



CHINO BASIN WATERMASTER

Thursday, January 28, 2010

11:00 a.m. – Annual Watermaster Board Meeting

AGENDA PACKAGE



**CHINO BASIN WATERMASTER
ANNUAL BOARD COMMITTEE MEETING**

11:00 a.m. – January 28, 2010

At The Offices Of

Chino Basin Watermaster

9641 San Bernardino Road

Rancho Cucamonga, CA 91730

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

AGENDA - ADDITIONS/REORDER

INTRODUCTIONS - CALENDAR YEAR 2009 WATERMASTER BOARD MEMBERS

Bob Bowcock	Non-Agricultural Pool
Michael Camacho	Inland Empire Utilities Agency
Tom Haughey	City of Chino
Charles Field	Western Municipal Water District
Paul Hofer	Agricultural Pool (Crops)
Bob Kuhn	Three Valleys Municipal Water District
Geoffrey Vanden Heuvel	Agricultural Pool (Dairy)
Michael Whitehead	Fontana Water Company
Ken Willis	West End Consolidated Water Company

RECOGNITION OF OUTGOING WATERMASTER BOARD MEMBERS

1. Mr. Jim Curatalo, Cucamonga Valley Water District

I. CALENDAR YEAR 2010 OFFICERS – Action

A. ELECTION OF OFFICERS

1. Nominations will be heard for Watermaster Board Chair
2. Nominations will be heard for Watermaster Board Vice-Chair
3. Nominations will be heard for Watermaster Board Secretary/Treasurer

II. 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 Advisory Committee meeting held on December 17, 2009

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of November 2009
2. Watermaster Visa Check Detail for the month of November 2009
3. Combining Schedule for the Period July 1, 2009 through November 30, 2009
4. Treasurer's Report of Financial Affairs for the Period November 1, 2009 through November 30, 2009
5. Budget vs. Actual July through November 2009

C. CHINO BASIN WATERMASTER INVESTMENT POLICY

Resolution 10-01 – Resolution of the Chino Basin Watermaster, San Bernardino County, California, re-authorizing the Watermaster's Investment Policy

D. LOCAL AGENCY INVESTMENT FUND

Resolution 10-02 – Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF)

E. NOTICE OF INTENT

Annual Filing of Notice of Intent Regarding the Determination of Operating Safe Yield

F. NOTICE OF AVAILABILITY

Notice of Availability Pursuant to Judgment Exhibit "G"

G. WATER TRANSACTION

Consider Approval for Notice of Sale or Transfer – The City of Upland will purchase 6,500 acre-feet of water from the West End Consolidated Water Company. This purchase is made first from West End's OSY account of 947.714 acre-feet, second from the carryover account of 947.714 acre-feet, and the remainder from the excess carryover account in the amount of 4604.752 acre-feet. Date of application: November 9, 2009¹

III. REPORTS/UPDATES

A. WATERMASTER GENERAL LEGAL COUNSEL REPORT

1. Santa Ana Critical Habitat Comment Letter
2. Auction Process
3. Chino Airport

B. CEO/STAFF REPORT

1. Legislative Update
2. Recharge Update
3. Policy Manual
4. Chino Basin Watermaster Thirty-Second Annual Report

IV. INFORMATION

1. Newspaper Articles

V. BOARD MEMBER COMMENTS

VI. OTHER BUSINESS

¹ Mark Wiley, Water Operations Manager, City of Upland, on January 21, 2010 changed the discrepant .18 acre-foot of water from the 4604.752 changing it to 4604.572 to allow the final number to remain the same at 6,500 acre-feet

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

Pursuant to Article 2.6 of the Watermaster Rules & Regulations, a Confidential Session may be held during the Watermaster committee meeting for the purpose of discussion and possible action.

1. Non-Agricultural Pool Purchase and Sale Agreement
2. Chino Airport PRP Negotiations

VII. FUTURE MEETINGS

January 25, 2010	10:00 a.m.	Policy Manual Workshop @ CBWM
January 26, 2010	9:00 a.m.	GRCC Meeting @ CBWM
January 28, 2010	9:30 a.m.	Special Non-Agricultural Pool Meeting @ CBWM
January 28, 2010	11:00 a.m.	Annual Watermaster Board Meeting @ CBWM
February 4, 2010	1:00 p.m.	Joint Appropriative & Non-Agricultural Pool Mtg. @ CBWM
February 11, 2010	9:00 a.m.	Agricultural Pool Meeting @ IEUA
February 18, 2010	8:00 a.m.	IEUA DYY Meeting @ CBWM
February 18, 2010	9:00 a.m.	Advisory Committee Meeting @ CBWM
February 25, 2010	11:00 a.m.	Watermaster Board Meeting @ CBWM

Meeting Adjourn

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CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

A. MINUTES

1. Watermaster Board Meeting – December 17, 2009



Draft Minutes
CHINO BASIN WATERMASTER
WATERMASTER BOARD MEETING

December 17, 2009

The Watermaster Board Meeting was held at the offices of the Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, CA, on December 17, 2009 at 11:00 a.m.

WATERMASTER BOARD MEMBERS PRESENT

Ken Willis, Chair
Michael Camacho
Charles Field
Bob Kuhn
Michael Whitehead
Bob Bowcock
Jim Curatalo
Geoffrey Vanden Heuvel
Paul Hofer

City of Upland
Inland Empire Utilities Agency
Western Municipal Water District
Three Valleys Municipal Water District
Fontana Water Company
Vulcan Materials Company
Cucamonga Valley Water District
Agricultural Pool
Agricultural Pool

Watermaster Staff Present

Kenneth R. Manning
Sheri Rojo
Ben Pak
Danielle Maurizio
Sherri Lynne Molino

Chief Executive Officer
CFO/Asst. General Manager
Senior Project Engineer
Senior Engineer
Recording Secretary

Watermaster Consultants Present

Michael Fife
Mark Wildermuth
Andy Malone

Brownstein, Hyatt, Farber & Schreck
Wildermuth Environmental Inc.
Wildermuth Environmental Inc.

Others Present

Bill Kruger
Terry Catlin
Jack Safely
Ken Jeske
Ron Craig
Gil Aldaco
Marty Zvirbulis
Raul Garibay
Tom Harder
Charles Moorrees
Robert Young
Josh Swift
Jeff Pierson
Bob Feenstra
Jennifer Novak
David DeJesus
Eunice Ulloa
Martha Davis

City of Chino Hills
Inland Empire Utilities Agency
Western Municipal Water District
City of Ontario
City of Chino Hills
City of Chino
Cucamonga Valley Water District
City of Pomona
Jurupa Community Services District
San Antonio Water Company
Fontana Union Water Company
Fontana Water Company
Ag Pool – Crops
Dairy
State of California, Dept. of Justice, CIM
Three Valleys Municipal Water District
Chino Basin Water Conservation District
Inland Empire Utilities Agency

Chair Willis called the Watermaster Board meeting to order at 11:00 a.m.

PLEDGE OF ALLEGIANCE**AGENDA - ADDITIONS/REORDER**

No additions or reorders were made to the agenda.

I. CONSENT CALENDAR**A. MINUTES**

1. Minutes of the Watermaster Board Meeting held November 19, 2009

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of October 2009
2. Watermaster Visa Check Detail for the month of October 2009
3. Combining Schedule for the Period July 1, 2009 through October 31, 2009
4. Treasurer's Report of Financial Affairs for the Period October 1, 2009 through October 31, 2009
5. Budget vs. Actual July through October 2009

C. WATER TRANSACTION

1. **Consider Approval for Notice of Sale or Transfer** - Chino Basin Watermaster will purchase 21.215 acre-feet of water from Aqua Capital Management to offset the Assessment Year 2008-09 replenishment obligation. Watermaster will purchase the water at \$321.76 per acre-foot, which is the Assessment Year 2008-09 replenishment rate collected, plus accumulated interest. The transfer will be made from Aqua Capital Management's net under-production in Fiscal Year 2009-10.
Date of Application: September 18, 2009
2. **Consider Approval for Notice of Sale or Transfer** - Monte Vista Water District is purchasing 5.188 acre-feet of water from the San Antonio Water Company. This purchase is made first from San Antonio's net underproduction, if any, in Fiscal Year 2009-10, with any remainder to be recaptured from storage. Date of Application: October 8, 2009

Motion by Willis, second by Camacho, and by unanimous vote

Moved to approve consent calendar items A through C, as presented

II. BUSINESS ITEM**A. 2010 Community Outreach Campaign**

Mr. Manning stated this item has been unanimously approved by the Pools and the Advisory Committee. Mr. Manning stated this is the 4th year of participating in this program with a number of other parties and commented on the importance of this year's message. Mr. Manning noted this item is included in the approved 2009/2010 budget. A discussion regarding this item ensued.

Motion by Kuhn, second by Whitehead, and by unanimous vote

Moved to approve expenditure of \$10,000 for participation in the joint Chino Basin Public Outreach Campaign for 2010, as presented

III. REPORTS/UPDATES**A. WATERMASTER GENERAL LEGAL COUNSEL REPORT****1. December 11, 2009 Hearing**

Counsel Fife stated a hearing on December 11, 2009 took place and noted no decisions made by Judge Reichert. Judge Reichert stated at that hearing, the purpose of the hearing was to introduce himself to counsel, staff, and the parties and to get an idea as to what will be coming to court over the next few months. Counsel Fife stated the new judge appears to be very interested in our case and noted Judge Reichert was Judge Gunn's research attorney in 2000 when the Peace Agreement was being formulated which means he has knowledge about the Chino Basin Watermaster case. Counsel Fife stated there is a Recharge Master Plan hearing scheduled for Friday, September 24, 2010. Judge Reichert

indicated at the December hearing that due to his calendar being mainly devoted to criminal and other cases, Friday afternoons appear to be the best day and time to schedule CBWM hearings.

Added Comment:

Counsel Fife stated there is a map of the Santa Ana Sucker Critical Habitat Re-Proposed 2009 area on the back table which proposes to expand the designation of the critical habitat for the sucker. This notice was published in the federal register on December 9, 2009, and the notice is long and was not printed for distribution. Counsel Fife reviewed the map in detail. Counsel Fife noted comments are due by February 8, 2010 and counsel is encouraging CBWM to comment. Counsel Fife stated he has heard there are going to be extensive comments coming from a coalition of parties who could be seriously affected by the proposed expansion area for critical habitat

B. WATERMASTER FINANCIAL REPORT

1. Financial Update

Ms. Rojo stated at the last ACWA Conference which she recently attended there was an interesting presentation given about the CalPERS rates and their status following the poor investment returns of the past year. Ms. Rojo briefly reviewed the items discussed at the conference including impacts attributed to payroll increases, benefit improvements, and investment returns in light of the current economy.

C. ENGINEERING REPORT

1. State of the Basin Report

Mr. Malone stated the Final 2008 State of the Basin Report is now available on the Wildermuth Environmental and the Chino Basin Watermaster website and ftp sites. Mr. Malone noted this report is done every other year and is court ordered. The report describes the progress of OBMP programs and the physical state of the basin. Mr. Malone gave a presentation on the highlights of the final report. A lengthy discussion regarding the report and the issue of subsidence ensued.

D. CEO/STAFF REPORT

1. Legislative Update

Mr. Manning commented on the upcoming bond measure and gave a detailed description of the bond. Mr. Manning noted there is some interesting information regarding legislative issues on the back table which was handed out at the recent ACWA conference.

2. Recharge Report

Mr. Manning stated the most current recharge report is on the back table. Mr. Manning reviewed the report.

3. Scheduled Board Changes for 2010

Mr. Manning stated a copy of the court approved rotation schedule for representatives to the Watermaster is on the back table. Mr. Manning reviewed the changes that will come up in 2010.

4. Manning 4th Annual Holiday Gathering

Mr. Manning stated his annual holiday gathering is tonight and hopes all parties will be attending.

IV. INFORMATION

1. Newspaper Articles

No comment was made regarding this item.

V. BOARD MEMBER COMMENTS

Mr. Curatalo thanked the members of the Watermaster Board and the Watermaster staff for a great two years while serving on the board.

VI. OTHER BUSINESS

No comment was made regarding this item.

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

Pursuant to Article 2.6 of the Watermaster Rules & Regulations, a Confidential Session may be held during the Watermaster committee meeting for the purpose of discussion and possible action.

- 1. Chino Airport

No confidential session was called.

VIII. FUTURE MEETINGS

December 16, 2009	10:00 a.m.	Water Quality Committee Meeting @ CBWM
December 17, 2009	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
December 17, 2009	9:00 a.m.	Advisory Committee Meeting @ CBWM
December 17, 2009	11:00 a.m.	Watermaster Board Meeting @ CBWM
December 17, 2009	1:00 p.m.	Recharge Master Plan Workshop @ CBWM
January 7, 2010	1:00 p.m.	Annual Non-Agricultural Pool Elections @ CBWM
January 7, 2010	1:05 p.m.	Annual Appropriative Pool Elections @ CBWM
January 7, 2010	1:15 p.m.	Annual Joint Appropriative & Non-Ag Pool Meeting @ CBWM
January 14, 2010	9:00 a.m.	Annual Agricultural Pool Meeting @ IEUA
January 21, 2010	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
January 21, 2010	9:00 a.m.	Annual Advisory Committee Meeting @ CBWM
January 26, 2010	9:00 a.m.	GRCC Meeting @ CBWM
January 28, 2010	11:00 a.m.	Annual Watermaster Board Meeting @ CBWM

The Watermaster Board meeting was dismissed by Chair Willis at 11:40 a.m.

Secretary: _____

Minutes Approved: _____



CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

B. FINANCIAL REPORTS

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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: January 28, 2010
TO: Watermaster Board Members
SUBJECT: Cash Disbursement Report

SUMMARY

Issue – Record of cash disbursements for the month of November 2009.

Recommendation – Staff recommends the Cash Disbursements for November 2009 be received and filed as presented.

Fiscal Impact – Funds disbursed were included in the FY 2009-2010 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 November 2009 were \$412,524.98. The most significant expenditures during the month were Wildermuth Environmental Inc. in the amount of \$175,800.07, Brownstein Hyatt Farber Schreck in the amount of \$62,794.45, and MWH Laboratories in the amount of 29,364.00.

ACTIONS:

- 1-07-10 Appropriative Pool – moved to approved unanimously
- 1-07-10 Non-Agricultural Pool – moved to approved unanimously
- 1-14-10 Agricultural Pool – moved to approved unanimously
- 1-21-10 Advisory Committee – moved to approved unanimously
- 1-28-10 Watermaster Board

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CHINO BASIN WATERMASTER
Cash Disbursement Detail Report
November 2009

Type	Date	Num	Name	Amount
Nov 09				
Bill Pmt -Check	11/3/2009	13687	BOWCOCK, ROBERT	-125.00
Bill Pmt -Check	11/3/2009	13688	CAMACHO, MICHAEL	-500.00
Bill Pmt -Check	11/3/2009	13689	DIRECTV	-79.99
Bill Pmt -Check	11/3/2009	13690	KUHN, BOB	-125.00
Bill Pmt -Check	11/3/2009	13691	PETTY CASH	-517.09
Bill Pmt -Check	11/3/2009	13692	PURCHASE POWER	-26.01
Bill Pmt -Check	11/3/2009	13693	VANDEN HEUVEL, GEOFFREY	-125.00
Bill Pmt -Check	11/3/2009	13694	VERIZON	-452.55
Bill Pmt -Check	11/3/2009	13695	WHITEHEAD, MICHAEL	-125.00
Bill Pmt -Check	11/3/2009	13696	WILLIS, KENNETH	-125.00
Bill Pmt -Check	11/3/2009	13697	YUKON DISPOSAL SERVICE	-142.88
Bill Pmt -Check	11/12/2009	13698	ALLIED ELECTRONICS	-222.55
Bill Pmt -Check	11/12/2009	13699	CALIFORNIA WATER AWARENESS CAM...	-375.00
Bill Pmt -Check	11/12/2009	13700	CALPERS	-1,661.78
Bill Pmt -Check	11/12/2009	13701	JAMES JOHNSTON	-1,125.00
Bill Pmt -Check	11/12/2009	13702	MET LIFE SMALL BUSINESS CENTER	-50.00
Bill Pmt -Check	11/12/2009	13703	RAUCH COMMUNICATION CONSULTAN...	-14,853.75
General Journal	11/14/2009	09/11/03	PAYROLL	-7,608.81
General Journal	11/14/2009	09/11/03	PAYROLL	-26,190.67
Bill Pmt -Check	11/16/2009	13704	W.C. DISCOUNT MOBILE AUTO DETAILI...	-75.00
Bill Pmt -Check	11/16/2009	13705	NAKANO, JUSTIN	-99.95
Bill Pmt -Check	11/16/2009	13706	YOO, FRANK	-99.00
Bill Pmt -Check	11/18/2009	13707	ACWA SERVICES CORPORATION	-219.03
Bill Pmt -Check	11/18/2009	13708	ADLIN, BEN	-1,380.00
Bill Pmt -Check	11/18/2009	13709	BANC OF AMERICA LEASING	-3,215.74
Bill Pmt -Check	11/18/2009	13710	BANK OF AMERICA	-2,701.54
Bill Pmt -Check	11/18/2009	13711	BLACK & VEATCH CORPORATION	-9,784.60
Bill Pmt -Check	11/18/2009	13712	BROWNSTEIN HYATT FARBER SCHRECK	-62,794.45
Bill Pmt -Check	11/18/2009	13713	COMPUTER NETWORK	-4,053.86
Bill Pmt -Check	11/18/2009	13714	CUCAMONGA VALLEY WATER DISTRICT	-5,792.00
Bill Pmt -Check	11/18/2009	13715	FIRST AMERICAN REAL ESTATE SOLUTI...	-125.00
Bill Pmt -Check	11/18/2009	13716	HSBC BUSINESS SOLUTIONS	-496.43
Bill Pmt -Check	11/18/2009	13717	JAAP	-103.00
Bill Pmt -Check	11/18/2009	13718	INLAND EMPIRE UTILITIES AGENCY	-8,802.14
Bill Pmt -Check	11/18/2009	13719	LOS ANGELES TIMES	-48.00
Bill Pmt -Check	11/18/2009	13720	MCI	-1,230.47
Bill Pmt -Check	11/18/2009	13721	MWH LABORATORIES	-29,364.00
Bill Pmt -Check	11/18/2009	13722	PAYCHEX	-223.72
Bill Pmt -Check	11/18/2009	13723	PRE-PAID LEGAL SERVICES, INC.	-103.60
Bill Pmt -Check	11/18/2009	13724	PREMIERE GLOBAL SERVICES	-682.30
Bill Pmt -Check	11/18/2009	13725	PRINTING RESOURCES	-2,687.66
Bill Pmt -Check	11/18/2009	13726	R&D PEST SERVICES	-85.00
Bill Pmt -Check	11/18/2009	13727	REID & HELLYER	-7,958.20
Bill Pmt -Check	11/18/2009	13728	RICOH BUSINESS SYSTEMS-Lease	-942.05
Bill Pmt -Check	11/18/2009	13729	ROJO, SHERI M	-99.00
Bill Pmt -Check	11/18/2009	13730	SAFEGUARD DENTAL & VISION	-7.68
Bill Pmt -Check	11/18/2009	13731	STAULA, MARY L	-136.61
Bill Pmt -Check	11/18/2009	13732	THE STANDARD INSURANCE COMPANY	-156.56
Bill Pmt -Check	11/18/2009	13733	UNION 76	-252.61
Bill Pmt -Check	11/18/2009	13734	UNITED PARCEL SERVICE	-51.13
Bill Pmt -Check	11/18/2009	13735	VERIZON WIRELESS	-525.21
Bill Pmt -Check	11/18/2009	13736	WESTERN DENTAL SERVICES, INC.	-28.06
Bill Pmt -Check	11/18/2009	13737	WILDERMUTH ENVIRONMENTAL INC	-175,800.07
Bill Pmt -Check	11/18/2009	13738	RICOH BUSINESS SYSTEMS-Lease	-183.64
Bill Pmt -Check	11/18/2009	13739	STATE WATER RESOURCES CONTROL ...	-720.77
Bill Pmt -Check	11/18/2009	13740	STATE WATER RESOURCES CONTROL ...	-444.77
Bill Pmt -Check	11/18/2009	13741	STATE WATER RESOURCES CONTROL ...	-1,675.27
Bill Pmt -Check	11/18/2009	13742	CLARK PLUMBING SPECIALTIES, INC.	-497.28
Bill Pmt -Check	11/19/2009	13743	CITISTREET	-2,273.07
Bill Pmt -Check	11/19/2009	13744	CITISTREET	-2,068.34
Bill Pmt -Check	11/19/2009	13745	CITISTREET	-2,068.34
Bill Pmt -Check	11/20/2009	13746	GROUNDWATER RESOURCES ASSOCIA...	-100.00
Bill Pmt -Check	11/20/2009	13747	PUMP CHECK	-6,730.30
Bill Pmt -Check	11/20/2009	13748	RICOH BUSINESS SYSTEMS-Lease	-228.50
Check	11/30/2009		BANK OF AMERICA	-229.81
General Journal	11/30/2009	09/11/04	PAYROLL	-3,792.18
General Journal	11/30/2009	09/11/04	PAYROLL	-16,932.90
Check	11/30/2009		BANK OF AMERICA	-25.06

CHINO BASIN WATERMASTER
Cash Disbursement Detail Report
November 2009

Type	Date	Num	Name	Amount
Nov 09				<u>-412,524.98</u>

9:19 AM
01/04/10

CHINO BASIN WATERMASTER
Check Detail
November 2009

Type	Num	Date	Name	Account	Paid Amount
Bill Pmt -Ch...	13710	11/18/2009	BANK OF AMER...	1012 · Bank of America Gen'l Ckg	
Bill	4024...	10/30/2009		6191 · Conferences	-1,188.20
				6174 · Transportation	-30.00
				6141.3 · Admin Meetings	-32.63
				6909.1 · OBMP Meetings	-35.87
				6061.4 · Other Contract Services	-662.26
				6312 · Meeting Expenses	-144.10
				6212 · Meeting Expense	-144.09
				6031.7 · Other Office Supplies	-464.39
TOTAL					-2,701.54

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CHINO BASIN WATERMASTER
 COMBINING SCHEDULE OF REVENUE, EXPENSES AND CHANGES IN WORKING CAPITAL
 FOR THE
 PERIOD JULY 1, 2009 THROUGH NOVEMBER 30, 2009

	WATERMASTER ADMINISTRATION	OPTIMUM BASIN MANAGEMENT		POOL APPROPRIATIVE		AGRICULTURAL NON-AGRIC.		POOL REPLENISHMENT		GROUNDWATER OPERATIONS SB222		EDUCATION FUNDS	GRAND TOTALS	BUDGET 2009-2010
		7,120,483	11,739	1,068	225,016	529	-	-	2	7,345,499	\$7,340,839			
Administrative Revenues	111,000													
Administrative Assessments														
Interest Revenue														
Mutual Agency Project Revenue														
Grant Income														
Miscellaneous Income														
Total Revenues	111,000	7,132,222	1,068	225,545	-	-	2	111,000	7,469,837	7,680,789				
Administrative & Project Expenditures														
Watermaster Administration	271,466													
Watermaster Board-Advisory Committee	23,734													
Pool Administration		11,910	55,202	2,580										
Optimum Basin Mgmt Administration		637,873												
OBMP Project Costs		1,679,639												
Debt Service		567,042												
Education Funds Use														
Mutual Agency Project Costs														
Total Administrative/OBMP Expenses	295,200	2,884,554	55,202	2,580	-	-	-	3,249,446	7,680,789					
Net Administrative/OBMP Expenses	(184,200)	(2,884,554)												
Allocate Net Admin Expenses To Pools		128,696	48,829	6,675										
Allocate Net OBMP Expenses To Pools		1,619,185	614,345	83,982										
Allocate Debt Service to App Pool		567,042												
Agricultural Expense Transfer*		718,376	(718,376)											
Total Expenses	3,045,209	-	1,068	93,237	-	-	2	3,249,446	7,680,789					
Net Administrative Income	4,087,013	1,068	132,308	4,220,391	-	-	2	-	-					
Other Income/(Expense)														
Replenishment Water Assessments		2,176,962						4,896,842	7,073,804	0				
Interest Revenue								8,492	8,492	0				
Water Purchases										0				
Balance Adjustment										0				
Groundwater Replenishment								(1,012,578)	(1,012,578)	0				
Net Other Income	2,176,962	-	-	3,892,756	-	-	2	6,069,718	6,069,718	0				
Net Transfers To/(From) Reserves	10,290,109	6,263,975	1,068	132,308	3,892,756	-	2	10,290,109	10,290,109	-				
Working Capital, July 1, 2009		5,942,967	470,719	256,577	4,166,457	158,251	995	10,995,966	10,995,966					
Working Capital, End Of Period		12,206,942	474,787	388,885	8,059,213	158,251	997	21,286,075	21,286,075					
08/09 Assessable Production		84,716,450	32,142,764	4,393,990				121,253,204	121,253,204					
08/09 Production Percentages		69.867%	26.509%	3.624%				100.000%	100.000%					

*Fund balance transfer as agreed to in the Peace Agreement.

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**CHINO BASIN WATERMASTER
TREASURER'S REPORT OF FINANCIAL AFFAIRS FOR THE PERIOD
NOVEMBER 1 THROUGH NOVEMBER 30, 2009**

DEPOSITORIES:		
Cash on Hand - Petty Cash	\$	500
Bank of America		
Governmental Checking-Demand Deposits	\$	205,790
Zero Balance Account - Payroll		-
Local Agency Investment Fund - Sacramento		-
<hr/>		
TOTAL CASH IN BANKS AND ON HAND		11/30/2009
TOTAL CASH IN BANKS AND ON HAND		10/31/2009
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PERIOD INCREASE (DECREASE)		(412,526)

CHANGE IN CASH POSITION DUE TO:

Decrease/(Increase) in Assets: Accounts Receivable	\$	-
Assessments Receivable		(14,419,304)
Prepaid Expenses, Deposits & Other Current Assets		10
(Decrease)/Increase in Liabilities		(45,792)
Accounts Payable		68,166
Accrued Payroll, Payroll Taxes & Other Current Liabilities		13,984,394
Transfer to/(from) Reserves		-
<hr/>		
PERIOD INCREASE (DECREASE)		(412,526)

SUMMARY OF FINANCIAL TRANSACTIONS:

	Balances as of 10/31/2009	Petty Cash	Gov't'l Checking Demand	Zero Balance Account Payroll	Local Agency Investment Funds	Totals
Balances as of 10/31/2009	\$	500	218,316	-	-	\$ 7,613,015
Deposits		-	-	-	-	-
Transfers		-	345,475	54,525	(400,000)	-
Withdrawals/Checks		-	(358,001)	(54,525)	-	(412,526)
<hr/>						
Balances as of 11/30/2009	\$	500	205,790	-	6,994,199	\$ 7,200,489
<hr/>						
PERIOD INCREASE OR (DECREASE)		-	(12,526)	-	(400,000)	\$ (412,526)

CHINO BASIN WATERMASTER
Profit & Loss Budget vs. Actual
July through November 2009

	<u>Jul - Nov 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4010 · Local Agency Subsidies	0	148,410	-148,410	0%
4110 · Admin Asmnts-Approp Pool	7,120,483	7,185,411	-64,928	99%
4120 · Admin Asmnts-Non-Agri Pool	225,016	155,427	69,589	145%
4700 · Non Operating Revenues	13,338	191,540	-178,202	7%
4900 · Miscellaneous income	111,000	0	111,000	100%
Total Income	<u>7,469,837</u>	<u>7,680,788</u>	<u>-210,951</u>	<u>97%</u>
Gross Profit	7,469,837	7,680,788	-210,951	97%
Expense				
6010 · Salary Costs	203,176	487,838	-284,662	42%
6020 · Office Building Expense	37,836	102,500	-64,664	37%
6030 · Office Supplies & Equip.	16,623	43,500	-26,877	38%
6040 · Postage & Printing Costs	29,812	84,300	-54,488	35%
6050 · Information Services	60,927	148,500	-87,573	41%
6060 · Contract Services	67,424	98,000	-30,576	69%
6080 · Insurance	15,934	16,730	-796	95%
6110 · Dues and Subscriptions	14,956	17,000	-2,044	88%
6140 · WM Admin Expenses	1,278	3,000	-1,722	43%
6150 · Field Supplies	170	2,800	-2,630	6%
6170 · Travel & Transportation	12,239	37,800	-25,561	32%
6190 · Conferences & Seminars	11,368	26,500	-15,132	43%
6200 · Advisory Comm - WM Board	7,772	18,078	-10,306	43%
6300 · Watermaster Board Expenses	15,962	43,823	-27,861	36%
8300 · Appr PI-WM & Pool Admin	11,910	23,069	-11,159	52%
8400 · Agri Pool-WM & Pool Admin	11,831	25,114	-13,283	47%
8467 · Ag Legal & Technical Services	39,396	98,000	-58,604	40%
8470 · Ag Meeting Attend -Special	3,975	12,000	-8,025	33%
8471 · Ag Pool Expense	0	65,000	-65,000	0%
8500 · Non-Ag PI-WM & Pool Admin	2,580	6,677	-4,097	39%
6500 · Education Funds Use Expens	0	375	-375	0%
9500 · Allocated G&A Expenditures	-200,277	-488,230	287,953	41%
Subtotal G&A Expenditures	<u>364,892</u>	<u>872,374</u>	<u>-507,482</u>	<u>42%</u>
				0%
6900 · Optimum Basin Mgmt Plan	573,716	1,399,371	-825,655	41%
6950 · Mutual Agency Projects	0	10,000	-10,000	0%
9501 · G&A Expenses Allocated-OBMP	64,157	148,448	-84,291	43%
Subtotal OBMP Expenditures	<u>637,873</u>	<u>1,557,819</u>	<u>-919,946</u>	<u>41%</u>
				0%
7101 · Production Monitoring	44,756	107,047	-62,291	42%
7102 · In-line Meter Installation	20,440	56,179	-35,739	36%
7103 · Grdwtr Quality Monitoring	98,461	214,362	-115,901	46%

	<u>Jul - Nov 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
7104 · Gdwtr Level Monitoring	131,174	366,956	-235,782	36%
7105 · Sur Wtr Qual Monitoring	765	43,912	-43,147	2%
7107 · Ground Level Monitoring	57,816	550,059	-492,243	11%
7108 · Hydraulic Control Monitoring	157,413	567,022	-409,609	28%
7109 · Recharge & Well Monitoring Prog	2,413	9,152	-6,739	26%
7200 · PE2- Comp Recharge Pgm	867,334	1,478,560	-611,226	59%
7300 · PE3&5-Water Supply/Desalte	26,084	96,003	-69,919	27%
7400 · PE4- Mgmt Plan	55,709	91,985	-36,276	61%
7500 · PE6&7-CoopEfforts/SaltMgmt	54,970	163,727	-108,757	34%
7600 · PE8&9-StorageMgmt/Conj Use	26,188	29,550	-3,362	89%
7690 · Recharge Improvement Debt Pymt	567,039	1,131,233	-564,194	50%
7700 · Inactive Well Protection Prgm	0	5,066	-5,066	0%
9502 · G&A Expenses Allocated-Projects	136,119	339,782	-203,663	40%
Subtotal Project Expenditures	2,246,681	5,250,595	-3,003,914	43%
Total Expense	<u>3,249,446</u>	<u>7,680,788</u>	<u>-4,431,342</u>	<u>42%</u>
Net Ordinary Income	4,220,391		4,220,391	100%
Other Income/Expense				
Other Income				
4225 · Interest Income	8,492			
4210 · Approp Pool-Replenishment	4,887,364			
4220 · Non-Ag Pool-Replenishment	9,478			
4600 · Groundwater Sales	2,176,962			
Total Other Income	<u>7,082,296</u>			
Other Expense				
5010 · Groundwater Replenishment	9,578			
5100 · Other Water Purchases	1,003,000			
9999 · To/(From) Reserves	10,290,109			
Total Other Expense	<u>11,302,687</u>			
Net Other Income	<u>-4,220,391</u>			
Net Income	<u>0</u>		<u>0</u>	<u>0%</u>



CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

C. CHINO BASIN WATERMASTER INVESTMENT POLICY

Resolution 10-01 Resolution of the Chino Basin Watermaster, San Bernardino County, California, re-authorizing the Watermaster's Investment Policy



RESOLUTION 10-01

**RESOLUTION OF THE CHINO BASIN WATERMASTER,
SAN BERNARDINO COUNTY, CALIFORNIA, ESTABLISHING
A WATERMASTER INVESTMENT POLICY**

WHEREAS, the normal and prudent operation of the Watermaster's daily business generates cash balances, operating and fund reserves; and

WHEREAS, the cash management system is designed to accurately monitor and forecast expenditures and revenues on behalf of Watermaster, thus enabling the Watermaster to invest funds to the fullest extent possible; and

WHEREAS, the cash funds are to be placed in investments authorized for public agencies of the State of California (Judgment Paragraph 23); and

WHEREAS, Watermaster deems it to be in the best interests of the parties to the Judgment to delegate the authority to invest and reinvest the funds of Watermaster to the Watermaster Finance Manager subject to the provisions of its Investment Policy and the ongoing review and control of Watermaster and the Watermaster Advisory Committee.

WHEREAS, it is the Watermaster's policy to annually review, update, and adopt an investment policy;

NOW, THEREFORE, BE IT RESOLVED, by the Chino Basin Watermaster that:

- Section 1. The authority to invest and reinvest funds of Watermaster is hereby delegated to the Watermaster Chief Executive Officer (and his/her designees) subject to the provisions of said Investment Policy and the ongoing review and control of Watermaster and the Watermaster Advisory Committee.
- Section 2. This resolution shall take effect from and after its date of adoption and Resolution 09-01 is rescinded in its entirety.

APPROVED by the Advisory Committee this 21ST day of January 2010.

ADOPTED by the Watermaster Board on this 28th day of January 2010.

By: _____
Chairman, Watermaster Board

APPROVED:

Chairman, Advisory Committee

ATTEST:

Board Secretary
Chino Basin Watermaster

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, Ken Manning, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being No. 10-01, was adopted at a regular meeting of the Chino Basin Watermaster Board by the following vote:

AYES:
NOES: 0
ABSENT: 0
ABSTAIN: 0

CHINO BASIN WATERMASTER

Secretary

Date: _____

CHINO BASIN WATERMASTER

INVESTMENT POLICY

1.0 POLICY

WHEREAS; the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern; and

WHEREAS; the legislative body of a local agency may invest monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 5922 and 53601 et seq.; and

WHEREAS; the Chief Executive Officer ("CEO") of the Chino Basin Watermaster ("Watermaster") shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the Board of Directors at a public meeting;

NOW THEREFORE, it shall be the policy of the Watermaster to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Watermaster and conforming to all statutes and judgments governing the investment of Watermaster funds.

2.0 SCOPE

This investment policy applies to all financial assets of the Watermaster. These funds are accounted for in the annual Watermaster audit.

3.0 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the Watermaster, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard California Government Code (53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers (the CEO and his/her designees) acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the Watermaster shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the Watermaster to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from the Judgment Paragraph 23, and from California Government Code 53600, et seq. Management responsibility for the investment program is hereby delegated to the Advisory Committee, who with the CEO shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions, such as the Chief Financial Officer. No person may engage in an investment transaction except as provided under the terms of this policy and pursuant to Watermaster rules and regulations 2.16, derived from the Judgment, Paragraph 23. The Board shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of California Government Code 53600.3, the CEO is a trustee and a fiduciary subject to the prudent investor standard.

6.0 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

7.0 AUTHORIZED AND SUITABLE INVESTMENTS

The Watermaster is empowered by California Government Code 53601 et seq. to invest in the following:

1. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed \$500,000 in any one Bank at a time.
2. Local Agency Investment Fund (LAIF) in Sacramento, CA.

Such investments shall be limited to securities that at the time of the investment have a term remaining to maturity of five years or less, or as provided above.

8.0 COLLATERALIZATION

All certificates of deposit must be collateralized. Collateral must be held by a third party trustee and valued on a monthly basis.

9.0 DIVERSIFICATION

The Watermaster will diversify its investments by security type and institution. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities.

10.0 REPORTING

The Watermaster Chief Financial Officer shall prepare Monthly Investment Reports which reflect investment transactions for review by the Pool Committees and the Advisory Committee prior to presentation to the Watermaster Board at their next regularly scheduled meeting.

Following formats used in prior years, said Investment Report will reflect the following information.

- a. Funds held in each Bank at the beginning and ending of the reporting period; and
- b. Investments deposited and/or redeemed by type and by Bank (including interest rates, days invested and maturity yield rates) during the reporting period; and
- c. Investments outstanding at the close of the reporting period (including interest rates, days invested and maturity date); and
- d. Elements effecting the change in Watermaster's cash position; and

- e. A statement signed by the Chief Financial Officer as to the ability of the cash on hand to meet foreseen expenditures during the next six months.

11.0 INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by resolution of the Watermaster on an annual basis. The Policy Statement will be reviewed by each Pool Committee. Should any Pool Committee recommend revisions to the Policy Statement, it shall be amended prior to presentation to the Advisory Committee for their review and comment. If necessary the Policy Statement will be further amended to reflect the comments of the Advisory Committee. The final Policy Statement will then be presented to the Watermaster Board for adoption at the next regularly scheduled meeting.



CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

D. LOCAL AGENCY INVESTMENT FUND

Resolution 10-02 – Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF)



RESOLUTION 10-02 OF CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, Ca 91730 PHONE: 909-484-3888

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Chino Basin Watermaster was appointed on January 27, 1978, under San Bernardino Superior Court Case No. WCV51010 (formerly Case No. SCV164327) entitled Chino Basin Municipal Water District V. City of Chino, et al., with powers to authorize the investment or deposit of surplus funds pursuant to the California Government Code, Section 53600; and

WHEREAS, upon filing of an appropriate resolution, local agencies are permitted to remit money to the State Treasurer for deposit in the fund for the purpose of investment; and pursuant to Section 16429.3 of said Government Code, such monies are not subject to impoundment of seizure by any state official or state agency.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby authorize the deposit and withdrawal of Chino Basin Watermaster monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that record.

BE IT FURTHER RESOLVED, that the following Chino Basin Watermaster officers and designated employees or their successors in office/position shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund.

_____	<u>Chairman of the Board</u>	_____
(NAME)	(TITLE)	(SIGNATURE)
_____	<u>Vice-Chair</u>	_____
(NAME)	(TITLE)	(SIGNATURE)
_____	<u>Board Secretary/Treasurer</u>	_____
(NAME)	(TITLE)	(SIGNATURE)
<u>Kenneth R. Manning</u>	<u>Chief Executive Officer/Secretary</u>	_____
(NAME)	(TITLE)	(SIGNATURE)
<u>Sheri Rojo</u>	<u>C.F.O./Asst. G.M.</u>	_____
(NAME)	(TITLE)	(SIGNATURE)

APPROVED by the Advisory Committee this 21st day of January 2010.
ADOPTED by the Watermaster Board on this 28th day of January 2010.

By: _____
Chairman, Watermaster Board

APPROVED:

Chairman, Advisory Committee

ATTEST:

Board Secretary
Chino Basin Watermaster

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, Ken Manning, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being No. 10-02, was adopted at a regular meeting of the Chino Basin Watermaster Board by the following vote:

AYES: Unanimous
NOES: 0
ABSENT: 0
ABSTAIN: 0

CHINO BASIN WATERMASTER

Secretary

Date: _____



CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

E. NOTICE OF INTENT

Annual Filing of Notice of Intent Regarding
the Determination of Operating Safe Yield



Watermaster's "Notice of Intent" to Change the Operating Safe Yield of the Chino Groundwater Basin

PLEASE TAKE NOTICE that on this 28TH day of January 2010, Chino Basin Watermaster hereby files this 'NOTICE OF INTENT' to change the operating safe yield of the Chino Groundwater Basin Pursuant to the Judgment entered in Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court, Case No. RCV 51010 (formerly Case No. 164327) (Exhibit I, Paragraph 2b, Page 80).

**Approved by
CHINO BASIN WATERMASTER
ADVISORY COMMITTEE**

By: _____
Chair

**CHINO BASIN WATERMASTER
BOARD OF DIRECTORS**

By: _____
Chair

ATTEST:

By: _____
Secretary

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CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

F. NOTICE OF AVAILABILITY

Notice of Availability Pursuant to Judgment
Exhibit "G"





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

NOTICE OF AVAILABILITY

Pursuant to Judgment Exhibit "G," By December 31 of each year, the members of the Overlying (Non-Agricultural) Pool shall notify Watermaster of the amount of water each member shall make available in their individual discretion for purchase by the Appropriators.

By January 31 of each year, Watermaster shall provide a Notice of Availability of each Appropriator's pro-rata share of such water.

No Overlying (Non-Agricultural) Pool member notified Watermaster of availability of water for purchase by the Appropriators. There is thus no water available in 2010 for purchase under Exhibit "G."

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CHINO BASIN WATERMASTER

II. CONSENT CALENDAR

G. WATER TRANSACTIONS

1. **Consider Approval for Notice of Sale or Transfer –**
The City of Upland will purchase 6,500 acre-feet of water from the West End Consolidated Water Company. This purchase is made first from West End's OSY account of 947.714 acre-feet, second from the carryover account of 947.714 acre-feet, and the remainder from the excess carryover account in the amount of 4604.752 acre-feet.
Date of application: November 9, 2009



CHINO BASIN WATERMASTER

NOTICE

OF

APPLICATION(S)

RECEIVED FOR

WATER TRANSACTIONS – ACTIVITIES

Date of Notice:

November 18, 2009

This notice is to advise interested persons that the attached application(s) will come before the Watermaster Board on or after 30 days from the date of this notice.

NOTICE OF APPLICATION(S) RECEIVED

Date of Application: **November 9, 2009**

Date of this notice: **November 18, 2009**

Please take notice that the following Application has been received by Watermaster:

- Notice of Sale or Transfer – The City of Upland will purchase 6,500 acre-feet (AF) of water from the West End Consolidated Water Company. This purchase is made first from West End’s OSY account of 947.714 AF, second from the carryover account of 947.714 AF, and the remainder from the excess carryover account in the amount of 4604.752 AF.

This *Application* will first be considered by each of the respective pool committees on the following dates:

Appropriative Pool: December 3, 2009

Non-Agricultural Pool: December 3, 2009

Agricultural Pool: December 10, 2009

This *Application* will be scheduled for consideration by the Advisory Committee *no earlier than thirty days from the date of this notice and a minimum of twenty-one calendar days* after the last pool committee reviews it.

After consideration by the Advisory Committee, the *Application* will be considered by the Board.

Unless the *Application* is amended, parties to the Judgment may file *Contests* to the *Application* with Watermaster *within seven calendar days* of when the last pool committee considers it. Any *Contest* must be in writing and state the basis of the *Contest*.

Watermaster address:

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

Tel: (909) 484-3888
Fax: (909) 484-3890

CHINO BASIN WATERMASTER

NOTICE OF TRANSFER OF WATER

Notification Dated: November 18, 2009

A party to the Judgment has submitted a proposed transfer of water for Watermaster approval. Unless contrary evidence is presented to Watermaster that overcomes the rebuttable presumption provided in Section 5.3(b)(iii) of the Peace Agreement, Watermaster must find that there is "no material physical injury" and approve the transfer. Watermaster staff is not aware of any evidence to suggest that this transfer would cause material physical injury and hereby provides this notice to advise interested persons that this transfer will come before the Watermaster Board on or after 30 days from the date of this notice. The attached staff report will be included in the meeting package at the time the transfer begins the Watermaster process (comes before Watermaster).

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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

DATE: November 18, 2009
TO: Watermaster Interested Parties
SUBJECT: Summary and Analysis of Application for Water Transaction

Summary –

There does not appear to be a potential material physical injury to a party or to the basin from the proposed transaction as presented.

Issue –

- **Notice of Sale or Transfer** – The City of Upland will purchase 6,500 acre-feet (AF) of water from the West End Consolidated Water Company. This purchase is made first from West End's OSY account of 947.714 AF, second from the carryover account of 947.714 AF, and the remainder from the excess carryover account in the amount of 4604.752 AF.

Recommendation –

1. Continue monitoring as planned in the Optimum Basin Management Program.
2. Use all new or revised information when analyzing the hydrologic balance and report to Watermaster if a potential for material physical injury is discovered, and
3. Approve the transaction as presented.

Fiscal Impact –

- None
- Reduces assessments under the 85/15 rule
- Reduce desalter replenishment costs

Background

The Court approved the Peace Agreement, the Implementation Plan and the goals and objectives identified in the OBMP Phase I Report on July 13, 2000, and ordered Watermaster to proceed in a manner consistent with the Peace Agreement. Under the Peace Agreement, Watermaster approval is required for applications to store, recapture, recharge or transfer water, as well as for applications for credits or reimbursements and storage and recovery programs.

Where there is no material physical injury, Watermaster must approve the transaction. Where the request for Watermaster approval is submitted by a party to the Judgment, there is a rebuttable presumption that most of the transactions do not result in Material Physical Injury to a party to the Judgment or the Basin (Storage and Recovery Programs do not have this presumption).

The following application for water transaction is attached with the notice of application.

- The City of Upland will purchase 6,500 acre-feet (AF) of water from the West End Consolidated Water Company. This purchase is made first from West End's OSY account of 947.714 AF, second from the carryover account of 947.714 AF, and the remainder from the excess carryover account in the amount of 4604.752 AF.

Notice of the water transaction identified above was mailed on November 18, 2009 along with the materials submitted by the requestors.

DISCUSSION

Water transactions occur each year and are included as production by the respective entity (if produced) in any relevant analyses conducted by Wildermuth Environmental pursuant to the Peace Agreement and the Rules & Regulations. There is no indication additional analysis regarding this transaction is necessary at this time. As part of the OBMP Implementation Plan, continued measurement of water levels and the installation of extensometers are planned. Based on no real change in the available data, we cannot conclude that the proposed water transaction will cause material physical injury to a party or to the Basin.



Public Works Department
1370 N. Benson Avenue
Upland, CA 91786
Telephone (909) 291-2931
Facsimile (909) 931-4274

November 9, 2009

Mr. Ken Manning
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Subject: Purchase of Water in Storage: Fiscal Year 2009-2010

Dear Mr. Manning:

This letter is to notify Watermaster of the purchase of 6,500 acre-feet (AF) of water from the West End Consolidated Water Company. This purchase is made first from West End's OSY account of 947.714 AF, second from the carryover account of 947.714 AF, and the remainder from the excess carryover account in the amount of 4604.752 AF.

This purchase will allow West End Consolidated Water Company to fund a Capital Improvement Project. Please find the attached executed application for sale or transfer of a right to produce water from storage. Please agendize this item at the earliest possible opportunity.

If you have any questions or require additional information concerning this matter, please do not hesitate to contact me at the above number.

Sincerely,

Anthony La
Director of Public Works

Attachments: Application for sale or transfer of right to produce water from storage

CITY OF UPLAND

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**CONSOLIDATED WATER TRANSFER FORMS:
 FORM 3: APPLICATION FOR SALE OR TRANSFER OF RIGHT TO PRODUCE WATER FROM STORAGE
 FORM 4: APPLICATION OR AMENDMENT TO APPLICATION TO RECAPTURE WATER IN STORAGE
 FORM 5: APPLICATION TO TRANSFER ANNUAL PRODUCTION RIGHT OR SAFE YIELD**

FISCAL YEAR 2009 - 2010

DATE REQUESTED: November 9, 2009

AMOUNT REQUESTED: 6500 Acre-Feet

<p>TRANSFER FROM (SELLER / TRANSFEROR):</p> <p><u>West End Consolidated Water Company</u> Name of Party</p> <p><u>1370 North Benson Avenue</u> Street Address</p> <p><u>Upland</u> <u>CA</u> <u>91786</u> City State Zip Code</p> <p><u>909-291-2945</u> Telephone</p> <p><u>909-931-4272</u> Facsimile</p>	<p>TRANSFER TO (BUYER / TRANSFEREE):</p> <p><u>City of Upland</u> Name of Party</p> <p><u>460 North Euclid Avenue</u> Street Address</p> <p><u>Upland</u> <u>CA</u> <u>91785</u> City State Zip Code</p> <p><u>909-291-2945</u> Telephone</p> <p><u>909-931-4274</u> Facsimile</p>
--	---

Have any other transfers been approved by Watermaster between these parties covering the same fiscal year? Yes No **X**

PURPOSE OF TRANSFER:

- Pump when other sources of supply are curtailed
- Pump to meet current or future demand over and above production right
- Pump as necessary to stabilize future assessment amounts
- X** Other, explain Sale to generate revenue for West End capital project.

WATER IS TO BE TRANSFERRED FROM:

- Annual Production Right (Appropriative Pool) or Operating Safe Yield (Non-Agricultural Pool) Storage
- X** Annual Production Right / Operating Safe Yield first, then any additional from Storage
- Other, explain _____

WATER IS TO BE TRANSFERRED TO:

- X** Annual Production Right / Operating Safe Yield (common)
- Storage (rare)
- Other, explain _____

IS THE 85/15 RULE EXPECTED TO APPLY? (If yes, all answers below must be "yes.")

Is the Buyer an 85/15 Party?	Yes	No	X
Is the purpose of the transfer to meet a current demand over and above production right? Is the water being placed into the Buyer's Annual Account?	Yes X	No	
	Yes	No	X
	Yes X	No	

IF WATER IS TO BE TRANSFERRED FROM STORAGE:

<u>N/A</u>	<u>N/A</u>
Projected Rate of Recapture	Projected Duration of Recapture

METHOD OF RECAPTURE (e.g. pumping, exchange, etc.):

Pumping in future years.

PLACE OF USE OF WATER TO BE RECAPTURED:

N/A

LOCATION OF RECAPTURE FACILITIES (IF DIFFERENT FROM REGULAR PRODUCTION FACILITIES):

N/A

WATER QUALITY AND WATER LEVELS

Are the Parties aware of any water quality issues that exist in the area? **Yes X** No

If yes, please explain:

High TDS

What are the existing water levels in the areas that are likely to be affected?

Approx 600ft.

MATERIAL PHYSICAL INJURY

Are any of the recapture wells located within Management Zone 1? **Yes X** No

Is the Applicant aware of any potential Material Physical Injury to a party to the Judgment or the Basin that may be caused by the action covered by the application? Yes **No X**

If yes, what are the proposed mitigation measures, if any, that might reasonably be imposed to ensure that the action does not result in Material Physical Injury to a party to the Judgment or the Basin?

SAID TRANSFER SHALL BE CONDITIONED UPON:

- (1) Transferee shall exercise said right on behalf of Transferor under the terms of the Judgment, the Peace Agreement, the Peace II Agreement, and the Management Zone 1 Subsidence Management Plan for the period described above. The first water produced in any year shall be that produced pursuant to carry-over rights defined in the Judgment. After production of its carry-over rights, if any, the next (or first if no carry-over rights) water produced by Transferee from the Chino Basin shall be that produced hereunder.
- (2) Transferee shall put all waters utilized pursuant to said Transfer to reasonable beneficial use.
- (3) Transferee shall pay all Watermaster assessments on account of the water production hereby Transferred.
- (4) Any Transferee not already a party must Intervene and become a party to the Judgment.

ADDITIONAL INFORMATION ATTACHED

Yes No **X**

X Anthony M. La
 Seller / Transferor Representative Signature

Anthony La, General Manager
 Seller / Transferor Representative Name (Printed)

X Robb Quincey
 Buyer / Transferee Representative Signature

Robb Quincey, City Manager
 Buyer / Transferee Representative Name (Printed)

TO BE COMPLETED BY WATERMASTER STAFF:

DATE OF WATERMASTER NOTICE: _____

DATE OF APPROVAL FROM APPROPRIATIVE POOL: _____

DATE OF APPROVAL FROM NON-AGRICULTURAL POOL: _____

DATE OF APPROVAL FROM AGRICULTURAL POOL: _____

HEARING DATE, IF ANY: _____

DATE OF ADVISORY COMMITTEE APPROVAL: _____

DATE OF BOARD APPROVAL: _____

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CHINO BASIN WATERMASTER

IV. INFORMATION

1. Newspaper Articles





LA water quality low

Report gives supply a bad ranking

Dana Bartholomew

Created: 12/15/2009 08:31:47 PM PST

The quality of Los Angeles' drinking water ranks among the lowest of large U.S. cities and contains nearly four times the average number of chemical pollutants, according to a study released Monday.

The environmental report rated Department of Water and Power drinking water at 83rd out of 100 cities because of its cocktail of 30 chemical contaminants.

One cancer-causing chemical exceeded federal legal standards, while 14 other chemicals surpassed recommended health guidelines, according to the report.

In comparison, the agency that supplies potable water to 19 million residents around the city of Los Angeles ranked 58th. Metropolitan Water District of Southern California tap water contained 27 chemicals, most of them unregulated and legal, but potentially unsafe.

"Looking at the data, we're definitely concerned about water quality in Southern California. We recommend utilities really look at their processing. There's much room for improvement," said Olga Naidenko, a senior scientist at the Environmental Working Group, a

nonprofit environmental watchdog based in Washington, D.C., and a co-author of the report. "We recommend residents get water filters."

The DWP did not respond to a request for comment. However, a water-quality report it issued last year said Los Angeles met or surpassed all health-based drinking water standards.

An MWD spokesman said its water quality also exceeds state and federal standards, with detailed drinking water reports available to the public at www.mwdh2o.com.

"We stand behind the safety of our water supplies," said Bob Muir, an MWD spokesman in Los Angeles.

In its unprecedented report, the environmental group examined 20 million tap water quality tests performed over the past five years by 48,000 water utilities.

The upshot: American drinking water contained a potentially toxic soup of 316 chemical pollutants, most of them not subject to health and safety regulations, according to researchers. The U.S. Environmental Protection Agency has set enforceable standards for a third of them.

The unregulated chemicals include the rocket fuel component perchlorate, the weed killer metolachlor, the refrigerant Freon, and radon, a highly radioactive gas.

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dailybulletin.com

The chemicals in America's tap water were attributed to factory farm waste, pesticides, fertilizer and sediment; sewage and urban runoff; industrial chemicals; water treatment and distribution by-products; and natural processes that produce more contamination as a result of development and deforestation.


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Leftovers From City Hall: Water crisis is boring

Posted: 12/27/2009 06:02:25 AM PST

Blog



Get the scoop on local politics at the Leftovers from City Hall blog

Is it just me, or have we been in a water crisis my entire life? No joke, some of my earliest memories are sitting with my dad watching super-spooky "WATER CRISIS!" stories on the local news.

People in California's water business are constantly screaming that the sky is falling - or that water or snow are not falling from it fast enough.

"Wolf! Wolf!," they scream.

But every time I turn on the faucet, water comes out.

It's cheap. It's sort of clean. And it seems like there's plenty of it.

I'm tired of hearing about water. It's so boring.

Uh oh. My inner Andy Rooney is growing out of control and is taking over my body. My eyebrows a

re growing white and huge. "Stop, Rooney! Stop!"

He's taken over. The rest of this column is by Andy Rooney from 60 Minutes.

If water agencies are so hard-up, they should stop giving their workers big pay raises.

And if they are still broke, they should raise rates.

Otherwise, I don't care anymore.

Seriously, Azusa Light and Water employees just got a one-time payment of 3.75 percent of their pay from the city. LA's utility workers recently got a similar deal.

Maybe they were due for a raise, but they got it when everyone else in the private sector is getting hammered.

And, before its board buckled under political pressure, the Metropolitan Water District in October was on the verge of giving employees a 23-percent raise over the next five years.

So, do water companies have ample water and lots of money, or don't they? I can't tell.

If water is so scarce, why is the Inland Empire full of homes and mega malls?

Why are Southern California lawns lush and green?

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Why, when my kids get bored, do I make their plastic slide a little more interesting by running the hose at the top?

All the while, farms in the Central Valley are going fallow and pumps in the Sacramento River Delta - at least until last year - were grinding up fish that are the bedrock of the area's ecosystem.

Logic and economics aren't applied to water issues. And I think I know why.

Quick, name the directors of your water district.

See. You don't know. In the desk that is the human mind, water districts are just clutter that gets tossed away.

It's so boring that our elected water board officials flit away public money on booze and conferences, and we don't even pay attention.

Someone needs to do away with the whole system.

I wish I could say right now the best way to fix everything. My first instinct is: keep water rates low for businesses, farms and most residential customers, then jack the rates up super high for big consumers.

Hit extravagant people in the pocketbook.

If you want a Ferrari of a front lawn, you're going to have to pay for it.

Maybe the wasters can pay for all the new water infrastructure we supposedly need.

Secondly, we need to get rid of water districts. Nobody watches them, and they're inefficient.

I would offer more solutions, but my mind got too bored.

It's on to something more exciting: prime numbers! Three, five, seven, 11, 13, 17, 19, 23. . .

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San Bernardino couple 'retiring' grass lawns to save water

Andrew Edwards, Staff Writer

Created: 01/05/2010 06:08:33 PM PST
SAN BERNARDINO - Former city councilwoman Susan Lien Longville is letting her grass die - and that's just fine with City Hall.

Longville, who is directs the Water Resources Institute at Cal State San Bernardino, is thus far the first and only city resident to participate in a new water conservation venture that allows homeowners to replace their lawns with drought-tolerant plants.

Water officials say more water used at residences goes to plants than people. Decorating homes with plants that require less water is considered one way to conserve H2O.

Longville is participating in San Bernardino's voluntary Water Wise Landscape Program and is optimistic the venture will show that yards can be attractive without wide expanses of turf. She also expects that legislation affecting San Bernardino and every other city in the state will result in future homes having less grass and more plants that grow in untamed California landscapes.



Standing in front of her San Bernardino home, Susan Lien Longville of the Water Resources Institute at Cal State San Bernardino explains how she will replace her dying front lawn with drought-tolerant landscaping. (Al Cuizon/Staff Photographer)

Instead of flat green turf or wild-looking yards, Longville foresees homes featuring well-tended gardens of flowering plants out front.

"It looks clean and neat in front of the house," she said. "It doesn't look like a field of weeds, but it's an attractive alternative to turf."

The Longville residence is still in what she called the "before" phase. The front yard does not have the greenest grass on the block and lawn is a bit scraggly in places. The lawn is also decorated with signs showing an anthropomorphic grass character relaxing in hammock, wearing a Hawaiian shirt and holding a tropical drink next to the slogan "My thirsty lawn is retiring!"

Once the grass is gone, Longville plans to replace her lawn with various plants grown at Rancho Santa Ana Botanic Garden. The

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Claremont garden's soil nourishes a myriad of California native plants.

Longville plans to replace her lawn with a variety of sages and other plants that can thrive in desert or Mediterranean climates. She imagines "a collection of plants that will bloom at different parts of the year so there will always be something blooming."

Typically, a San Bernardino homeowner who lets their lawn dry out until it reaches the brown and crispy stage could find themselves at odds with Code Enforcement officers.

The city's new Water Wise Landscape Program, however, offers immunity from city codes against dried-out vegetation to homeowners who agree to "retire" their lawns.

The City Council approved the program in August. Participating homeowners must obtain a permit from the city's Development Services Department and agree to replace their lawn with drought tolerant plants by the May 31 following their application.

Aside from Longville, some other residents have asked about the program but no others have gotten a Water Wise permit, Development Services Director Valerie Ross said.

Longville's husband John Longville currently sits on the board of the San Bernardino Valley Water Conservation District and said it was incumbent upon him and his wife to take part in the water

conservation attempt.

"How can I be serious about this if we don't do it ourselves?" he asked.

The City Council on Monday approved another law intended to conserve water. The highly-technical law gives City Hall the power to establish "water budgets" for future developments.

In essence, the law will encourage developers to design future homes and business with more native plants and advanced watering systems.


The council passed the law under a state mandate for water conservation measures. All California cities and counties had the option of passing their own law by Jan. 1 or letting a model ordinance crafted in Sacramento take effect.

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Drought's not over, but rain helps a bit

Mediha Fejzagic DiMartino, Staff Writer

Created: 01/20/2010 10:14:48 PM PST

Never mind the flooded streets. The drought isn't over just yet.

"This rain doesn't come close to ending it," said Ken Manning, CEO of the Chino Basin Watermaster. "We need five years like this in order to be over the drought."

The Inland Valley has received three to four inches of rain so far this week, a significant amount but not enough to compensate for the past few relatively dry winters.

But Manning said he will take whatever he can get.

"I'm absolutely elated that it's raining," he said. "When I see rain, I think of it as free water for residents of Chino Basin. It saves us from having to import the water and putting the strain on the Sacramento Delta."

The Watermaster board oversees the process of capturing the storm runoff and sinking it into the ground for future use in an area from Pomona to Fontana and from the mountains to the Santa Ana River. The agency has been anticipating the most recent series of downpours, Manning said.

"This is what we prepare for all year," he said. "We have a very good setup to capture anything that falls north from the 10 Freeway. South of the 10 we are not quite as efficient."

Rainfall and storm runoff is collected in the local catch basins. When the basins fill up, the remainder flows south to Orange County via the Santa Ana River.

Ideally, Manning's perfect storm would last only a day and be followed by a week of sunshine, allowing water to percolate into underground storage, and then be followed by similar cycles.

"Our basins would be much more efficient," he said.

To maximize water retention, the Watermaster is looking to improve its facilities and build a number of new or large basins.

The final list of proposed projects will be unveiled in the next couple of months, Manning said. An \$11.1 billion overhaul of the state water system will be on the ballot in November. If approved, it will allocate 25 percent of matching funding to all new water management construction projects.

"It's a good storm," Manning said. "But we have a lot of work to do to capture water and get into storage both underground and above ground in the state of California."

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New San Bernardino law aims to save water

10:00 PM PST on Saturday, January 9, 2010

By **DARRELL R. SANTSCHI**
The Press-Enterprise

San Bernardino developers will be required to submit complicated, carefully calculated landscape plans that conserve water in order to build in the future, under an ordinance recently approved by the City Council.

The ordinance, required under state law to conserve California's drought-shriveled water supply, applies to landscape areas measuring more than 2,500 square feet, including public projects, according to a city staff report.

"It only applies to fairly large developments, commercial developments or unusually large residential developments, where in all likelihood you are going to have to hire a landscape architect," said Deputy City Attorney Don Dimichele.

He said the state Legislature enacted a law nearly a decade ago requiring cities to either adopt a model ordinance prepared by the state Department of Water Resources or enact an ordinance of their own that would be at least as stringent as the state model.

The law only recently became applicable to charter cities such as San Bernardino, Dimichele said by phone.

Under the new ordinance, he said, "You have to prepare documentation that shows what your landscaping is going to consist of and it has to be calculated in advance how much water this landscaping is going to require."

Developers would apply a complicated formula that takes into account how thirsty the plants are and how efficient the proposed irrigation system would be.

"Grass is the thirstiest thing I know of," Dimichele said, so developers would be encouraged to plant drought-tolerant vegetation.

The new ordinance dovetails with an ordinance drafted by Dimichele and enacted on Aug. 17 encouraging private homeowners to replace water-gobbling grass lawns with desert plants and other water-saving vegetation.

That ordinance shields property owners from being cited by code enforcement officers for neglecting their lawns when they obtain a permit to kill off their grass and replace it with succulents and other plants that require less water.

Permits expire on the May 31 following their issue, Dimichele said, because proponents of the ordinance said the planting season for such plants is generally in the winter.

Most people would be expected to stop watering their lawns in the summer to allow them to die in time for the planting season.

Reach Darrell R. Santschi at 951-368-9484 or dsantschi@PE.com

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