CASH IN BANKS AND ON HAND	\$	7,035,809	5/31/2008
TOTAL CASH IN BANKS AND ON HAND		7,616,399	4/30/2008
PERIOD INCREASE (DECREASE)	\$	(580,590)	

CHANGE IN CASH POSITION DUE TO:

Decrease/(Increase) in Assets:		
Accounts Receivable	\$	-
Assessments Receivable		-
Prepaid Expenses, Deposits & Other Current Assets		(3)
(Decrease)/Increase in Liabilities		(218,880)
Accounts Payable		(44,530)
Accrued Payroll, Payroll Taxes & Other Current Liabilities		(317,177)
Transfer to/(from) Reserves		
PERIOD INCREASE (DECREASE)	\$	(580,590)

SUMMARY OF FINANCIAL TRANSACTIONS:

	Zero Balance	Gov't Checking	Local Agency	Totals
	Account	Demand	Investment Funds	
	Payroll			
Balances as of 3/31/2008	\$ -	\$ -	\$ 6,643,631	\$ 7,616,399
Deposits	-	-	-	-
Transfers	89,094	(89,094)	-	-
Withdrawals/Checks	(89,094)	(491,496)	-	(580,590)
Balances as of 4/30/2008	\$ -	\$ 391,678	\$ 6,643,631	\$ 7,035,809
PERIOD INCREASE OR (DECREASE)	\$ -	(580,590)	\$ -	(580,590)

**CHINO BASIN WATERMASTER
TREASURER'S REPORT OF FINANCIAL AFFAIRS FOR THE PERIOD
MAY 1 THROUGH MAY 31, 2008**

INVESTMENT TRANSACTIONS

Effective Date	Transaction	Depository	Activity	Redeemed	Days to Maturity	Interest Rate(*)	Maturity Yield
TOTAL INVESTMENT TRANSACTIONS							
			\$	-			

* The earnings rate for L.A.I.F. is a daily variable rate; 4.18% was the effective yield rate at the Quarter ended March 31, 2008.

**INVESTMENT STATUS
May 31, 2008**

<u>Financial Institution</u>	Principal Amount	Number of Days	Interest Rate	Maturity Date
Local Agency Investment Fund	\$ 6,643,631			
TOTAL INVESTMENTS	\$ 6,643,631			

Funds on hand are sufficient to meet all foreseen and planned Administrative and project expenditures during the next six months.

All investment transactions have been executed in accordance with the criteria stated in Chino Basin Watermaster's Investment Policy.

Respectfully submitted,



Sheri M. Rojo, CPA
Chief Financial Officer & Assistant General Manager
Chino Basin Watermaster



CHINO BASIN WATERMASTER

I. CONSENT CALENDAR

C. INTERVENTION

1. Intervention into the Agricultural Pool – Michael Y. Park intervention





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: July 10, 2008
July 15, 2008
July 24, 2008

TO: Committee Members
Watermaster Board Members

SUBJECT: Intervention into Agricultural Pool

SUMMARY

Recommendation – Staff recommends approval of the intervention of Michael Y. Park into the Agricultural Pool.

BACKGROUND

According to Paragraph 60 of the Judgment:

"[Any] person newly proposing to produce water from the Chino Basin may become a party to this Judgment upon filing a petition in intervention. Said intervention must be confirmed by order of this Court. Such intervener shall thereafter be a party bound by this judgment and entitled to the rights and privileges accorded under the Physical Solution herein, through the pool to which the Court shall assign such intervener."

According to Watermaster's Rules and Regulations section 2.27:

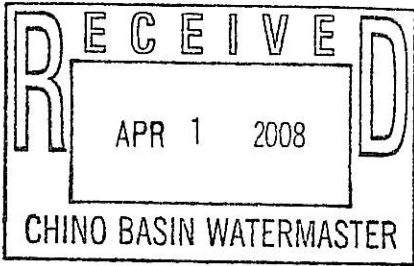
"Watermaster will receive and make recommendations regarding petitions for intervention and accumulate them for filing with the Court from time to time (Judgment paragraph. 60 and Order re Intervention Procedures, July 14, 1978.)"

Watermaster has received a petition in intervention from Michael Y. Park who pumps water for use on his agricultural operation. It is staffs' understanding that this production has been ongoing, but its existence has only recently come to Watermaster's attention. Mr. Park operates a tree/plant nursery and vegetable farm on nine acres. The estimated annual water production is five acre-feet.

Staff recommends approval of the intervention into the Agricultural Pool.

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Chino Basin Watermaster
9641 San Bernardino Rd.
Rancho Cucamonga, CA 91730
Attn: Kenneth R. Manning, CEO

Subject: Intervention into Chino Basin Watermaster

Dear Mr. Manning:

I, or the company I represent (see below), request intervention into the Chino Basin Watermaster Judgment. I/we request that the Watermaster attorneys process the Intervention paperwork through the Court.

Number of wells: 1

Location(s) of wells (including addresses, parcel numbers, and landmarks):
11552 MONTE VISTA AV. CHINO, CA 91710
01031918
IN 8E 34

Property Owner (Well Owner) Information:

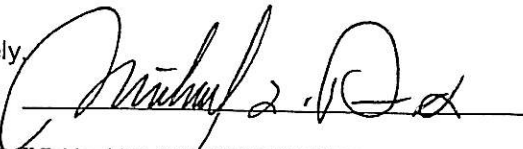
Name: MICHAEL Y. PARK
Address: 11552 MONTE VISTA AV. CHINO, CA 91710
Phone: (909) 628-8424 Email: _____

Property Occupant (Well User) Information (if different from Owner):

Name: _____
Address: _____
Phone: _____ Email: _____

Representative Handling Intervention:

Name: _____ Title: _____
Address: _____
Phone: _____ Email: _____

Sincerely,
Signed:  Printed: MICHAEL Y. PARK,

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CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

A. Operation & Maintenance of Facilities to Implement the Chino Basin Recharge Master Plan





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: July 10, 2008
July 15, 2008
July 24, 2008

TO: Committee Members
Watermaster Board Members

SUBJECT: O&M Agreement

Summary – Adoption of First Amendment to Attachment 2 to Agreement for Operation and Maintenance of Facilities to Implement the Chino Basin Recharge Master Plan to conform Agreement to Peace II Agreement section 8.1(a).

Recommendation - Approve the Amendment

Fiscal Impact – Amendment is a conforming action of Agreement to Peace II Agreement

BACKGROUND

In or about December 2002, the Chino Basin Watermaster, Inland Empire Utilities Agency and others entered in to an Agreement entitled Agreement for Operation and Maintenance of Facilities to Implement the Chino Basin Recharge master Plan. Attachment 2 to that Agreement describes the budgeting, funding and payment process for that project.

Section 8.1(a) of the Peace II Agreement modifies Attachment 2 of the Agreement and thus requires a First Amendment to that Attachment. The Amendment inserts the language of Peace Agreement II verbatim into the Agreement.

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FIRST AMENDMENT TO
ATTACHMENT NUMBER 2 TO AGREEMENT
FOR OPERATION AND MAINTENANCE
OF FACILITIES TO IMPLEMENT THE
CHINO BASIN RECHARGE MASTER PLAN

This First Amendment to Attachment Number 2 to Agreement for Operation and Maintenance of Facilities to Implement the Chino Basin Recharge Master Plan is entered into on this the ____ day of May, 2008, by and between the San Bernardino County Flood Control District, the Chino Basin Water Conservation District, the Chino Basin Watermaster, and the Inland Empire Utilities Agency.

I.

RECITALS

WHEREAS, in or about December 2002, the parties hereto entered into that certain agreement entitled Agreement for Operation and Maintenance of Facilities to Implement the Chino Basin Master Recharge Plan including, Attachment Number 2 thereof; and

WHEREAS, in or about December 2007, the Superior Court for the County of San Bernardino, approved, with conditions, that document entitled Peace II Agreement: Party Support for Watermaster's OBMP Implementation Plan – Settlement and Release of Claims regarding future Desalters (Peace II); and

WHEREAS, certain terms and provisions of Peace II will affect the budgeting, funding and payment process set forth in Attachment Number 2 making amendment to Attachment Number 2 necessary;

NOW THEREFORE, the parties hereto agree to amend Attachment Number 2 as follows:

1. Section A of Attachment Number 2 shall be amended to read as follows:

“A. Budgeting and Funding Process. In order to facilitate the timely review and approval by Watermaster of the Consolidated Budget and Planning Budget, called for in Paragraph 18 of the Agreement, the parties will each submit individual budgets for Additional Costs for the ensuing fiscal year to IEUA, with copies to the other parties, no later than February 1 of each fiscal year. IEUA will then prepare a Consolidated Budget and Planning Budget and circulate such budgets for review and comment by March 1. IEUA will consult with GRCC as part of the preparation process. IEUA will use its best efforts to resolve any questions or concerns of the parties during such review. IEUA will submit the Consolidated Budget and Planning Budget, with any changes, to Watermaster by April 1. Watermaster will adopt a final consolidated budget and planning budget on or before June 1 of each year. Watermaster shall supply a copy of said Consolidated Budget and Planning Budget to the parties on or before June 15. Any amendment to the Consolidated Budget shall be submitted to the parties for review and comment at least thirty days prior to action thereon by Watermaster. The Consolidated Budget for Additional Costs for the ensuing fiscal year will be the sum of the amounts approved by Watermaster for IEUA, CBWCD, and SBCFCD plus the amount budgeted by Watermaster for its own costs. Quarterly, in advance, Watermaster will pay to IEUA the portion, as shown by the Consolidated Budget, of the estimated amount needed to fund the portion of the total budget to be extended during the quarter. IEUA will place the amount received into a Recharge O&M Account. If the Consolidated Budget is amended during the fiscal year, and the result of such amendment is to increase appropriations, such increased amounts will be paid quarterly over the remaining fiscal year.

All future operations and maintenance costs attributable to all recharge facilities utilized for recharge of recycled water in whole or in part unfunded from third party sources, will be paid by the IEUA and Watermaster. The contribution by IEUA will be determined annually on the basis of the relative proportion of recycled water recharged bears to the total recharge from all

sources in the prior year. For example, if thirty-five percent of total recharge in a single year is from recycled water, then IEUA will bear thirty-five percent of the operations and maintenance costs. All remaining unfunded costs attributable to the facilities used by Watermaster will be paid by Watermaster.

The methodology for calculating all future operations and maintenance costs to be allocated between the parties shall be in accordance with that Pro-Rata Cost Sharing Methodology for GWR O&M Budget Based on Peace II Language which is attached hereto as Exhibit "A" and incorporated herein by this reference."

2. All remaining provisions of Attachment 2 shall remain unchanged and in full force and effect.

APPROVED AS TO FORM AND CONTENT:

DATED: May ____, 2008

INLAND EMPIRE UTILITIES AGENCY

By: _____
Title: _____

DATED: May ____, 2008

CHINO BASIN WATER CONSERVATION DISTRICT

By: _____
Title: _____

DATED: May ____, 2008

SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

By: _____
Title: _____

DATED: May ____, 2008

CHINO BASIN WATERMASTER

By: _____
Title: _____

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CHINO BASIN WATERMASTER

- III. REPORTS/UPDATES**
- A. WATERMASTER GENERAL
LEGAL COUNSEL REPORT**
- 1. SWRCP Permit





Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

July 2, 2008

To: Enclosed Interested Parties List

DRAFT DECISION CONDITIONALLY APPROVING WATER RIGHT APPLICATION 31369 –
CHINO BASIN WATERMASTER, SANTA ANA RIVER, SAN BERNARDINO AND RIVERSIDE
COUNTIES

The enclosed draft decision regarding water right Application 31369 by the Chino Basin Watermaster is tentatively scheduled for consideration by the State Water Resources Control Board (State Water Board or Board) at its meeting on September 2, 2008. The State Water Board will notify you of the location and time of this meeting approximately ten days prior to the meeting.

All interested persons and parties to the proceeding will have the opportunity to comment on the proposed order at the State Water Board meeting. All presentations should be limited to five (5) minutes. Comments should be limited to the general acceptability of the order or possible technical corrections. Parties may not introduce evidence at the State Water Board meeting.

Parties must submit in writing comments or changes to the proposed order they wish the State Water Board to consider at the meeting. All written comments must be received by the Board by **5 p.m. on Friday, July 25, 2008**.

Written comments are to be addressed and submitted to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by hand delivery to the following address:

Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-2828

California Environmental Protection Agency



July 2, 2008

Couriers delivering comments must check in with lobby security and have them contact the Executive Office on the 24th floor at 916-341-5600.

Please include in the subject line, "COMMENT LETTER – 09/02/08 BOARD MEETING: CHINO BASIN WATERMASTER DECISION." Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

If you have any questions regarding this notice, please contact Matthew Bullock, Staff Counsel, at (916) 341-5164 or Jane Farwell, Environmental Scientist, at (916) 341-5349.

Sincerely,

ORIGINAL SIGNED BY

Charles L. Lindsay, Chief
Hearings Unit

Enclosures: Mailing List
Draft Decision

**City of Riverside
Interested Parties Mailing List**

Note: Interested Parties who have agreed to accept electronic service will receive the enclosed documents through electronic mail.

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San Bernardino Valley Municipal Water District
Western Municipal Water
District of Riverside County
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City of Riverside
3900 Main Street
Riverside, CA 92522
swilson@riversideca.gov

DRAFT

July 1, 2008

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DECISION XXX

In the Matter of Application 31369

Chino Basin Watermaster
Applicant

California Department of Fish and Game
Cucamonga County Water District
East Valley Water District
United States Forest Service
Protestants

Center for Biological Diversity
Santa Ana Mainstem Local Sponsors
Southern California Edison
City of Chino
Interested Parties

SOURCES: Deer Creek, Day Creek, Etiwanda Creek, San Sevaine Creek, Chino Creek, San Antonio Creek and Cucamonga Creek, all tributaries to the Santa Ana River

COUNTIES: San Bernardino and Riverside

DECISION CONDITIONALLY APPROVING APPLICATION 31369

BY THE BOARD:

INTRODUCTION

This decision of the State Water Resources Control Board (State Water Board or Board) conditionally approves water right Application 31369 of the Chino Basin Watermaster (Watermaster) to appropriate water by diversion to the groundwater basin within the boundaries of the areas administered by Watermaster, in San Bernardino and Riverside counties.

The State Water Board finds as follows:

1.0 BACKGROUND

1.1 Although the Santa Ana River is fully appropriated, the State Water Board provided that the Chino Basin Watermaster may file an application to appropriate water.

In Order WR 98-08, adopting the Declaration of Fully Appropriated Streams, the State Water Board declared the Santa Ana River to be fully appropriated from January 1 through December 31 of each year. Order WR 98-08 prohibited the filing of any application for the appropriation of water from the river. Subsequently, six petitions were filed asking the State Water Board to amend the prohibition in WR 98-08. One such petition was filed by Watermaster. Upon receipt of evidence supporting the revision of the prohibition for the Santa Ana River, the State Water Board adopted Order WRO-2002-0006, amending Order WR 98-08 to allow the processing of the applications and petitions specifically identified in Order WRO-2002-2006, including the application by Watermaster.

1.2 Application 31369 seeks to appropriate stormwater runoff.

As filed on November 4, 2002 by Watermaster, Application 31369 seeks to divert 97,000 acre-feet per annum (afa) of water from Deer Creek, Day Creek, Etiwanda Creek, San Sevaine Creek, Chino Creek, San Antonio Creek and Cucamonga Creek, all of which are tributaries to the Santa Ana River.¹ The stated purpose of use is underground storage for the purposes of industrial, irrigation, stock watering, and municipal uses, using 68,500 afa of stormwater runoff, and 28,500 afa of recycled water. The place of use is within the area overlying the Chino Groundwater Basin as shown on the map dated October 12, 2007, signed on October 15, 2007, and on file with the State Water Board.

Application 31369 proposes to utilize an existing system of channels, diversion structures and percolation basins (basins) designed to capture storm flows, recycled water flows, and water imported into the Chino Basin. Groundwater recharge using stormwater is the highest priority use for these basins, but when stormwater is not available, these basins are used to recharge groundwater with imported State Water Project water and recycled water. (SWRCB-1, Application 031369, 11/14/06 correspondence.)

¹ The application was publicly noticed on January 31, 2003.

2.0 HEARING ISSUES

On February 1, 2007, the State Water Board issued a Notice of Hearing.² The hearing concerned five applications. This decision addresses only Application 31369 by Watermaster. The Notice specified six issues:

1. Is there water available for appropriation by each of the applicants? If so, when is water available and under what circumstances?
2. Will approval of any of the applications or the petition result in any significant adverse impacts to water quality, the environment or public trust resources? If so, what adverse impact or impacts would result from the project or projects? Can these impacts be avoided or mitigated to a level of non-significance? If so, how? What conditions, if any, should the State Water Board adopt to avoid or mitigate any potential adverse impacts on fish, wildlife, or other public trust resources that would otherwise occur as a result of approval of the applications and petition?
3. Is each of the proposed projects in the public interest? If so, what conditions, if any, should the State Water Board adopt in any permits that may be issued on the pending applications, or in any order that may be issued on the wastewater change petition, to best serve the public interest?
4. Will any of the proposed appropriations by the applicants and/or the proposed change in treated wastewater discharge by the petitioner cause injury to the prior rights of other legal users of water?
5. What should be the relative priority of right assigned to any permits that may be issued on the pending applications?
6. What effect, if any, will the projects have on groundwater and/or movement of any contaminated groundwater plumes? Can the effects be mitigated? If so, how?

² The Notice was revised on March 1, 2007 with modifications to the date of the pre-hearing conference, the name of the Hearing Officer, and the correction of some typographical errors in the original Hearing Notice.

3.0 WATERMASTER WITHDREW ITS REQUEST TO APPROPRIATE RECYCLED WATER

During State Water Board hearing proceedings, Watermaster withdrew that portion of Application 31369 concerning 28,500 afa of recycled water. According to Watermaster, the actual program as implemented does not involve any issues that invoke the State Water Board's jurisdiction.³ Further, Watermaster stated that 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 only as a means of conveyance. Accordingly, Application 31369 is amended to state: "total combined amount taken by direct diversion and storage during any one year will be 68,500 acre-feet." (May 2, 2007 Reporter's Transcript [R.T.], p. 168.)

4.0 ALL PROTESTS TO THE APPLICATION WERE RESOLVED PRIOR TO HEARING

Four protests were filed against Application 31369. California Department of Fish and Game (CDFG), Cucamonga County Water District (CCWD), and East Valley Water District (EVWD) filed protests alleging adverse impacts to public trust resources, injury to pre-1914 rights, and injury to prior rights, respectively. These three protests were resolved by settlement agreement or stipulation prior to the beginning of the hearing. A fourth protest, by the U.S. Forest Service (USFS), was withdrawn by letter dated April 4, 2005, from Joshua S. Rider, staff attorney, for the USFS. Accordingly, the State Water Board finds that all protests to application 31369 were withdrawn or conditionally resolved prior to the hearing.

5.0 NON-APPLICANT PARTIES STIPULATED OUT OF THE PROCEEDING

In a water right proceeding, the parties include the applicant, persons who filed unresolved protests, and any other persons who are designated as parties in accordance with the procedures set forth in the notice of hearing. (Cal. Code Regs., tit. 23, § 648.1, subd. (b).) Persons presenting non-evidentiary policy statements are not parties. (*Id.*, § 648.1, subd. (d).)

³ Recycled wastewater discharged to a stream is water that may be appropriated. (*Crane v. Stevinson* (1936) 5 Cal.2d 387 [54 P.2d 1101]; *Haun v. DeVours* (1950) 97 Cal.App.2d 841 [218 P.2d 996].) Although Watermaster's proposal to use recycled water for groundwater recharge may not require an appropriative water right, it may still require State Water Board approval. Section 1211 of the Water Code requires approval of a wastewater change petition before changing the point of discharge, place of use or purpose of use of treated wastewater, unless the change will not result in any decrease in flows in any portion of a watercourse. The record does not reflect whether Watermaster made changes in the recycled water project that would require State Water Board approval under section 1211.

The parties in this matter include Watermaster, and the following non-applicant parties: United States Forest Service, the Santa Ana Mainstem Local Sponsors, Southern California Edison, East Valley Water District, the City of Chino, and the Center for Biological Diversity (Center).⁴

By letter dated April 17, 2007, Watermaster submitted stipulations from the non-applicant parties that they would neither present evidence concerning Application 31369, nor cross-examine witnesses presented in support of Application 31369.

6.0 STORMWATER IS AVAILABLE FOR APPROPRIATION TO GROUNDWATER RECHARGE UNDER APPLICATION 31369

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

In determining the amount of water available for appropriation, the State Water Board shall take into account, whenever it is in the public interest, the amounts of water needed to remain in the source for protection of beneficial uses. Beneficial uses include, but are not limited to, instream uses, recreation and the preservation of fish and wildlife habitat. (Wat. Code, § 1243.)

⁴ The State Water Board's hearing procedures do not require the filing of a protest as a prerequisite to participating in a hearing. Nonetheless, during the pre-hearing conference on April 6, 2007, the participants requested an opportunity to brief the issue as to what extent the Center should be allowed to participate as a party. According to the Center's Notice of Intent to Appear, the Center intended to present a case-in-chief on the impacts of the applications on public trust resources. Certain applicants objected to the Center's presentation of evidence on the grounds that the Center had not protested their applications. The hearing participants were given the opportunity to brief the issue of whether the Center could participate in the hearing. San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County (collectively, Muni/Western), Orange County Water District (OCWD), and the Center submitted timely briefs. In its brief, Muni/Western contended the allowance of a late appearance at a hearing by a person who did not file a protest results in unfair surprise to the hearing participants. OCWD joined with Muni/Western's request to limit the Center's participation to its protest against the wastewater change petition submitted by the City of Riverside.

In his April 20, 2007, ruling, citing the Administrative Procedure Act, the State Water Board's regulations, and hearing procedures, the Hearing Officer stated that it is within the State Water Board's discretion to allow an interested party who has not submitted a protest to participate in an adjudicative proceeding as a party. The Hearing Officer further noted that the Center has an extensive history of advocacy and legal involvement in the Santa Ana River watershed, and its public trust and environmental interests in this proceeding are unique and not represented by other parties. The Hearing Officer concluded that the Center, having complied with the procedural requirements for participating in the hearing, would be allowed to participate fully.

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Watermaster contends that unappropriated water is available to supply the project described in Application 31369. Watermaster seeks to divert 68,500 afa of stormwater runoff to underground storage for the purposes of industrial, irrigation, stock watering, and municipal uses. The proposed season of diversion is January 1 to December 31. "Watermaster believes that the amount of 68,500 acre-feet per year, when combined with the 15,000 acre-feet per year of Permit 19895 and the 27,000 acre-feet per year of Permit 20753, for a total of 110,500 acre-feet per year, will be sufficient to allow Watermaster to continue its project as planned." (Chino 7-1.)

Under its project, Watermaster diverts storm flows from four primary drainage systems in the Chino Basin, which it identifies as Chino Creek, Cucamonga Creek, Day Creek, and San Sevaine Creek. All are tributary to the Santa Ana River. The Chino Creek System includes San Antonio Creek, the Day Creek System includes Deer Creek, and the San Sevaine Creek system includes Etiwanda Creek. (Chino 1-1, p. 2.) Chino Creek and Cucamonga Creek discharge directly into Prado Reservoir, and Day Creek and San Sevaine Creek discharge into the Santa Ana River just upstream from Prado Reservoir. Ken Manning, witness for Watermaster, testified that these four creek systems are almost entirely concrete-lined as they pass through the Chino Basin, with the exception of small portions near their confluence with the Santa Ana River. (*Ibid.*) In general, unappropriated water is only present in the channels of these four creek systems during or immediately following storm events or when snowmelt is present. (*Ibid.*) Mr. Manning stated that most of the time the creeks are dry except when they are used to transport imported water or recycled water. (*Ibid.*)

Watermaster's witness, Mark Wildermuth, testified that San Sevaine Creek channel and its tributaries as well as Day Creek receive some intermittent urban dry weather flow, in addition to the intermittent storm flow. Downstream of Watermaster's proposed points of diversion, wastewater treatment plants discharge treated wastewater (recycled water) to Cucamonga Creek, and to Chino Creek. (May 3, 2007 R.T., p. 108.)

Watermaster diverts water from the four creek systems to multiple flow-through and off-channel recharge basins in the Chino Basin. (May 2, 2007 R.T., pp. 137-140.) Although Watermaster seeks to divert 68,500 acre-feet (af) each year under Application 31369, Messrs. Manning and Wildermuth testified that water will not always be available. (*Id.*, p. 142; May 3, 2007 R.T., p. 108.) The actual amount of water available for diversion and recharge will vary greatly in any given year. (May 3, 2007 R.T., p. 12; Chino 2-1, pp. 6-7.) Tony Bomkamp, Watermaster's

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witness, stated that Southern California experiences few storm events, roughly 10-15 days of rainfall each year, allowing Watermaster to divert stormwater during just a few days out of the year. (Chino 4-1, p. 7.) Watermaster asserts that in order to achieve its planning goals, it must divert as much stormwater as possible, up to the full diversion amount, into its facilities. (May 3, 2007 R.T., p. 12; Chino 2-1, pp. 6-7.) During a small storm event, all stormwater may be diverted from the stream channel. (Chino 4-1, p. 7.)

Mr. Wildermuth used a Waste Load Allocation Model (WLAM) in order to assess the impact of diversions and recharge under Application 31369. The WLAM estimated the total discharge potentially available for diversion, the recharge capacity for existing and proposed recharge facilities, and the downstream impacts in the Santa Ana River and its tributaries. Inputs to the model included (1) the reservoir operating rules for the Seven Oaks and Prado dams, (2) 50 years of precipitation data and contemporaneous gauged stream discharge data for the period 1950 through 1999, (3) projected 2010 estimates of recycled water discharge to the Santa Ana River, and (4) 1993 land use conditions.⁵

Mr. Wildermuth compared a "no project" or baseline condition to the "with project" condition. For the baseline case, he assumed that only the stormwater detention and conservation facilities that existed prior to the construction of the Chino Basin Facilities Improvement Program⁶ would be in place. For the "with project" condition he assumed that all the recharge improvements that are included in Watermaster's Application 31369 were constructed and operated at their maximum rates of diversion and recharge. (Chino 2-1, pp. 2-5.)

Mr. Wildermuth testified that the WLAM, using conditions experienced during water years 1950-1999, predicted the amount of water available in the future for appropriation by Watermaster in the Chino basin would vary from about 7,000 afa to about 160,000 afa, with an average amount of water available for appropriation of roughly 40,000 afa. The volume of water that Watermaster could recharge, however, would be 18,400 afa, on average, and would vary between about 6 afa and 43,000 afa. Mr. Wildermuth testified that the full 110,500 acre-feet that Watermaster seeks to divert into its facilities would only be available in five out of the 50 years analyzed under 1993 land use conditions. Under 2007 land use conditions,

⁵ By using 1993 land use conditions, the runoff estimates from the valley floor area will be slightly underestimated, making the runoff projections conservatively low. (Chino 2-1, p.6)

⁶ Described in Watermaster's Application 31369.

Mr. Wildermuth estimated that more water would be available than under the 1993 land use conditions. (May 3, 2007 R.T., pp. 5-7, 9-10; Chino 2-1, p. 6.) The average recharge amount of 18,400 af of stormwater per year is based on an annual average of 46,300 af available for diversion. According to the WLAM, the average annual amount of stormwater recharge that is projected to occur with Watermaster's full project under Application 31369 is about 12,700 afa higher than under baseline conditions. Because the diversion systems are not 100 percent efficient, the WLAM also predicted that on average, about 27,900 afa of stormwater discharge would bypass the recharge facilities and discharge into the Santa Ana River under the "with project" case. (Chino 2-1, pp. 6-7.) Having considered the foregoing, the State Water Board concludes that stormwater runoff is available for appropriation to groundwater recharge for beneficial use under Application 31369. The permit issued pursuant to this decision will be subject to all prior rights to the use of water.

**7.0 THE PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE
MOVEMENT OF CONTAMINATED GROUNDWATER PLUMES IN THE CHINO BASIN**

Under Application 31369, Watermaster seeks to divert 68,500 afa of stormwater runoff from seven creeks, all of which are tributary to the Santa Ana River. Watermaster proposes to utilize an existing system of channels, diversion structures and basins designed to capture storm flows and recycled water flows in the Chino Basin. (Chino 1-1, p. 2; Chino 1-4.)

The Chino Basin is considered to be a single underground reservoir from geologic and legal perspectives. (Chino 2-7, p. 2-6.) Its surface area is approximately 240 square miles, and the groundwater currently in storage is estimated to be between 5 million to 6 million acre-feet. (SWRCB-12, Supplemental Information; May 4, 2007 R.T., p. 76.) In general, groundwater flow mimics surface drainage patterns; from the high mountainous areas in the north and east portions of the basin to lower elevation areas near the Santa Ana River within the Prado Flood Control Basin. (Chino 2-3, p 2-6, Fig 2-3.)

Watermaster has identified nine groundwater contaminant plumes within the Chino Basin that might be affected by the proposed project. (Chino 2-1, p 12 and Fig 14; Chino 2-3, p. 3-15, Fig 3-21; May 4, 2007 R.T., pp. 70-71.) Following is a brief description of each plume:

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Chino Airport: A plume of volatile organic compounds (VOC's) extends approximately 14,200 feet south/southwest from the airport. This plume is being investigated, and a draft remediation plan is expected by the end of 2007. (Chino 2-1, pp. 12-13, Chino 2-3, p. 3-15.)

California Institute for Men: A plume of VOC's extends approximately 5,800 feet from north to south. This plume has been characterized and is currently being remediated. (Chino 2-1, p. 13; Chino 2-3, pp. 3-15 & 3-16.)

General Electric Flatiron Facility: Total dissolved chromium and VOC's have been identified in groundwater. The plume extends approximately 9,000 feet south/southwest from the site. This plume has been characterized and is currently being remediated. (Chino 2-1, pp 13-14; Chino 2-3, p. 3-16.)

General Electric Test Cell Facility: A plume of VOC's extends approximately 10,300 feet southwest of the site. This plume has been characterized, and a remediation plan is expected to be completed by the end of 2007. (Chino 2-1, pp. 13-14; Chino 2-3, p. 3-16.)

Kaiser Steel Fontana Site: A plume of degraded groundwater has been identified under the facility. The plume extends approximately 17,500 feet from northeast to southwest. The major contaminants are inorganic dissolved solids and low molecular weight organic compounds. This plume has been characterized and is currently being remediated. (Chino 2-1, p. 15; Chino 2-3, p. 3-17.)

Milliken Sanitary Landfill: The landfill has released VOC's and inorganic compounds to groundwater. The plume extends approximately 2,100 feet south of the site. This plume has been characterized; however, no active remediation plan has been developed. (Chino 2-1, pp. 15-16; Chino 2-3, pp. 3-17 & 3-18.) This site is the subject of Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) Order No. 81-003. (Chino Closing Brief, Exhibit B, p. 2; May 4, 2007 R.T., p. 78.)

Upland Sanitary Landfill: Groundwater beneath the landfill has been contaminated with VOC's and inorganic compounds. The plume is defined by only three on-site monitoring wells; therefore, the exact extent of the plume is unknown. Remediation of the plume is ongoing at the site. (Chino 2-1, pp. 16-17; Chino 2-3, pp. 3-18 to 3-19.)

Unnamed VOC Plume – South of the Ontario Airport: A VOC plume exists south of the Ontario Airport that is approximately 17,700 feet wide and 20,450 feet long. A group of potential responsible parties is currently investigating the plume, and it is anticipated to be fully characterized by the end of 2009. (Chino 2-1, p. 17; Chino 2-3, p. 3-19.)

Stringfellow National Priorities List Site: The Stringfellow site was operated as a hazardous waste disposal facility from 1956 until 1972. A groundwater plume, which contains various VOC's, perchlorate and heavy metals such as cadmium, nickel, chromium, and manganese extends approximately 22,500 feet in a southwesterly direction from the original disposal area. Contamination at the Stringfellow site has been addressed by cleanup remedies described in four United States Environmental Protection Agency Records of Decision. Additional characterization is ongoing, and additional remediation work may be required. (Chino 2-1, pp. 17-18; Chino 2-3, p. 3-19.)

These contaminant plumes are moving from their source areas in response to regional groundwater flow, which is driven by groundwater recharge and discharge. (Chino 2-1, p. 18.) In order to predict the future movement of the groundwater plumes, Watermaster analyzed the effect of groundwater recharge from the proposed project on the movement of the groundwater plumes in the Chino Basin by modeling a baseline and a dry-year yield scenario. (Chino 2-1, p. 18, Figs 14 & 15, Chino 2-3, pp. 7-1, 7-3, 7-4; May 4, 2007 R.T., p. 71.) The baseline scenario is based on a modified version of the water supply plan from Watermaster's Implementation Plan in the Optimum Basin Management Plan (OBMP). (Chino 2-3, p. 7-3.) The baseline scenario covers the period of 2004 to 2028 and assumes groundwater recharge ranging between 50,000 afa and 100,000 afa. (May 4, 2007 R.T., p. 72.)

The dry-year scenario is described in the OBMP Chino Basin Dry-Year Yield Program Modeling Report. (Chino 2-3, pp. 7-1 to 7-4.) The dry-year yield scenario represents the recharge of 100,000 af of water in 25,000 afa increments, followed some time later by three years of 33,000 af of extraction per year. The cycle is then repeated. (May 4, 2007 R.T., p. 74.) In the dry-year yield scenario it was assumed that the total stormwater recharge anticipated with Watermaster's Application 31369, about 18,000 afa, as well as Watermaster's replenishment-related recharge, would occur throughout the 25-year planning period. (Chino 2-1, p. 18.)

Groundwater modeling was conducted for both the "no groundwater storage" program (baseline scenario) and the "with groundwater storage" program (dry-year yield scenario). Results of the modeling showed that the plume locations are virtually identical for both scenarios and indicated that the change in direction and speed of movement of these plumes caused by the increase recharge is insignificant. (Chino 2-1, p. 18; May 4, 2007 R.T., pp. 72 and 74.) Although some spreading basins are located in the vicinity of contaminated groundwater plumes, the plumes follow the natural groundwater gradient regardless of influence of the spreading basins. This is because the addition of 68,500 afa (as proposed in the Application) of water into the basin, which has an estimated capacity of 8 million acre-feet, has minimal effect on the regional groundwater flow direction.

Pursuant to Program Element Six of the OBMP, Watermaster is working closely with the Santa Ana Water Board and potential responsible parties to address the plumes of contamination in the Chino Basin. (May 4, 2007 R.T., pp. 77-78.) The remediation of each plume in the Basin is the subject of remediation efforts under additional state and federal supervision. (Chino 7-1, Exhibit B.)

The following mitigation measure is listed in Watermaster's OBMP Program Environmental Impact Report Volume (Chino 3-3, p. 4-165):

When recharge of water is proposed within the vicinity of an existing or known contaminated groundwater plume, modeling and/or additional studies will be conducted to determine whether recharge of the recycled water will increase the local hydraulic gradient and cause more rapid spread of the existing plume. If existing domestic water production wells will be impacted by the plume a minimum of one year earlier than under pre-existing conditions, or if significant quantities of additional groundwater (more than 5,000 acre-feet) will become contaminated within a five year period due to the recharge of the water, an alternate location for recharge will be selected to avoid not only the loss of the recharged water due to contamination, but also additional high quality groundwater due to more rapid expansion of the contaminated plume.

Because modeling does not always successfully predict anticipated outcomes, a permit condition to implement this measure will be included in any permit issued by the State Water Board (condition 9 at the end of this decision). Having considered the foregoing, the State Water Board finds that the proposed project will not have a significant effect on the movement of contaminated groundwater plumes in the Chino Basin.

8.0 APPROVAL OF APPLICATION 31369 WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON PUBLIC TRUST RESOURCES. THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT UNDER THE CALIFORNIA ENVIRONMENTAL PROTECTION ACT (CEQA)

8.1 Approval of Application 31369 will not have a significant adverse Impact on public trust resources.

The Santa Ana Water Board has divided the Santa Ana River into six reaches. Reach 3, from the Riverside Narrows to Prado Dam, would be affected by the diversions proposed under Application 31369. Watermaster presented testimony by experts in the areas of fisheries biology and wetland studies to demonstrate the lack of impacts on the public trust resources by the proposed project.

Mr. Tony Bomkamp performed a water budget analysis that calculated the amount of water required by riparian species within Reach 3 and the Prado Wetlands. The analysis compared that amount to the amount of water actually available in these areas. (May 3, 2007 R.T., pp. 122-124.) The analysis focused on the water needs of the willow because the water needs of this species are larger than any other relevant species in the area. (*Id.*, pp. 145-146.) The analysis also focused on the needs of the Least Bell's Vireo within this riparian habitat because the vireo is an umbrella species having similar habitat requirements to all other avian species of special concern in the study area. (*Id.*, p. 145.) Mr. Bomkamp testified that in the area of Reach 3 above the Prado Wetlands, after accounting for riparian habitat usage (12,000 afa) and evaporation from the water surface (17,000 afa), the average annual amount of water discharging into Prado Basin is 200,000 acre-feet. That is 18 times more water than is required by the riparian habitat. (*Id.*, p.124.) Consequently, Mr. Bomkamp testified, Watermaster's proposed project will have no impact on the Least Bell's Vireo or any other special status avian species. (*Id.*, p. 126.)

The Santa Ana sucker (*Catostomus santaanae*) is another species of special concern in the Santa Ana River. Dr. Jeffrey Beehler, Senior Environmental Project Manager with the Santa Ana Watershed Project Authority, testified regarding the effects of project operations on the sucker. These fish are limited in Reach 3, not by availability of water, but by the lack of suitable

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habitat in the form of gravel or cobble needed for spawning. The concrete lining of the creek channels limits the scour necessary to produce cobble. (May 3, 2007 R.T., p. 157.) In addition, Mr. Beehler testified that the Santa Ana sucker is not known to exist in the project area, thus the fish would not be killed in the diversion facilities. (*Id.*, p. 154.)

On March 26, 2003, CDFG filed a protest against Application 31369.⁷ CDFG was concerned that the proposed projects may result in direct and cumulative adverse impacts to the resources of the Santa Ana River Basin by reducing instream flows needed to maintain riparian habitat and species within the drainage. CDFG was also concerned that the cumulative diversion rate within the Santa Ana River Basin may reduce riparian and wetland habitat areas within the watershed.

On March 20, 2007 CDFG entered into a settlement agreement with Watermaster (Chino 1-17) and on March 26, 2007, CDFG notified the State Water Board it was withdrawing its protest against Application 31369. Further, CDFG did not oppose the State Water Board's issuance of a permit to Watermaster for the diversion of water under Application 31369.

According to the March 20 Settlement Agreement, the parties do not anticipate an impact on fish, wildlife or other instream beneficial uses as a result of Watermaster's requested appropriation described in Application 31369. Watermaster agreed to continue the existing monthly monitoring and reporting. Also, the parties will meet annually for the first 5 years after a permit is issued to confirm no impacts have resulted. If negative impacts result from the appropriation, provisions are included in the agreement for resolution of those impacts. (CBWM 1-01, pp 8-9; Chino 1-17.) Conditions 10 and 11, set forth at the end of this decision, implement the terms of the settlement agreement.

⁷ CDFG's protest was also filed against applications 31370, 31317 and 31372. The protest against these applications will be addressed in separate decisions by the State Water Board.

Having considered the foregoing recitals, the State Water Board finds that approving Application 31369 will not cause any significant adverse impacts to public trust resources.

8.2 The proposed project will not have a significant adverse effect on the environment under CEQA.

Watermaster is CEQA lead agency for the proposed project. The project, as proposed under Application 31369, will use existing catch basins in the Chino Basin Watermaster service area. The basins were originally constructed for the purpose of flood control by the Chino Basin Water Conservation District and the San Bernardino County Flood Control District. Currently, in addition to flood control, Watermaster uses the catch basins for groundwater recharge using recycled water, imported water, and stormwater runoff which is the subject of this application.

Watermaster's Recharge Master Plan includes some of the basins named in Application 31369. Watermaster considers these basins to be second tier projects to the OBMP per section 15152 of the CEQA Guidelines.⁸ Therefore, the basins fall within the scope of the Programmatic Environmental Impact Report (PEIR) for the OBMP, which was certified by the Inland Empire Utilities Agency on July 13, 2000. In addition, a project level analysis for these basins was completed in September 2001 through an Initial Study for the Implementation of Stormwater and Imported Water Recharge at 20 Recharge Basins in Chino Basin (Recharge Basin IS). A Notice of Determination dated October 9, 2001 found the implementation of the project would not cause any significant adverse impacts to the environment and the proposed project fell within the scope of the OBMP PEIR, and a de minimis finding was adopted.

The basins were constructed over a number of years, some prior to 1972. Table 1 describes the CEQA documentation completed for each basin, if relevant.

In his testimony, Tom Dodson, President of Tom Dodson and Associates, an environmental consulting firm in San Bernardino, California, stated the CEQA analysis completed for the basins that is part of Application 31369 is adequate. Mr. Dodson made supplemental investigations of the facts contained in the CEQA documents. Based on these investigations,

⁸ Cal. Code Regs., tit. 14, § 15152. All references in this Decision to the provisions of Title 14 of the California Code of Regulations constituting the Guidelines for Implementation of the California Environmental Quality Act, *id.* § 15000 et seq., are referred to as sections of the "CEQA Guidelines."

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he is of the opinion that the findings made in the OBMP PEIR and the Recharge Basin IS can serve as a basis for a decision by the State Water Board with respect to Application 31369. (Chino 3-1.)

As a responsible agency under CEQA, the State Water Board presumes that the environmental documentation prepared by the lead agency is adequate for purposes of CEQA unless a legal proceeding determines that the environmental documentation is inadequate or a subsequent environmental document is required. (CEQA Guidelines, § 15231.) The State Water Board has reviewed the CEQA documents prepared by the lead agency. These documents do not identify any significant adverse environmental impacts.

Table 1

Basin Name	Construction Date	CEQA Documentation in Addition to Watermaster's OBMP Tiered Analysis
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San Antonio Creek System

College Heights (East and West)	1958, 1932	none
Upland Basin	unknown	Recharge Basin IS
Montclair Nos. 1-4	1954	Recharge Basin IS
Brooks	1977	1977 Mitigated Negative Declaration and Recharge Basin IS

West Cucamonga Creek System

7 th Street	1967	Recharge Basin IS
8 th Street	1938	Recharge Basin IS
Ely Basin	1950	Recharge Basin IS
Grove Street	2001	Statutory Exemption

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Table 1 (continued)

Basin Name	Construction Date	CEQA Documentation in Addition to Watermaster's OBMP Tiered Analysis
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Cucamonga Creek System

Turner No. 1	1976	Turner Basin #1 Expansion Project Notice of Determination filed in May 2001 by the Chino Water Conservation District
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Deer Creek System

Turner No. 2, 3, 4	1971	Recharge Basin IS
Turner No. 5, 8, 9	1971	none

Day Creek System

Lower Day Nos. 1-3	1912, 1975, 1976	Recharge Basin IS
Etiwanda Percolation Ponds	1960s	1994 San Sevaine Creek Water Project Initial Study and Mitigated Negative Declaration (San Sevaine) and Recharge Basin IS
Wineville	1945	Recharge Basin IS
Riverside	1971	None

Etiwanda Creek System

Etiwanda Debris Basin	1954, 1960	San Sevaine and Recharge Basin IS
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Table 1 (continued)

Basin Name	Construction Date	CEQA Documentation in Addition to Watermaster's OBMP Tiered Analysis
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Declez Channel System

RP-3 site	unknown	<i>Initial Study for the Implementation of Storm Water and Imported Water Recharge at Proposed RP-3 Recharge Basins, and negative declaration</i>
Declez Basin	1985	Recharge Basin IS

San Sevaine Creek System

San Sevaine Nos. 1-5	1960s	San Sevaine and Recharge Basin IS
Rich Basin	1971	San Sevaine
Victoria Basin	1975	San Sevaine and Recharge Basin IS
Banana Basin	1944	Recharge Basin IS
Hickory Basin	1970/2001	San Sevaine and Recharge Basin IS
Jurupa Basin	1976	San Sevaine and Recharge Basin IS

9.0 COORDINATION OF PERMITS TO APPROPRIATE WATER WITH EXISTING JUDGMENTS AND AGREEMENTS FOR THE USE OF SANTA ANA RIVER WATER

On May 2, 2007 the State Water Board commenced a hearing to consider five applications to appropriate water from the Santa Ana River. The applicants are:

- Watermaster (Application 31369)
- San Bernardino Valley Municipal Water District and Western Municipal Water District of Riverside County (Applications 31165 and 31370)
- Orange County Water District (Application 31174)
- City of Riverside (Application 31372)

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Rights to the use of the water in the Santa Ana River, including the potential rights of the applicants in this proceeding, are the subject of several judgments, settlement agreements, and memoranda. (Stipulation of Applicants, dated April 5, 2007.⁹) Among these is the April 17, 1969, judgment in *Orange County Water District v. City of Chino, et al.* (Super. Ct. Orange County, 1969, No. 117628.) Among other matters, the judgment divides the river into various stream reaches and provides that upper watershed parties are obligated to ensure that certain average minimum flows reach the lower watershed. (Applicants' Joint. Ex. 1-1.) In addition, the judgment provides that so long as certain average minimum flows reach the lower basin, the upper basin water users have the right to divert, pump, extract, conserve and use all surface and ground water originating in the upper basin without interference from lower basin claimants. (Applicants' Joint Ex. 2-2.)

Likewise pertinent is *Western Municipal Water District of Riverside County et al. v. East San Bernardino County Water District* (Super. Ct. Riverside County, 1969, No. 78426.) This judgment was also entered on April 17, 1969. This judgment allocates the water in the upper stream reach for the San Bernardino Basin, Colton Basin and Riverside Basin areas, excepting the Chino Basin, consistent with the Orange County judgment. The relative priority of Watermaster to divert water from the Chino Basin is derived from the rights recognized in the Inland Empire Utilities Agency under the Orange County judgment and the November 16, 1999, Memorandum of Understanding to Affirm and Preserve Existing Rights in the Santa Ana River Watershed. (¶¶ 13 and ¶ 3(a), Stipulation of Applicants, dated April 5, 2007.)

Normally, under California appropriative water law, the application filed first in time has a higher priority than an application filed at a later date. (Wat. Code, §§ 1450, 1455, 1610; *Pasadena v. Alhambra* (1949) 33 Cal. 2d 908, 929 [207 P.2d 17].) However, taken together, these judgments, settlement agreements, and memoranda may alter the relative priority of the permits that may be issued for the applications pending on the Santa Ana River.

Additionally, exceptions to the rule of "first in time, first in right" can be based on Article X, section 2 of the California Constitution, area of origin protections, and other public policies. (See, e.g., Wat. Code, §§ 10500 et seq., 11460; see also Archibald, Governor's Commission to

⁹ The stipulation was presented to the hearing officer on April 5, 2007. On April 10, 2007, no party having objected to the stipulation, the hearing officer accepted the stipulation as the basis for resolving key hearing issues 4 and 5 concerning the priorities of the applications relative to other legal users of water and among the pending applications. (RT, Vol.1, 2:21-24; see also 4.0 Hearing Issues, p. 5, *ante*.)

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Review California Water Rights, *Allocating Use of Surface Water: The Priority System and its Alternatives* (Appropriative Rights Staff Memorandum No. 2, July 1977) pp. 5-6.) The State Water Board is also required to subject permit approvals to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated. (Wat. Code, § 1253.) The numerous judgments, settlement agreements and memoranda for the Santa Ana River aimed at managing the diversion and use of water in the river among many competing claims present a situation that may justify modifying the usual priority of competing applications for the appropriation of water.

The apportionment of flows among various stream reaches on the Santa Ana River, and the right to develop water within the framework of the various judgments, agreements and memoranda may warrant adjustment of the relative priorities of such permits as may be issued for the applications pending on the Santa Ana River. The stipulation, however, does not address with specificity the relative priority of three of the five pending applications (Applications 31369, 31372 and 31174) among themselves or relative to the other three applications. The State Water Board will apply the usual order of priority, except where the pending applicants have agreed to a different order of priority or when a hearing record clearly supports modified priorities.¹⁰

The current record does not clearly reveal any agreement to adjust the priorities of the other applications. Thus, the State Water Board will not attempt to adjust the relative priorities of the other pending applications. Condition 6 of the order, *post*, however, does subject this application to "...existing rights determined by the judgment in *Chino Basin Municipal Water District v. City of Chino* (Super. Ct. San Bernardino County, 1978 No. 164327), and the stipulated judgment in *Orange County Water District v. City of Chino* (Super. Ct. Orange County, 1969, No. 117628) insofar as said rights are maintained."

¹⁰ The significance of the City of Redlands, et al., reported right to divert up to 88 cubic feet per second (cfs) in the stipulation is unclear unless the stipulation was to resolve issues other than those presented to the State Water Board in this proceeding. (Stipulation of Applicants dated April 5, 2007, ¶ 15) The State Water Board does not expressly or implicitly recognize the validity of the 88 cfs diversion if it was initiated after 1914 and is not in compliance with the Water Code section 1200, et seq.

10.0 CONCLUSIONS

Pursuant to Water Code section 1253, the State Water Board may allow the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated. The stormwater recharge project described in Application 31369 is one component of Watermaster's Recharge Master Plan. (Chino 1-1, pp. 6-7.) The Recharge Master Plan implements Program Element Two of Watermaster's OBMP. Water appropriated under Application 31369 will recharge the Chino Basin for municipal, industrial, irrigation, and stock watering uses for the 800,000 people who live in the area. (May 3, 2007 R.T., pp. 21-22.)

On September 30, 2004, the State Water Board approved the most recent set of amendments to the Water Quality Control Plan for the Santa Ana Region. A central feature of these amendments is the inclusion of Maximum Benefit objectives. These objectives permit an increase in the level of salts in groundwater in order to permit the use of imported and recycled water to recharge the groundwater basin. (Santa Ana Regional Water Quality Control Board Resolution R8-2004-0001, Table 5-8a, pp. 55-58.) In exchange for the ability to utilize the Maximum Benefit objectives, the parties in the Chino Basin committed to implement a number of water quality measures, one of which is the stormwater recharge project that is the subject of Application 31369. (Chino Closing Brief, pp. 4, 12-18.)

The proposed project will not have a significant adverse effect on: (1) the movement of contaminated groundwater plumes in the Chino Basin; (2) public trust resources; or (3) the environment. Accordingly, the State Water Board finds the proposed appropriation of water to be in the public interest. The State Water Board finds and concludes that the 68,500 afa increment of stormwater runoff to be diverted to underground storage pursuant to Application 31369 is available for appropriation and that a permit should be issued.

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ORDER

IT IS HEREBY ORDERED THAT Application 31369 be approved and a permit issued subject to prior rights and subject to standard permit terms 6, 10, 11, 12, 13, 14, 15, 30, and the following additional terms and conditions.

1. The Permittee is authorized to divert and use water from Deer Creek, Day Creek, Etiwanda Creek, San Sevaine Creek, Chino Creek, San Antonio Creek and Cucamonga Creek. All of these creeks are tributary to the Santa Ana River within the counties of San Bernardino and Riverside.
2. Permittee is authorized to divert water from the points of diversion identified within Table 2, attached to this decision.
3. Permittee is authorized to use the water for municipal, industrial, irrigation, and stock watering within the area overlying the Chino Basin Groundwater Basin as shown on the map dated October 12, 2007, signed on October 15, 2007, and on file with the State Water Board.
4. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 68,500 acre-feet per annum to be collected to underground storage at a maximum rate of 115,570 cubic feet per second from the 29 points of diversion listed on Table 2 from January 1 to December 31 of each year.
5. The application of water to beneficial use shall be prosecuted with reasonable diligence and be completed by December 31, 2057.
6. 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* (Super. Ct. San Bernardino County 1978 No. 164327), and the stipulated judgment in *Orange County Water District v. City of Chino* (Super. Ct. Orange County, 1969, No. 117628) insofar as said rights are maintained. The State Water Board acknowledges the existence of the judgments, but makes no findings as to the content of the judgments and, therefore, will not enforce the

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conditions of the judgments as a condition of this permit. Enforceable terms defining the scope of the permit are listed independently in the permit and may not be included in the judgments.

7. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with section 10610, et seq., of the California Water Code, supplemented by any additional information that may be required by the Board. All cost-effective demand management measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation the Urban Water Management Plan.
8. Prior to diversion of water under this permit, Permittee shall (1) install devices to measure the quantities of water placed into underground storage and (2) install devices and provide documentation of the method to be used to determine the quantity of water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Board prior to diversion of water under this permit. All measuring devices shall be properly maintained.
9. Permittee shall monitor all known contaminated groundwater plumes that may be affected by the diversion of water to recharge groundwater under this permit to determine whether the recharged water will increase the local hydraulic gradient and cause more rapid spread of the existing plumes. Permittee shall report annually the results of its monitoring to the Santa Ana Water Board and to the State Water Board. If existing domestic water production wells will be impacted by the plume a minimum of one year earlier than under pre-existing conditions, or if significant quantities of additional groundwater (more than 5,000 acre-feet) will become contaminated within a five-year period due to recharge pursuant to the permit, Watermaster shall petition the State Water Board for an alternate location for recharge.
10. Permittee shall conduct its existing monthly monitoring and report the results of such monitoring annually to the California Department of Fish and Game (CDFG) and the State Water Board in a form approved by the CDFG and the State Water Board. At a minimum, reporting shall indicate average monthly flow data that indicates amount of flow in each tributary before and after diversions and the amount of flow entering the Santa Ana River at

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each tributary. Within 90 days of the issuance of this permit, Permittee shall submit the monitoring plan for approval by the Chief of the Division of Water Rights (Division Chief). The Permittee shall post and maintain the annual monitoring reports on its website. The reports shall remain posted for at least five years. This provision shall bind any transferees and assignees of the approval granted under this order.

11. Permittee shall meet at least once annually with the CDFG for five years following the issuance of this permit to confirm that no impacts on fish, wildlife or other instream beneficial uses have occurred as the result of the appropriation of water. In the event that Permittee or CDFG determines that the appropriation of water has caused adverse impacts on fish, wildlife or other instream beneficial uses, Permittee shall meet with the CDFG to develop measures to avoid or mitigate the adverse impacts.

In the event of an impasse between Permittee and CDFG as to either: (1) the impact of the appropriation of water on fish, wildlife or other instream beneficial uses; or (2) measures to avoid or mitigate the adverse impacts, the following shall occur:

- (a) Permittee shall issue a letter to the CDFG stating that an impasse has occurred. Alternatively, CDFG may issue a letter to Permittee stating that an impasse has occurred; and
- (b) Within sixty days after the issuance of a letter of impasse, Permittee shall notify the State Water Board of the impasse.

The State Water Board will initiate a review of the impasse and may initiate a proceeding to resolve the impasse under the Board's continuing authority.

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CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on _____, 2008.

AYE:

NO:

ABSENT:

ABSTAIN:

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Jeanine Townsend
Clerk to the Board

Attachment

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TABLE 2 TO DECISION (Insert decision number)

Application 31369

Locations of Points of Diversion (POD)

By California Coordinate System of 1983, Zone 6	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
POD #1: College Heights North 1,861,321 and East 6,653,870 ft.	NW¼ of NW¼	11	01S	08W	SB
POD #2: Montclair 1 North 1,855,856 and East 6,652,040 ft.	NE¼ of NE¼	15	01S	08W	SB
POD #3: Montclair 2 North 1,854,846 and East 6,651,928 ft.	NE¼ of NE¼	15	01S	08W	SB
POD #4: Montclair 3 North 1,853,335 and East 6,651,424 ft.	NW¼ of SE¼	15	01S	08W	SB
POD #5: Montclair 3 North 1,853,571 and East 6,651,675 ft.	SW¼ of NE¼	15	01S	08W	SB
POD #6: Montclair 4 North 1,852,355 and East 6,651,331 ft.	NW¼ of SE¼	15	01S	08W	SB
POD #7: Brooks North 1,845,097 and East 6,647,790 ft.	NW¼ of NW¼	27	01S	08W	SB
POD #8: 8 th Street North 1,856,072 and East 6,673,019 ft.	NE¼ of NE¼	17	01S	07W	SB
POD #9: 7 th Street North 1,854,979 and East 6,673,030 ft.	NE¼ of NE¼	17	01S	07W	SB
POD #10: Ely Basin North 1,835,570 and East 6,676,983 ft.	SW¼ of SE¼	33	01S	07W	SB
POD #11: Turner No. 1 North 1,850,673 and East 6,682,542 ft.	NW¼ of NE¼	22	01S	07W	SB

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By California Coordinate System of 1983 in Zone 6	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
POD # 12: Turner No. 2,3,4 North 1,850,134 and East 6,684,634 ft.	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	22	01S	07W	SB
POD #13: Turner No. 5,8,9 North 1,850,180 and East 6,686,169 ft.	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	23	01S	07W	SB
POD #14: Lower Day North 1,871,850 and East 6,700,373 ft.	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	31	01N	06W	SB
POD #15: Etiwanda Spreading Grounds North 1,880,750 and East 6,708,936 ft.	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	21	01N	06W	SB
POD #16: Wineville North 1,838,841 and East 6,700,369 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	31	01N	06W	SB
POD #17: Riverside North 1,837,568 and East 6,699,250 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	31	01N	06W	SB
POD #18: Etiwanda D.B. North 1,877,535 and East 6,709,726 ft.	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	21	01N	06W	SB
POD #19: San Sevaine No 1 North 1,877,471 and East 6,715,443 ft.	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	27	01N	06W	SB
POD #20: San Sevaine No 2 North 1,876,824 and East 6,715,806 ft.	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	27	01N	06W	SB
POD #21: San Sevaine No 3 North 1,880,432 and East 6,719,552 ft.	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	23	01N	06W	SB
POD #22: San Sevaine No 3 North 1,876,134 and East 6,715,774 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	27	01N	06W	SB
POD #23: San Sevaine No 4 North 1,875,499 and East 6,715,757 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	27	01N	06W	SB
POD #24: San Sevaine No 5 North 1,874,878 and East 6,715,624 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	27	01N	06W	SB

DRAFT

July 1, 2008

By California Coordinate System of 1983 in Zone 6	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
POD #25: Victoria Basin North 1,870,739 and East 6,711,701 ft.	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	34	01N	06W	SB
POD #26: Hickory Basin North 1,857,072 and East 6,713,258 ft.	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	10	01S	06W	SB
POD #27: Jurupa Basin North 1841430 and East 6,708,522 ft.	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	28	01S	06W	SB
POD #28: Former RP3 Site North 1,838,205 and East 6,721,781 ft.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	35	01S	06W	SB
POD #29: Declaz Basin North 1,834,901 and East 6,713,196 ft.	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	3	02S	06W	SB

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CHINO BASIN WATERMASTER

IV. INFORMATION

1. Newspaper Articles





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Chino to revive dormant water well

Chino to revive dormant water well

Neil Nisperos, Staff Writer Article Launched: 06/10/2008 09:07:17 PM PDT

CHINO - In a time of statewide drought, the city is reactivating a dormant well to meet the demand for water.

The city plans to repair well No. 10, at the Phillips Reservoir, to provide 1,250 acre-feet of water per year, officials said.

An acre-foot of water is about 325,000 gallons - approximately the amount of water used by a family of four in a year.

If all goes without delay, the newly repaired well should begin operating in six to eight weeks, said Jose Alire, director of public works.

The water from well No. 10 contains nitrates which will be treated at the Benson Nitrate/Perchlorate Water Treatment Plant at the Benson Reservoir.

According to a city report on the well, "Growing water demands, dry weather conditions, and the Metropolitan Water District's call for reduction in the use of surface water supplies require the city to develop new groundwater sources or reactivate existing water quality-impaired groundwater facilities."

Work to reactivate the well has long been a part of a master plan, Alire said. The well reactivation comes just as officials have declared a statewide drought.

Gov. Arnold Schwarzenegger's June 4 drought declaration comes after two straight years of below-average rainfall, low snow melt runoff and court-ordered water transfer restrictions in the Sacramento-San Joaquin Delta region.

An executive order signed by Schwarzenegger last week directs the Department of Water

Resources to help local water districts and agencies improve water efficiency and conservation, among other measures.

The Metropolitan Water District Board of Directors also ramped up calls for conservation by issuing a Water Supply Alert on Monday.

As part of a long-term plan to deal with future water needs, Chino is partnering with the Monte Vista Water District to build and operate a new water well that would inject water into the Chino Basin underground aquifer to keep it full for future needs.

The new aquifer storage and recovery well on the corner of Palo Verde Street and Benson Avenue will begin operating by this fall, said David Crosley, Chino water and environmental manager.

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"We're not doing this because of the current drought conditions," Crosley said. "We're doing this as part of our master plan to be prepared for potential water supply shortage conditions."

That well, and other wells in the area run by the Monte Vista Water District, would refill the aquifer's supply capacity more quickly and store more water for future need.

When all four wells are in operation later this year, injection would increase storage capacity in the Chino Basin by about 15 percent, or would bring about 5,000 more acre-feet of water per year, officials said.

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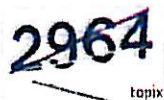
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Sacramento Bee

June 17, 2008

A 'peripheral' budget debate

The peripheral canal is always a hot topic in the Capitol.

The Schwarzenegger administration has said it has unilateral authority to build a such a canal (folks in the Capitol now call this "conveyance"), but the administration insists it has no plans to do so.

The potential water transportation system ostensibly has little to do with the state budget, but Michael Gardner at the [San Diego Union-Tribune](#) reports on how the water debate could seep into this year's budget talks.

Earlier this year, Assemblyman Sam Blakeslee, R-San Luis Obispo, requested an opinion from Legislative Counsel, which reported that indeed the Department of Water Resources "has the authority, without further legislative or voter approval, to build a conveyance facility, commonly referred to as the peripheral canal."

That has lawmakers trying to use the budget to reassert their authority, Gardner [reports](#):

Sen. Alan Lowenthal, D-Long Beach, said the Senate wants to make the point that "we're not out of the game." Lowenthal, who chairs a subcommittee, stripped \$1.4 million from the governor's request to fund eight positions to study conveyance options.

"Without us taking this specific action at this moment, the Legislature would have no role at all on this important subject," Lowenthal said.

... Assembly and Senate lawmakers want to make sure he doesn't get a chance to seize his authority. They know that Lester Snow, the governor's top water adviser, has long held that the state "has broad authority and discretion" to build a facility, as he told them in a letter last fall.

Budget subcommittees in the Assembly and Senate have taken different approaches, but each has the goal of using language in the 2008-2009 spending plan to ensure that the Legislature has a major say in the final program. The governor's team says it wants to continue negotiations on a system-wide fix.

That suits Lowenthal, who believes the governor should be free to move ahead on environmental studies - - but stop short of independently selecting a conveyance route.

Unless there is a breakthrough, the canal could move up alongside taxes and education as hot-button hang-ups if the budget stalemate drags through the summer, as expected.

With the constitutional deadline for a budget already past and no agreement in sight, another stumbling block is the last thing lawmakers and the governor need.

Posted by Shane Goldmacher on June 17, 2008 10:35 AM

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Sacramento Bee

June 17, 2008

Big 5 off to slow start

Gov. Arnold Schwarzenegger and legislative leaders gathered Tuesday afternoon for more than an hour in the governor's office to kick off the budget-negotiating season. But all sides acknowledged it would be a while before they're sharing schnapps.

Senate Republican leader Dave Cogdill said it's "just the beginning of the process." And Senate President Pro Tem Don Perata said all the elected officials "understand what the responsibility is."

"Everybody doesn't like something and some people don't like anything," Perata said. "We're going to do this the way you do a normal negotiation."

Members of the Senate and Assembly are far apart on how to solve the state's \$15.2 billion budget gap. Assembly Democrats proposed a plan to raise \$5.1 billion from future lottery proceeds and to close tax loopholes to generate \$6.4 billion in new revenues. But Senate Democrats rejected the lottery plan and say the state needs \$11.5 billion in unidentified new revenues.

Meanwhile, Republicans continue to insist the budget can be balanced without tax increases.

Posted by Judy Lin on June 17, 2008 4:30 PM

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Jurupa Aquatic center gets approval

Liset Marquez, Staff Writer

Article Launched: 06/10/2008 09:00:58 PM PDT
MIRA LOMA - The Jurupa Community Services District has given its approval for the new Jurupa Aquatic Center, but not before adding several conditions that would ensure the facility conserves water.

This allows the county project to move on the next step of development. The Riverside County Board of Supervisors will handle the remaining approval process.

At its meeting Monday, the board approved letters of water availability - certificates saying a development will receive sufficient water supplies for the 9-acre aquatic center - by a 4-1 vote.

The opposing vote came from President R.M. "Cook" Barela.

Board member Betty Anderson added several conditions to her approval. Among her requests was that the facility's parking be covered using permeable pavers to prevent runoff. She also requested low-flow toilets and water efficient showers.

Anderson also asked that the proper piping be installed so that the facility, in the future, could

use recycled water on the landscape.

"I've made my conditions of approval. If the Board of Supervisors doesn't agree, then my approval is withdrawn," she said.

Tina English, assistant director of the Riverside County Economic Development Agency, said she would inform staff about the district's recommendations.

"It will all be tailored to the needs of this community and the school district," she said.

The state-of-the art, open-air aquatic center will include a competition pool, slide pool, flow rider (a simulated sheet wave for surfing), lazy river, aquatics building (to house showers and administrative offices), snack bar, bleacher seating, lawn area for picnics, lighting and parking.

The \$20 million facility is being paid for through Jurupa Valley Redevelopment Agency funds.

Anderson was concerned with how much it would cost residents to use the facility - something that has not yet been determined by the county.

"The people of Jurupa are paying \$20 million for this, I think we should get a discount," Anderson said.

The water park, which would be on the corner of Mission Boulevard and Camino Real, is expected to cost about \$1.6 million annually to operate.

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The county hasn't determined what the entrance fee will be.

The plan would be for the facility to be open on the weekends during May and September and then open every day from June to August, English said. It would be closed from October to April.

Anderson and fellow board member Jane Anderson expressed concern whether the facility would be available for Patriot High School athletic teams year-round.

English assured the board that the school could use the facility even when it was closed to the general public.

The aquatic center is expected to be completed by the summer of 2010.

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More officials call for water conservation

Lauren McSherry, Staff Writer

Article Created: 06/12/2008 10:30:07 PM PDT

In the wake of the governor's drought emergency declaration, water agencies and city leaders from Chino to Fontana banded together Thursday to call for increased water conservation.

Their message? Save now before it's too late.

"If next winter is dry, then we have the possibility of very serious water rationing," said Richard Atwater, CEO and general manager of the Chino-based Inland Empire Utilities Agency.

As part of a "Water Supply Alert" issued this week, officials are urging residents to take several steps to cut back on landscape irrigation by only watering in the early morning, using a broom instead of a hose to clean sidewalks and giving automatic watering systems a tuneup by reducing the cycle to 5 minutes.

A number of factors led to the drought emergency - a judge's ruling that slashed the amount of water imported to Southern California from the Sacramento-San Joaquin Delta, the driest March and April since 1921, a below-normal snowpack in the Sierra Nevada and depleted Colorado River reservoirs such as Powell and Mead.

The governor's emergency declaration helps free up grant money for water agencies to expand their conservation programs and for residents and businesses to buy low-flush toilets, irrigation controllers and efficiency washing machines. The declaration also set aside \$3.5 billion for agencies to increase their water-storage capacity.

Starting this year, the Inland Empire Utilities Agency will draw on its stored water supply to minimize water being imported from the Sacramento Delta and the Colorado River, Atwater said.

But tapping storage supplies is no solution and could pose complications next year if the drought continues, he said.

Grants of up to \$2,000 are available to homeowners who replace their lawns with drought-tolerant landscaping, he said. Rebates are also available for business owners.

Water agencies are also looking to other water sources to make up for the deficit. Mark Kinsey of the Monte Vista Water District said seven new wells have been brought on line, a total of 20 million gallons of water each day.

But the drought poses serious concerns to small water districts, which must buy imported water from large providers, such as the Metropolitan Water District, which supplies half of Southern California's water.

Robert DeLoach of the Cucamonga Valley Water

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District, which serves Rancho Cucamonga and portions of Ontario, Upland and Fontana, said 50percent of the district's water is imported.

"And that's a problem," DeLoach said.

The district is weaning itself off imported water by increasing reservoir capacity and building wells.

Cities and school districts have been working to reduce water consumption. The Ontario-Montclair School District recently agreed to use recycled water on its playing fields, and many Chino parks are already using recycled water.

"These are extraordinary times," said Grace L. Chan, a resource manager with the MWD. "And therefore, we need to step-up conservation."

For more information on rebates, go to www.bewaterwise.com.

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